his manly worth and public and private virtues have left their impress on his colleagues.

Loyal and true to every trust, modest and sincere in every act of his life, he has passed from earth to those great rewards which our loving Father in heaven ever bestows upon the just and good.

LEAVE TO PRINT.

The SPEAKER pro tempore (Mr. SHERMAN). If there be no objection, permission will be granted for ten days to such Members as desire to print remarks upon the life and character of Mr. OTIS.

The question is on agreeing to the resolutions.

The resolutions were agreed to; and in accordance therewith, and with the order previously made, the House (at 2 o'clock and 38 minutes p. m.) adjourned until to-morrow, Monday, February 27, 1905, at 11 a. m.

SENATE.

MONDAY, *February 27, 1905.*

The Senate met at 9.50 o'clock a. m.

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

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

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

NAVAL APPROPRIATION BILL.

Mr. HALE. Mr. President, it was the understanding when the Senate adjourned Saturday that the naval appropriation bill would be taken up when we again went into legislative session. But as only ten minutes, and less than that, remain between now and 10 o'clock I shall not object to morning business being transacted during that time; however, I give notice that immediately after the Senate returns to legislative business I shall ask that the naval appropriation bill be laid before the Senate and that the Senate proceed with it to the exclusion of all other business.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Zilpha*, Samuel Briard, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

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:

On February 21, 1905:

S. 54. An act for the relief of William T. Barnes;

S. 57. An act for the relief of Laura S. Gillingwaters;

S. 60. An act for the relief of Gottlieb C. Rose;

S. 2433. An act to amend the military record of John H. Skinner;

S. 3372. An act granting a pension to Mary A. O'Brien;

S. 4169. An act granting a pension to Galena Jouett;

S. 5722. An act granting a pension to Philip Lawotte;

S. 3044. An act granting an increase of pension to Lucy McE. Andrews;

S. 4208. An act granting an increase of pension to Bessy Forsyth Bache;

S. 5718. An act granting an increase of pension to Alma L'Hommedieu Ruggles;

S. 5947. An act granting an increase of pension to Florence O. Whitman; and

S. 6152. An act granting an increase of pension to Anne E. Wilson.

On February 23, 1905:

S. 1258. An act to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897;

S. 2654. An act to amend chapter 55 of an act entitled "An act to establish a code of law for the District of Columbia;"

S. 3456. An act to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes;

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 Company of New Jersey;

S. 6088. An act authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C.;

S. 6244. An act to change the lunacy proceedings in the District of Columbia where the Commissioners of said District are the petitioners, and for other purposes;

S. 6422. An act to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate it tracks, and to enable it to relocate parts of its railroad therein, and for other purposes;"

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

S. 7008. An act permitting the Washington Market Company to lay a conduit across Seventh street west; and

S. 7081. An act to mark the grave of Maj. Pierre Charles L'Enfant.

On February 24, 1905:

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

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

S. 6351. An act granting an increase of pension to Martin T. Cross.

On February 25, 1905:

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; and

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

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; in which it requested the concurrence of the Senate:

H. R. 14327. An act for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Liege, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin;

H. R. 15251. An act for the relief of Theodore H. Bishop;

H. R. 15440. An act authorizing the construction of a dam across Rock River at Lyndon, Ill.;

H. R. 18586. An act to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon;

H. R. 18993. An act to regulate the construction of bridges over navigable waters; and

H. R. 19030. An act for the relief of Bert E. Barnes.

The message also announced that the House had passed with an amendment the bill (S. 3377) to amend section 66 of the act of June 8, 1870, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;" in which it requested the concurrence of the Senate, asks a conference with the Senate on the bill and amendment, and had appointed Mr. OVERSTREET, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

The message further announced that the House had agreed to a concurrent resolution extending the thanks of Congress to the State of Texas for providing the statues of Sam Houston and Stephen F. Austin to be placed in Statuary Hall; in which it requested the concurrence of the Senate.

The message also transmitted resolutions of the House commemorative of the life and public services of Hon. William F. Mahoney, late a Representative from the State of Illinois.

The message further transmitted resolutions of the House commemorative of the life and public services of Hon. George W. Croft, late a Representative from the State of South Carolina.

The message also transmitted resolutions of the House commemorative of the life and public services of Hon. Norton P. Otis, late a Representative from the State of New York.

PETITIONS AND MEMORIALS.

Mr. KITTREDGE presented memorials of W. B. Payne and 23 other citizens of Pollock, of M. C. Frederickson and 41 other citizens of Beresford, and of F. H. Richardson and 69 other citizens of Huron, all in the State of South Dakota, 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.

He also presented petitions of James Johnson and 26 other Indians, all residents of the Yankton Indian Reservation; of B. H. Brady and 19 other citizens of Charles Mix County; of

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Walter Mansbridge and 30 other citizens of Mansbridge; of H. N. Curtis and 67 other citizens of Charles Mix, and of William M. Pease and 76 other citizens of Wagner, all in the State of South Dakota, praying that an appropriation of $5,000 be made for the sinking of artesian wells at Lake Andes, Yankton Indian Reservation, S. Dak.; which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Deadwood, S. Dak., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented petitions of sundry citizens of Evanston and Chicago, Ill., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

Mr. McCUMBER presented a petition of Red River Valley Subdivision, No. 470, Brotherhood of Locomotive Engineers, of Grand Forks, S. Dak., praying for the enactment of legislation regulating the requirements of locomotive engineers and firemen; which was referred to the Committee on Interstate Commerce.

Mr. KEAN presented a petition of Camden Division, No. 170, Order of Railway Conductors, of Camden, N. J., 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 Local Union No. 248, Musicians' Protective and Benevolent Association, of Paterson, N. J., praying for the enactment of legislation to increase the salaries of members of the Marine Band and to prohibit the organization from entering into competition with civilian muscians; which was referred to the Committee on Naval Affairs.

He also presented a petition of U. S. Grant Post, No. 117, Department of New Jersey, Grand Army of the Republic, of Chatham, N. J., praying for the enactment of legislation to modify and simplify the pension laws of the United States; which was referred to the Committee on Pensions.

He also presented a petition of the New Jersey Lumbermen's Protective Association, of Newark, N. J., and a petition of Ramsey Grange, Patrons of Husbandry, of Ramsey, N. J., praying for the passage of the so-called "Esch-Townsend railroad rate bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of 13 citizens of Elizabeth, N. J., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of Camden Subdivision, No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., and a petition of Hoboken Subdivision, No. 171, Brotherhood of Locomotive Engineers, of Hoboken, N. J., praying for the enactment of legislation to regulate the requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Councils Nos. 262, 21, 229, 255, 216, 82, 174, 215, 58, 19, 7, 65, 218, 37, 20, 99, 63, 269, 159, 53, 78, 264, 114, 165, 122, 19, 155, 226, 152, 100, 68, 200, 86, 38, 196, 219, 214, 18, 171, 123, 109, 163, 90, 15, 20, 83, 57, 112, 267, 52, 259, 185, 79, 190, 227, 156, and 182, of Ramsey, Paulsboro, Sergeantsville, Jersey City, Hanover, Camden, Newark, Boundbrook, Flemington, Scotchplains, Ewan, Highbridge, Haddonfield, Millville, Califon, Perth Amboy, Berlin, Hoboken, Elizabeth, Englishtown, Ringoes, Marlton, Bloomingdale, Keyport, Dover, Burlington, Arlington, Millburn, Morristown, Medford, Bellville, South Orange, Malaga, Dividing Ridge, Hackettstown, Mullica Hill, Mount Holly, Pitman Grove, Tuckahoe, Bordentown, Newton, Livingston, Beverly, Littlefalls, Orange, and Hackensack, all of the Junior Order of United American Mechanics, in the State of New Jersey, praying for the enactment of legislation to prohibit the use of Indian trust funds for sectarian schools; which were ordered to lie on the table.

Mr. DRYDEN presented a petition of the Saturday Club, of Newark, N. J., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented the petition of G. S. Campbell, of Summit and Millburn, in the State of New Jersey, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of Local Subdivision No. 122, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the enactment of an equitable injunction law; which was referred to the Committee on the Judiciary.

He also presented a petition of Franklin Grange, No. 130, Patrons of Husbandry, of Wyckoff, N. J., praying for the passage of the so-called "Esch-Townsend railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 248, American Federation of Musicians, of Paterson, N. J., praying for the enactment of legislation to increase the salaries and allowances of members of the Marine Band; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Subdivision No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., and the petition of Local Division No. 170, Order of Railway Conductors, of Camden, N. J., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Subdivision No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., and a petition of Local Subdivision No. 171, Brotherhood of Locomotive Engineers, of Hoboken, N. J., praying for the enactment of legislation regulating the requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Councils Nos. 171, 123, 68, 86, 183, 100, 195, 214, 215, 15, 38, 5, 225, 205, 83, 57, 18, and 162, of Millburn, Morristown, Keyport, Dover, Bellsville, Trenton, Newark, Arlington, Medford, Elizabeth, Malaga, South Orange, Burlington, Mount Holly, Bloomingdale, Durding Creek, Mullica Hill, and Jersey City, all of the Junior Order of United American Mechanics, and of the Woman's Home and Foreign Missionary Society of Bridgeton, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of Indian trust funds for sectarian schools; which were ordered to lie on the table.

Mr. LONG presented a memorial of the legislature of the State of Kansas, relative to the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF KANSAS, *Office of the Secretary of State:*

I, J. R. Burrow, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original enrolled senate concurrent resolution No. 2 now on file in my office.

In testimony whereof I have herunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 22d day of February, 1905.

[SEAL.]

J. A. BURROW,
Secretary of State,
By WILL V. WILSON,
Assistant Secretary of State.

Senate concurrent resolution No. 2.

Senate concurrent resolution instructing our Senators and requesting our Representatives in Congress to procure the speedy passage of a bill empowering the Interstate Commerce Commission to determine just and equitable rates for the transportation of persons and property in our interstate commerce and enforce them by order of said Commission.

Whereas the rates of transportation of persons and property in our interstate commerce vitally affect all classes of our citizens;

Whereas the existing tariff rates for the transportation of persons and property in our interstate commerce are higher now than the present business interest of the country will justify and in numerous cases extortionate; and

Whereas the Interstate Commerce Commission since the decision of the Supreme Court of the United States is without power under the law to determine what are just and reasonable rates for the transportation of persons and property in our interstate commerce and enforce any order made by said Commission in relation threto: Therefore, be it

Resolved by the senate (the house concurring therein), That our Senators be instructed and our Representatives in Congress be requested to vote for and use all honorable means to procure the speedy passage of a law further defining the powers and duties of the Interstate Commerce Commission or interstate commerce court, so that said Commission or court shall be empowered in all cases, after hearing, to determine what are just and reasonable rates for the transportation of persons and property in our interstate commerce and with full power to enforce any order made in relation to such rates of transportation and property, and to secure such enactment at the present session of Congress we recommend the passage of President Roosevelt's Administration bill.

Resolved further, That correct copies of this resolution be enrolled, signed by the speaker of the house and president of the senate, and sent to each of our Senators and Representatives in Congress; and that a copy be sent to the President of the Senate of the United States and a copy to the Speaker of the House of Representatives, and that they be requested to lay the same before their respective bodies.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body January 17, 1905.

D. J. HANNA,
President of the Senate.
W. S. KRETSINGER,
Secretary of the Senate.

Passed the house January 26, 1905.

W. R. STUBBS,
Speaker of the House.
F. W. KNAPP,
Chief Clerk of the House.

Mr. LONG presented a memorial of the legislature of Kansas, relative to the adoption of an amendment to the Constitution providing for the election of United States Senators by the people; which was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

STATE OF KANSAS, *Office of the Secretary of State:*

I, J. R. Burrow, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original enrolled senate concurrent resolution No. 5 now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 22d day of February, 1905.

[SEAL.]

J. R. BURROW,
Secretary of State.
By WILL P. WILSON,
Assistant Secretary of State.

Senate concurrent resolution No. 5.

Senate concurrent resolution relating to the election of United States Senators.

Resolved by the senate of the State of Kansas, the house concurring therein, That our Senators be instructed and our Representatives requested to take immediate steps to procure an amendment to the Constitution of the United States providing for the election of United States Senators by the pepole.

Resolved further, That correct copies of this resolution be enrolled, signed by the speaker of the house and president of the senate, and sent to each of our Senators and Representatives in Congress.

I hereby certify that the above resolution originated in the senate, and passed that body January 16, 1905.

D. J. HANNA,
President of the Senate.
W. S. KRETSINGER,
Secretary of the Senate.

Passed the house January 18, 1905.

W. R. STUBBS,
Speaker of the House.
F. W. KNAPP,
Chief Clerk of the House.

Approved January 24, 1905.

E. W. HOCH, *Governor.*

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

He also presented petitions of sundry citizens of Kingston, Lincoln County, and Whiteside, all in the State of Missouri, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission, and also for the enactment of legislation to establish a parcels post and post-check currency; which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Carthage and St. Louis, in the State of Missouri, 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.

Mr. BATE presented the petitions of William Renshaw Subdivision, No. 23, of Memphis; of Lookout Subdivision, No. 198, of Chattanooga; of Rock City Subdivision, No. 129, of Nashville; of Holston Subdivision, No. 239, of Knoxville, and of Cumberland Subdivision, No. 473, of Nashville, all of the Brotherhood of Locomotive Engineers, in the State of Tennessee, praying for the enactment of legislation regulating the requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

Mr. QUARLES presented memorials of sundry citizens of Green Bay and Watertown, in the State of Wisconsin, 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.

Mr. GALLINGER presented memorials of sundry citizens of Oregon, 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.

Mr. McCREARY presented a memorial of sundry citizens of Cave City, Ky., remonstrating against unjust railroad rates and praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented petitions of Washington Camp No. 577, of Willow Hill; of Local Camp No. 421, of Schellsburg; of Washington Camp No. 502, of Norristown, all of the Patriotic Order Sons of America, and of sundry citizens of Elizabethville, all in the State of Pennsylvania, praying for the enactment of legislation providing for more stringent laws and regulations governing immigration; which were referred to the Committee on Immigration.

Mr. CLAPP presented a petition of the National Retail Growers' Association, 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 memorials of sundry citizens of St. Paul, Minn.; Todd County, Amboy, Redwood County, Grove Lake, and Pine County, all in the State of Minnesota, 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.

He also presented petitions from Minnehaha Subdivision, No. 180, Brotherhood of Locomotive Engineers, of Minneapolis; of Waseca Subdivision, No. 9, Brotherhood of Locomotive Engineers, of Waseca; of McQueen Subdivision, No. 420, Brotherhood of Locomotive Engineers, of Two Harbors; of E. W. Winter Subdivision, No. 516, Brotherhood of Locomotive Engineers, of St. Paul, and of St. Paul Subdivision, No. 150, Brotherhood of Locomotive Engineers, of St. Paul, all in the State of Minnesota, praying for the enactment of legislation regulating the requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a communication from Hon. A. E. Mead, governor of the State of Washington, in favor of the enactment of legislation providing for the opening of the Shoshone Indian Reservation, in the State of Wyoming; which was referred to the Committee on Indian Affairs.

He also presented a petition of the National Guard of the State of Washington, praying for the passage of the bill to encourage rifle practice and excellence in marksmanship among citizens of the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of John F. Miller Post, No. 31, Grand Army of the Republic, Department of Washington, of Seattle, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Bellingham, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. TALIAFERRO. I present resolutions adopted by the Southeastern Stock Growers' Association, of Tampa, Fla., commending the President of the United States for his proceedings against the beef trust; which I ask may lie on the table, and be printed in the RECORD.

Mr. ALLISON. I object to printing memorials other than those from State legislatures in the RECORD.

The PRESIDENT pro tempore. Objection is made.

Mr. TALIAFERRO. I withdraw the request. Let the resolutions lie on the table.

The PRESIDENT pro tempore. The resolutions will lie on the table.

Mr. SPOONER presented petitions of Local Subdivisions Nos. 633, 297, 379, 618, 290, 536, and 176 of Tomah, Green Bay, Ashland, Portage, West Superior, Antigo, and Baraboo, all of the Brotherhood of Locomotive Engineers, in the State of Wisconsin, praying for the enactment of legislation to regulate the requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 17861) to grant to Charles H. Cornell the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric-railway line and telegraph and telephone line across said reservation, reported it without amendment.

Mr. SIMMONS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16989) to amend section 602 of an act entitled "An act to establish a code of law for the District of Columbia," as amended, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6747) to amend section 602 of an act entitled "An act to establish a code of law for the District of Columbia," as amended, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

PUBLIC LANDS COMMISSION REPORT.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. BARD on the 21st instant, reported it without amendment;

and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 25,000 copies of Senate Document No. 154, Fifty-eighth Congress, third session, of which 5,000 shall be for the use of the Senate and 5,000 for the use of the House of Representatives and 15,000 for the use of the Public Lands Commission.

BILLS INTRODUCED.

Mr. MALLORY introduced a bill (S. 7272) for the relief of the legal representatives of Fletcher McQueen; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 7273) for the relief of Milton S. Johnson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7274) granting a pension to Ella B. Goy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7275) granting a pension to Amos Caylor; which was read twice by its title, and referred to the Committee on Pensions.

He also introudced a bill (S. 7276) to correct the naval record of John Lindsay; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DRYDEN introduced a bill (S. 7277) to amend an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, being chapter 552 of the United States Statutes enacted by the Fifty-seventh Congress; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. PLATT of New York introduced a bill (S. 7278) for the relief of James Bigler; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $2,000 to enable the Secretary of the Treasury to ascertain what public building or buildings ought to be constructed in Honolulu, Hawaii, 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. BAILEY submitted an amendment proposing to enable the people of Oklahoma and the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, 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. BAILEY subsequently said: I ask the indulgence of the Senator from Maryland [Mr. GORMAN] while I put in the RECORD a statement that the amendment which I presented this morning to be offered to the Indian appropriation bill was presented according to a request, and I have no intention of pressing it as against any report of the conference committee on the statehood bill. I omitted to say that at the time, and I desired it to appear in the RECORD. I thank the Senator from Maryland.

Mr. KEAN (for Mr. WETMORE) submitted an amendment authorizing the Secretary of the Treasury to sell to the city of Providence, R. I., the whole or such portion of a lot of land and building thereon belonging to the United States, situated on South Main street, in that city, for the purpose of widening that street, 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. STONE submitted an amendment authorizing the Secretary of the Treasury to exchange the property heretofore acquired for a site for the Federal building at Nevada, Mo., 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. MONEY submitted an amendment relative to the improvement of the Pascagoula River, Mississippi, and the extension of the point of improvement 200 yards higher up Dog River than the point now authorized, etc., intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment relative to an appropriation of $25,000 for the construction of a turning basin in the inner harbor at Michigan City, Ind., 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. MORGAN submitted an amendment granting to Louis M. Tisdale, his heirs and assigns, the right of way through the lands and waters of the United States for the construction of a ship canal or channel from a point on Mon Louis Island, Mobile County, Ala., through Mobile Bay, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce.

Mr. PETTUS submitted an amendment proposing to appropriate $5,000 for dredging and widening the channel across Mobile bar near Fort Morgan, etc., 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. COCKRELL submitted an amendment authorizing the Secretary of War to examine the materials furnished and the work and labor done from November 1, 1900, to May 22, 1901, in accordance with the method and system and under the plans of the United States engineer officers in charge, to prevent the erosion of the banks at or near Sawyer's bend in the harbor of St. Louis, so as to improve the channel, 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. MARTIN submitted an amendment proposing to increase the appropriation for improving James River, Virginia, from $150,000 to $200,000, etc., intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

INSPECTION OF STEAM VESSELS.

The PRESIDENT pro tempore. Will the Senator from New Hampshire take the chair one moment and recognize the junior Senator from Maine?

Mr. GALLINGER. Certainly.

Mr. FRYE (Mr. GALLINGER in the chair). Mr. President, I am obliged to be upon the Committee on Commerce to-day, and I am very anxious to get a unanimous-consent agreement. There are six bills on the Calendar reported from the Committee on Commerce, amending the laws touching the inspection of steamers. The necessity of this proposed law undoubtedly resulted from the terrible tragedy in New York. All the supervisors of the country were brought here, and were here for two months. A thorough and complete examination was made of all the laws touching the inspection of steamers. The steamship men were also heard. At least 100 were here, and they were heard before the Secretary of Commerce and Labor. The House committee reported the bills unanimously. The House passed them without dissent. They were reported unanimously from the Senate Committee on Commerce, one Senator only reserving the right to offer an amendment.

It is exceedingly important that those bills shall become a law at the present session of Congress. The inspectors are waiting here now in order to make the new regulations under the amended law. The bills will lead to no debate whatever. I ask unanimous consent that at 6 o'clock to-morrow evening I may be given the opportunity to have those bills considered.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Maine asks unanimous consent that at 6 o'clock——

Mr. GORMAN, Mr. McCREARY, and others. Say, 5 o'clock.

Mr. FRYE. I will say 5 o'clock, then, if that hour is preferred.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that at 5 o'clock to-morrow afternoon consent be given to him to call up the bills concerning which he has made a statement. Is there objection? The Chair hears none, and it is so ordered.

Mr. FRYE. I am obliged.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The PRESIDENT pro tempore. The hour of 10 o'clock having arrived, to which the Senate sitting in the impeachment trial 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 impeachment trial of Charles Swayne. The Sergeant-at-Arms will make proclamation.

The Sergeant-at-Arms made the usual proclamation.

The PRESIDING OFFICER. The Sergeant-at-Arms will see if the managers on the part of the House are in attendance.

The managers on the part of the House (with the exception of Mr. POWERS of Massachusetts and Mr. PERKINS) appeared and were conducted to the seats assigned them.

The PRESIDING OFFICER. The Sergeant-at-Arms will see if the respondent and his counsel are in attendance.

Mr. Higgins and Mr. Thurston, the counsel for the respondent, entered the Chamber and took the seats assigned them.

The PRESIDING OFFICER. The Journal of the last trial day will be read.

The Journal of the proceedings of the Senate sitting for the trial of the impeachment of Charles Swayne Friday, February 24, was read.

The PRESIDING OFFICER. The Presiding Officer has noticed on former days of this trial that some persons having the privileges of the floor have occupied seats of Senators. But during this voting the Presiding Officer thinks that the seats of Senators should be occupied by Senators only, and will request the Sergeant-at-Arms to see that this suggestion is complied with.

The Presiding Officer desires to make one other suggestion. Applause, or any manifestation of applause, can not be permitted, either on the floor or in the galleries; and if there is applause the Sergeant-at-Arms is directed to eject the person offending against the rules.

The Secretary will read the first article of impeachment exhibited by the House of Representatives against Charles Swayne.

The Secretary read the first article of impeachment, as follows:

ARTICLE 1. That the said Charles Swayne, at Waco, in the State of Texas, on the 20th day of April, 1897, being then and there a United States district judge in and for the northern district of Florida, did then and there, as said judge, make and present to R. M. Love, then and there being the United States marshal in and for the northern district of Texas, a false claim against the Government of the United States in the sum of $230, then and there knowing said claim to be false, and for the purpose of obtaining payment of said false claim, did then and there, as said judge, make and use a certain false certificate then and there knowing said certificate to be false, said certificate being in the words and figures following:

UNITED STATES OF AMERICA, *Northern District of Texas, ss:*

I, Charles Swayne, district judge of the United States for the northern district of Florida, do hereby certify that I was directed to and held court at the city of Waco, in the northern district of Texas, twenty-three days, commencing on the 20th day of April, 1897; also, that the time engaged in holding said court, and in going to and returning from the same, was twenty-three days, and that my reasonable expenses for travel and attendance amounted to the sum of two hundred and thirty dollars and —— cents, which sum is justly due me for such attendance and travel.

CHAS. SWAYNE, *Judge.*

WACO, *May 15, 1897.*

Received of R. M. Love, United States marshal for the northern district of Texas, the sum of two hundred and thirty dollars and no cents, in full payment of the above account.

$230. CHAS. SWAYNE.

when in truth and in fact, as the said Charles Swayne then and there well knew, there was then and there justly due the said Swayne from the Government of the United States and from said United States marshal a far less sum, whereby he has been guilty of a high crime and misdemeanor in his said office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators, and each Senator as his name is called will rise in his place and deliver his vote.

The Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). Mr. President, for reasons which I shall assign at the conclusion of the roll call, I shall ask the Senate to excuse me from voting.

The roll call was concluded.

Mr. KNOX. Mr. President, having been prevented by illness from attending the sessions of the Senate sitting in this impeachment trial at which the testimony was produced, and also having been prevented by the effects of the illness from reading the testimony, I ask that the Senate may excuse me from voting upon this and all subsequent roll calls taken to ascertain the judgment of the Senate upon the charges against the respondent.

The PRESIDING OFFICER. Senators, you have heard the request of the Senator from Pennsylvania [Mr. KNOX]. Those who would excuse him from voting will say "aye;" opposed, "no." [Putting the question.] The "ayes" have it. The Senator from Pennsylvania is excused.

The Secretary recapitulated the vote, as follows:

GUILTY—33.

Bacon	Cockrell	McEnery	Patterson
Bailey	Culberson	McLaurin	Pettus
Bard	Daniel	Mallory	Simmons
Bate	Foster, La.	Martin	Stone
Berry	Gorman	Money	Taliaferro
Blackburn	Kittredge	Morgan	Teller
Carmack	Latimer	Nelson	
Clark, Mont.	McCreary	Newlands	
Clay	McCumber	Overman	

NOT GUILTY—49.

Alger	Dick	Gamble	Perkins
Allee	Dietrich	Gibson	Platt, Conn.
Allison	Dillingham	Hale	Platt, N. Y.
Ankeny	Dolliver	Hansbrough	Proctor
Ball	Dryden	Heyburn	Quarles
Beveridge	Dubois	Hopkins	Scott
Burnham	Elkins	Kean	Smoot
Burrows	Fairbanks	Kearns	Spooner
Clapp	Foraker	Lodge	Stewart
Clark, Wyo.	Foster, Wash.	Long	Warren
Crane	Frye	McComas	
Cullom	Fulton	Millard	
Depew	Gallinger	Penrose	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon article 1 of the impeachment of Charles Swayne 33 Senators have voted "guilty" and 49 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in the said first article. The Secretary will read the second article.

The Secretary read the second article, as follows:

ART. 2. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office as judge, as aforesaid, the said Charles Swayne was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal for the district in which the court was held, and was forbidden by law to receive compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel and attendance were $10 per diem while holding court at Tyler, Tex., twenty-four days commencing December 3, 1900, and seven days going to and returning from said Tyler, Tex., and received therefor from the Treasury of the United States, by the hand of John Grant, the United States marshal for the eastern district of Texas, the sum of $310, when the reasonable expenses incurred and paid by the said Charles Swayne for travel and attendance did not amount to the sum of $10 per diem.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, the crime of obtaining money from the United States by a false pretense, and of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The Secretary called the roll, and it resulted as follows:

GUILTY—32.

Bacon	Cockrell	McCumber	Newlands
Bailey	Culberson	McEnery	Overman
Bard	Daniel	McLaurin	Patterson
Bate	Foster, La.	Mallory	Pettus
Berry	Gorman	Martin	Simmons
Blackburn	Kittredge	Money	Stone
Carmack	Latimer	Morgan	Taliaferro
Clay	McCreary	Nelson	Teller

NOT GUILTY—50.

Alger	Depew	Gallinger	Penrose
Allee	Dick	Gamble	Perkins
Allison	Dietrich	Gibson	Platt, Conn.
Ankeny	Dillingham	Hale	Platt, N. Y.
Ball	Dolliver	Hansbrough	Proctor
Beveridge	Dryden	Heyburn	Quarles
Burnham	Dubois	Hopkins	Scott
Burrows	Elkins	Kean	Smoot
Clapp	Fairbanks	Kearns	Spooner
Clark, Mont.	Foraker	Lodge	Stewart
Clark, Wyo.	Foster, Wash.	Long	Warren
Crane	Frye	McComas	
Cullom	Fulton	Millard	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the second article of impeachment 32 Senators have voted "guilty" and 50 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted guilty, Charles Swayne, the respondent, stands acquitted of the charges contained in said second article. The Secretary will read the third article.

The Secretary read the third article, as follows:

ART. 3. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid was entitled by law to be paid his reasonable expenses for travel and attendance when lawfully directed to hold court outside of the northern district of Florida, not to exceed $10 per diem, to be paid upon his certificate by the United States marshal of the district in which the court was held, and was forbidden by law to receive any compensation for such services. Yet the said Charles Swayne, well knowing these provisions, falsely certified that his reasonable expenses for travel in going to and coming from and attendance were $10 per diem while holding court at Tyler, Tex., thirty-five days from January 12, 1903, and six days going to and returning from said Tyler, Tex., and received therefor from the Treasury of the United States, by the hand of A. J. Houston, the United States marshal for the eastern district of Texas, the sum of

$410, when the reasonable expenses of the said Charles Swayne incurred and paid by him during said period were much less than said sum.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself and was and is guilty of a high crime, to wit, obtaining money from the United States by a false pretense, and of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The Secretary called the roll, and it resulted as follows:

GUILTY—32.

Bacon	Cockrell	McCumber	Newlands
Bailey	Culberson	McEnery	Overman
Bard	Daniel	McLaurin	Patterson
Bate	Foster, La.	Mallory	Pettus
Berry	Gorman	Martin	Simmons
Blackburn	Kittredge	Money	Stone
Carmack	Latimer	Morgan	Taliaferro
Clay	McCreary	Nelson	Teller

NOT GUILTY—50.

Alger	Depew	Gallinger	Penrose
Allee	Dick	Gamble	Perkins
Allison	Dietrich	Gibson	Platt, Conn.
Ankeny	Dillingham	Hale	Platt, N. Y.
Ball	Dolliver	Hansbrough	Proctor
Beveridge	Dryden	Heyburn	Quarles
Burnham	Dubois	Hopkins	Scott
Burrows	Elkins	Kean	Smoot
Clapp	Fairbanks	Kearns	Spooner
Clark, Mont.	Foraker	Lodge	Stewart
Clark, Wyo.	Foster, Wash.	Long	Warren
Crane	Frye	McComas	
Cullom	Fulton	Millard	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the third article of impeachment 32 Senators have voted "guilty" and 50 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in said third article. The Secretary will read the fourth article.

The Secretary read article 4, as follows:

ART. 4. That the said Charles Swayne having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida entered upon the duties of his office, and while in the exercise of his office of judge as aforesaid, heretofore, to wit, A. D. 1893, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Guyencourt, in the State of Delaware, to Jacksonville, Fla., the said railroad company being at the time in the possession of a receiver appointed by said Charles Swayne, judge as aforesaid, on the petition of creditors.

The said car was supplied with provisions by the said receiver, which were consumed by said Swayne and his friends, and was provided with a conductor or porter at the cost and expense of said railroad company, and with transportation over connecting lines. The expenses of the trip were paid by the said receiver out of the funds of the said Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge, allowed the credit claimed by the said receiver for and on account of the said expenditure as a part of the necessary expenses of operating said road. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner, and under a claim of right, for the reason that the same was in the hands of a receiver appointed by him.

Wherefore the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The Secretary called the roll, and it resulted as follows:

GUILTY—13.

Bailey	Cockrell	Martin	Pettus
Berry	Culberson	Money	
Blackburn	Daniel	Morgan	
Carmack	McLaurin	Newlands	

NOT GUILTY—69.

Alger	Dick	Hansbrough	Penrose
Allee	Dietrich	Heyburn	Perkins
Allison	Dillingham	Hopkins	Platt, Conn.
Ankeny	Dolliver	Kean	Platt, N. Y.
Bacon	Dryden	Kearns	Proctor
Ball	Dubois	Kittredge	Quarles
Bard	Elkins	Latimer	Scott
Bate	Fairbanks	Lodge	Simmons
Beveridge	Foraker	Long	Smoot
Burnham	Foster, La.	McComas	Spooner
Burrows	Foster, Wash.	McCreary	Stewart
Clapp	Frye	McCumber	Stone
Clark, Mont.	Fulton	McEnery	Taliaferro
Clark, Wyo.	Gallinger	Mallory	Teller
Clay	Gamble	Millard	Warren
Crane	Gibson	Nelson	
Cullom	Gorman	Overman	
Depew	Hale	Patterson	

ABSENT OR NOT VOTING—8.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the fourth article of impeachment 13 Senators have voted "guilty" and 69 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in said fourth article. The Secretary will read the fifth article.

The Secretary read the fifth article, as follows:

ART. 5. That the said Charles Swayne was duly appointed, commissioned, and confirmed as judge of the United States in and for the northern district of Florida, and entered upon the duties of said office, and while in the exercise of his office of judge, as aforesaid heretofore, to wit, A. D. 1893, did unlawfully appropriate to his own use, without making compensation to the owner, a certain railroad car belonging to the Jacksonville, Tampa and Key West Railroad Company for the purpose of transporting himself, his family, and friends from Jacksonville, Fla., to California, said railroad company being at the time in the possession of a receiver appointed by the said Charles Swayne, judge as aforesaid, on the petition of creditors.

The car was supplied with some provisions by the said receiver, which were consumed by the said Swayne and his friends, and it was provided with a porter at the cost and expense of the railroad company, and also with transportation over connecting lines. The wages of said porter and the cost of said provisions were paid by the said receiver out of the funds of the Jacksonville, Tampa and Key West Railroad Company, and the said Charles Swayne, acting as judge as aforesaid, allowed the credits claimed by the said receiver for and on account of the said expenditures as a part of the necessary expenses of operating the said railroad. The said Charles Swayne, judge as aforesaid, used the said property without making compensation to the owner under a claim of right, alleging that the same was in the hands of a receiver appointed by him and he, therefore, had a right to use the same.

Wherefore, the said Charles Swayne, judge as aforesaid, was and is guilty of an abuse of judicial power and of high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The Secretary called the roll, and it resulted as follows:

GUILTY—13.

Bailey	Cockrell	Martin	Pettus
Berry	Culberson	Money	
Blackburn	Daniel	Morgan	
Carmack	McLaurin	Newlands	

NOT GUILTY—69.

Alger	Dick	Hansbrough	Penrose
Allee	Dietrich	Heyburn	Perkins
Allison	Dillingham	Hopkins	Platt, Conn.
Ankeny	Dolliver	Kean	Platt, N. Y.
Bacon	Dryden	Kearns	Proctor
Ball	Dubois	Kittredge	Quarles
Bard	Elkins	Latimer	Scott
Bate	Fairbanks	Lodge	Simmons
Beveridge	Foraker	Long	Smoot
Burnham	Foster, La.	McComas	Spooner
Burrows	Foster, Wash.	McCreary	Stewart
Clapp	Frye	McCumber	Stone
Clark, Mont.	Fulton	McEnery	Taliaferro
Clark, Wyo.	Gallinger	Mallory	Teller
Clay	Gamble	Millard	Warren
Crane	Gibson	Nelson	
Cullom	Gorman	Overman	
Depew	Hale	Patterson	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the fifth article of impeachment, 13 Senators have voted "guilty" and 69 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," the respondent, Charles Swayne, stands acquitted of the charges in said fifth article. The Secretary will read the sixth article.

The Secretary read article 6, as follows:

ART. 6. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the 1st day of April, A. D. 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, A. D. 1890, took the oath of office and assumed the duties of his appointment, and established his residence at the city of St. Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an act of Congress approved the 23d of July, A. D. 1894, the boundaries of the said northern district of Florida were changed, and the city of St. Augustine and contiguous territory were transferred to the southern district of Fleroda: whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida and to comply with section 551 of the Revised Statutes of the United States, which provides that—

A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Nevertheless the said Charles Swayne, judge as aforesaid, did not acquire a residence, and did not, within the intent and meaning of said act, reside in his said district, to wit, the northern district of Florida, from the 23d day of July, A. D. 1894, to the 1st day of October, A. D. 1900, a period of about six years.

Wherefore the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesaid law, and was and is guilty of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The roll having been called, it resulted as follows:

GUILTY—31.

Bacon	Clay	Latimer	Newlands
Bailey	Cockrell	McCreary	Overman
Bard	Culberson	McEnery	Patterson
Bate	Daniel	McLaurin	Pettus
Berry	Dubois	Mallory	Simmons
Blackburn	Foster, La.	Martin	Taliaferro
Carmack	Gibson	Money	Teller
Clark, Mont.	Gorman	Morgan	

NOT GUILTY—51.

Alger	Dick	Hale	Penrose
Allee	Dietrich	Hansbrough	Perkins
Allison	Dillingham	Heyburn	Platt, Conn.
Ankeny	Dolliver	Hopkins	Platt, N. Y.
Ball	Dryden	Kean	Proctor
Beveridge	Elkins	Kearns	Quarles
Burnham	Fairbanks	Kittredge	Scott
Burrows	Foraker	Lodge	Smoot
Clapp	Foster, Wash.	Long	Spooner
Clark, Wyo.	Frye	McComas	Stewart
Crane	Fulton	McCumber	Stone
Cullom	Gallinger	Millard	Warren
Depew	Gamble	Nelson	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon article 6 of the articles of impeachment, 31 Senators have voted "guilty" and 51 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in said sixth article. The Secretary will read the seventh article.

The Secretary read article 7, as follows:

ART. 7. That the said Charles Swayne, having been duly appointed and confirmed, was commissioned district judge of the United States in and for the northern district of Florida on the 1st day of April, A. D. 1890, to serve during good behavior, and thereafter, to wit, on the 22d day of April, A. D. 1890, took the oath of office and assumed the duties of his appointment, and established his residence at the city of St. Augustine, in the State of Florida, which was at that time within the said northern district. That subsequently, by an act of Congress of the United States approved the 23d day of July, A. D. 1894, the boundaries of the said northern district of Florida were changed, and the city of St. Augustine, with the contiguous territory, was transferred to the southern district of Florida, whereupon it became and was the duty of the said Charles Swayne to change his residence and reside in the northern district of Florida, as defined by said act of Congress, and to comply with section 551 of the Revised Statutes of the United States, which provides that—

A district judge shall be appointed for each district, except in cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Nevertheless, the said Charles Swayne, judge as aforesaid, totally disregarding his duty as aforesaid, did not acquire a residence, and within the intent and meaning of said act did not reside in his said district, to wit, the northern district of Florida, from the 23d day of July, A. D. 1894, to the 1st day of January, A. D. 1903, a period of about nine years.

Wherefore the said Charles Swayne, judge as aforesaid, willfully and knowingly violated the aforesaid law, and was and is guilty of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The roll having been called, resulted as follows:

GUILTY—19.

Bate	Cockrell	McCreary	Money
Berry	Daniel	McEnery	Morgan
Blackburn	Dubois	McLaurin	Pettus
Carmack	Gibson	Mallory	Taliaferro
Clark, Mont.	Latimer	Martin	

NOT GUILTY—63.

Alger	Cullom	Gorman	Patterson
Allee	Depew	Hale	Penrose
Allison	Dick	Hansbrough	Perkins
Ankeny	Dietrich	Heyburn	Platt, Conn.
Bacon	Dillingham	Hopkins	Platt, N. Y.
Bailey	Dolliver	Kean	Proctor
Ball	Dryden	Kearns	Quarles
Bard	Elkins	Kittredge	Scott
Beveridge	Fairbanks	Lodge	Simmons
Burnham	Foraker	Long	Smoot
Burrows	Foster, La.	McComas	Spooner
Clapp	Foster, Wash.	McCumber	Stewart
Clark, Wyo.	Frye	Millard	Stone
Clay	Fulton	Nelson	Teller
Crane	Gallinger	Newlands	Warren
Culberson	Gamble	Overman	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the seventh article of impeachment, 19 Senators have voted "guilty" and 63 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in said seventh article. The Secretary will read the eighth article.

The Secretary read article 8, as follows:

ART. 8. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge, as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days E. T. Davis, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The roll having been called, resulted as follows:

GUILTY—31.

Bacon	Cockrell	McCreary	Newlands
Bailey	Culberson	McCumber	Overman
Bate	Daniel	McEnery	Patterson
Berry	Dubois	McLaurin	Pettus
Blackburn	Foster, La.	Mallory	Simmons
Carmack	Gorman	Martin	Taliaferro
Clark, Mont.	Hansbrough	Money	Teller
Clay	Latimer	Morgan	

NOT GUILTY—51.

Alger	Depew	Gamble	Penrose
Allee	Dick	Gibson	Perkins
Allison	Dietrich	Hale	Platt, Conn.
Ankeny	Dillingham	Heyburn	Platt, N. Y.
Ball	Dolliver	Hopkins	Proctor
Bard	Dryden	Kean	Quarles
Beveridge	Elkins	Kearns	Scott
Burnham	Fairbanks	Kittredge	Smoot
Burrows	Foraker	Lodge	Spooner
Clapp	Foster, Wash.	Long	Stewart
Clark, Wyo.	Frye	McComas	Stone
Crane	Fulton	Millard	Warren
Cullom	Gallinger	Nelson	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the eighth article of impeachment 31 Senators have voted "guilty" and 51 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in said eighth article. The Secretary will read the ninth article.

The Secretary read article 9, as follows:

ART. 9. That the said Charles Swayne having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days E. T. Davis, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The roll, having been called, resulted as follows:

GUILTY—31.

Bacon	Cockrell	McCreary	Newlands
Bailey	Culberson	McCumber	Overman
Bate	Daniel	McEnery	Patterson
Berry	Dubois	McLaurin	Pettus
Blackburn	Foster, La.	Mallory	Simmons
Carmack	Gorman	Martin	Taliaferro
Clark, Mont.	Hansbrough	Money	Teller
Clay	Latimer	Morgan	

NOT GUILTY—51.

Alger	Depew	Gamble	Penrose
Allee	Dick	Gibson	Perkins
Allison	Dietrich	Hale	Platt, Conn.
Ankeny	Dillingham	Heyburn	Platt, N. Y.
Ball	Dolliver	Hopkins	Proctor
Bard	Dryden	Kean	Quarles
Beveridge	Elkins	Kearns	Scott
Burnham	Fairbanks	Kittredge	Smoot
Burrows	Foraker	Lodge	Spooner
Clapp	Foster, Wash.	Long	Stewart
Clark, Wyo.	Frye	McComas	Stone
Crane	Fulton	Millard	Warren
Cullom	Gallinger	Nelson	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the ninth article of impeachment 31 Senators have voted "guilty," 51 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in said ninth article. The Secretary will read the tenth article.

The Secretary read article 10, as follows:

ART. 10. That the said Charles Swayne, having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida, entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a judge of a circuit court of the United States, heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did maliciously and unlawfully adjudge guilty of a contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The roll having been called, it resulted as follows:

GUILTY—31.

Bacon	Cockrell	McCreary	Newlands
Bailey	Culberson	McCumber	Overman
Bate	Daniel	McEnery	Patterson
Berry	Dubois	McLaurin	Pettus
Blackburn	Foster, La.	Mallory	Simmons
Carmack	Gorman	Martin	Taliaferro
Clark, Mont.	Hansbrough	Money	Teller
Clay	Latimer	Morgan	

NOT GUILTY—51.

Alger	Depew	Gamble	Penrose
Allee	Dick	Gibson	Perkins
Allison	Dietrich	Hale	Platt, Conn.
Ankeny	Dillingham	Heyburn	Platt, N. Y.
Ball	Dolliver	Hopkins	Proctor
Bard	Dryden	Kean	Quarles
Beveridge	Elkins	Kearns	Scott
Burnham	Fairbanks	Kittredge	Smoot
Burrows	Foraker	Lodge	Spooner
Clapp	Foster, Wash.	Long	Stewart
Clark, Wyo.	Frye	McComas	Stone
Crane	Fulton	Millard	Warren
Cullom	Gallinger	Nelson	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the tenth article of impeachment 31 Senators have voted "guilty," 51 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted guilty, Charles Swayne, the respondent, stands acquitted of the charges contained in said tenth article. The Secretary will read the eleventh article.

The Secretary read the eleventh article, as follows

ART. 11. That the said Charles Swayne having been appointed, confirmed, and duly commissioned as judge of the district court of the United States in and for the northern district of Florida entered upon the duties of said office, and while in the exercise of his office as judge as aforesaid, to wit, while performing the duties of a circuit judge of the United States heretofore, to wit, on the 12th day of November, A. D. 1901, at the city of Pensacola, in the county of Escambia, in the State of Florida, did knowingly and unlawfully adjudge guilty of contempt of court and impose a fine of $100 upon and commit to prison for a period of ten days Simeon Belden, an attorney and counselor at law, for an alleged contempt of the circuit court of the United States.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office as judge and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The roll having been called, it resulted as follows:

GUILTY—31.

Bacon	Cockrell	McCreary	Newlands
Bailey	Culberson	McCumber	Overman
Bate	Daniel	McEnery	Patterson
Berry	Dubois	McLaurin	Pettus
Blackburn	Foster, La.	Mallory	Simmons
Carmack	Gorman	Martin	Taliaferro
Clark, Mont.	Hansbrough	Money	Teller
Clay	Latimer	Morgan	

NOT GUILTY—51.

Alger	Depew	Gamble	Penrose
Allee	Dick	Gibson	Perkins
Allison	Dietrich	Hale	Platt, Conn.
Ankeny	Dillingham	Heyburn	Platt, N. Y.
Ball	Dolliver	Hopkins	Proctor
Bard	Dryden	Kean	Quarles
Beveridge	Elkins	Kearns	Scott
Burnham	Fairbanks	Kittredge	Smoot
Burrows	Foraker	Lodge	Spooner
Clapp	Foster, Wash.	Long	Stewart
Clark, Wyo.	Frye	McComas	Stone
Crane	Fulton	Millard	Warren
Cullom	Gallinger	Nelson	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Senators, upon the eleventh article of impeachment 31 Senators have voted "guilty" and 51 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in said eleventh article. The Secretary will read the twelfth article.

The Secretary read the twelfth article, as follows:

ART. 12. That the said Charles Swayne, having been duly appointed, confirmed, and commissioned as judge of the United States in and for the northern district of Florida, entered upon the duties of his office, and while in the exercise of his office of judge, heretofore, to wit, on the 9th day of December, A. D. 1902, at Pensacola, in the county of Escambia, in the State of Florida, did unlawfully and knowingly adjudge guilty of contempt, and did commit to prison for the period of sixty days one W. C. O'Neal for an alleged contempt of the district court of the United States for the northern district of Florida.

Wherefore the said Charles Swayne, judge as aforesaid, misbehaved himself in his office of judge, as aforesaid, and was and is guilty of an abuse of judicial power and of a high misdemeanor in office.

The PRESIDING OFFICER. Senators, how say you, is the respondent, Charles Swayne, guilty or not guilty as charged in this article? The Secretary will proceed to call the roll for the responses of Senators.

The roll having been called, it resulted as follows:

GUILTY—35.

Bacon	Cockrell	McCreary	Overman
Bailey	Culberson	McCumber	Patterson
Bard	Daniel	McEnery	Pettus
Bate	Dubois	McLaurin	Quarles
Berry	Foster, La.	Mallory	Simmons
Blackburn	Gorman	Martin	Stone
Carmack	Hansbrough	Money	Taliaferro
Clark, Mont.	Kittredge	Morgan	Teller
Clay	Latimer	Nelson	

NOT GUILTY—47.

Alger	Depew	Gallinger	Newlands
Allee	Dick	Gamble	Penrose
Allison	Dietrich	Gibson	Perkins
Ankeny	Dillingham	Hale	Platt, Conn.
Ball	Dolliver	Heyburn	Platt, N. Y.
Beveridge	Dryden	Hopkins	Proctor
Burnham	Elkins	Kean	Scott
Burrows	Fairbanks	Kearns	Smoot
Clapp	Foraker	Lodge	Spooner
Clark, Wyo.	Foster, Wash.	Long	Stewart
Crane	Frye	McComas	Warren
Cullom	Fulton	Millard	

ABSENT OR NOT VOTING—3.

Clarke, Ark.	Knox	Wetmore

The PRESIDING OFFICER. Upon the twelfth article of impeachment, 35 Senators have voted "guilty," and 47 Senators have voted "not guilty." Less than two-thirds of the Senators present having voted "guilty," Charles Swayne, the respondent, stands acquitted of the charges contained in said twelfth article.

The Presiding Officer, following the precedent in the Belknap impeachment case, calls the attention of the Senate to the twenty-second rule of procedure and practice in the trial of impeachments, which provides:

And if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of the members present, the Senate shall proceed to pronounce judgment, and a certified copy of such judgment shall be deposited in the office of the Secretary of State.

If there is no objection, the Presiding Officer will direct the Secretary to enter a judgment of acquittal according to the rule. The Chair hears no objection. The Secretary will read it.

The Secretary read as follows:

The Senate having tried Charles Swayne, judge of the district court of the United States for the northern district of Florida, upon twelve several articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charges contained therein: It is therefore

Ordered and adjudged, That the said Charles Swayne be, and he is, acquitted of the charges in said articles made and set forth.

Mr. FAIRBANKS. Mr. President, I move that the Senate sitting for the trial of the impeachment of Charles Swayne adjourn without day.

The motion was agreed to; and (at 11 o'clock and 40 minutes a. m.) the Senate sitting upon the trial of the impeachment of Charles Swayne adjourned without day.

The managers on the part of the House and the counsel for the respondent retired from the Chamber.

The PRESIDENT pro tempore resumed the chair.

HOUSE BILLS REFERRED.

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

H. R. 15440. An act authorizing the construction of a dam across Rock River at Lyndon, Ill.; and

H. R. 18993. An act to regulate the construction of bridges over navigable waters.

H. R. 15251. An act for the relief of Theodore H. Bishop was read twice by its title, and referred to the Committee on Naval Affairs.

H. R. 14327. An act for the relief of Indian traders, Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader with the Menominee Indians, of Wisconsin, was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 18586. An act to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon, was read twice by its title, and, on request of Mr. FULTON, was ordered to lie on the table.

BONDS OF POSTAL EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives insisting upon its amendment to the bill (S. 3379) to amend section 66 of the act of June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY were appointed.

BERT E. BARNES.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 19036) for the relief of Bert E. Barnes, to which it calls the attention of the Senator from Iowa.

Mr. DOLLIVER. I ask for the present consideration of the bill.

The bill was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of War is authorized to amend the record of Bert E. Barnes so as to show him honorably discharged from Company D, Fifty-first Iowa Infantry, for disability contracted in line of duty.

Mr. DOLLIVER. A Senate bill for this purpose passed the Senate Saturday evening, and I ask unanimous consent that the bill which has just been read may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

Mr. DOLLIVER. I move that the votes by which the bill (S. 7254) for the relief of Bert E. Barnes was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. DOLLIVER. I move that the bill be indefinitely postponed.

The motion was agreed to.

ARMY QUARTERS IN THE PHILIPPINES.

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

To the Senate and House of Representatives:

In further compliance with the provision of the act making appropriation for the support of the Army, approved June 30, 1902, relating to "the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, etc.," I transmit herewith a letter from the Secretary of War, together with a supplemental statement from the Quartermaster-General of the Army, showing additional expenditures.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 27, 1905.*

(Papers accompanied similar message to the House of Representatives.)

ARMY APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17473) making appropriations for the support of the Army for the fiscal year ending June 30, 1906, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 19, 20, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, 7, 8, 9, 12, 13, 14, 16, 17, 18, 21, 22, 23, 24, 26, 28, 29, 30, and 31, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment and insert in lieu thereof the following: *Provided,* That any vacancy that shall occur in the Office of the Assistant Chief of the Record and Pension Office previous to July first, nineteen hundred and five, shall be filled by the appointment of a captain of the line of the Army, and vacancies thereafter occuring shall not be filled, and the offices now designated by the title of Assistant Chief of the Record and Pension Office and by the title of Assistant Adjutant-General shall hereafter be designated by the title of Military Secretary;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following:

"That retired officers of the Army above the grade of major, heretofore or hereafter assigned to active duty, shall hereafter receive their full retired pay, and shall receive no further pay or allowances from the United States: *Provided further,* That a colonel or lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following: ", and the Secretary of War may hereafter authorize the assignment to duty in the office of the Paymaster-General, not to exceed five paymasters' clerks, now authorized by law;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 23, page 35 of the bill, strike out the word "eighty-one" and insert in lieu thereof the words "two hundred thirty-one;" and the Senate agree to the same.

REDFIELD PROCTOR,
R. A. ALGER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. A. T. HULL,
ADIN B. CAPRON,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

COMMITTEE ON INAUGURAL CEREMONIES.

The PRESIDENT pro tempore appointed Mr. LODGE a member of the Committee on Inaugural Ceremonies on the part of the Senate in place of Mr. ALDRICH, absent.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that, according to the understanding, the naval appropriation bill be laid before the Senate and proceeded with.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the 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.

The motion was agreed to.

Mr. GALLINGER. I ask the Senator from Maine to yield to me to make a request.

Mr. HALE. I yield for that purpose.

CONSIDERATION OF DISTRICT OF COLUMBIA BILLS.

Mr. GALLINGER. Mr. President, I wish to make a request that if the bills in the charge of the Senator from Maine [Mr. FRYE], which are set down for consideration at 5 o'clock to-morrow afternoon, be concluded before 6 o'clock, thirty minutes be given for the consideration of House bills on the Calendar reported from the Committee on the District of Columbia, to be considered under Rule VIII.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that when the bills for the consideration of which unanimous consent was given to the junior Senator from Maine are disposed of thirty minutes be given immediately after to the consideration of House bills reported favorably from the Committee on the District of Columbia under Rule VIII. Is there objection?

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts rise to this request?

Mr. LODGE. I rise to this request.

Mr. HALE. Let us hear the request stated again.

The PRESIDENT pro tempore. At 5 o'clock to-morrow the steamboat-inspection bills, by unanimous consent, are to be taken up. I think they will occupy about three-quarters of an hour in reading, and no more. The Senator from New Hampshire asks that when those are concluded House bills reported favorably from the Committee on the District of Columbia to the Senate be considered under Rule VIII.

Mr. GALLINGER. For thirty minutes.

The PRESIDENT pro tempore. For thirty minutes.

Mr. HALE. I will not object; but Senators will see——

Mr. COCKRELL. Mr. President, we would like to hear what is being said.

Mr. HALE. There is too much conversation in the Chamber. No one seems to be paying any attention.

Mr. COCKRELL. I know we can have order in the Senate, and I insist that nothing shall be done until the Senate is in absolute order, not halfway.

Mr. TELLER. I am going to make a suggestion which I think ought to have been made long ago. When Senators get up in a coterie of three or four and are discussing a question, the Chair should send some prudent officer to just suggest that they are disturbing the Senate.

The PRESIDENT pro tempore. The Chair will do so, although he dislikes very much to do it.

Mr. HEYBURN. Mr. President——

Mr. HALE. I wish to say something in reference to the proposition of the Senator from New Hampshire on the order of business.

All the appropriation bills are ready. They follow closely each other. When the naval appropriation bill is through the Indian appropriation bill is ready, and the Senator in charge is impatient, as he ought to be, as he has a right to be, to take up that bill. Immediately following that is the post-office appropriation bill, a very great bill, which will give rise to debate.

I wish to say that if agreement is made further to take up the time of the Senate the appropriation bills will not get through. The Senator from Massachusetts at my side [Mr. LODGE] is, I know, ready with a proposition about another bill. Three or four other Senators have come to me, and I have said to them—and I should like to have the Senate help enforce it—that there will be an opportunity for legislative matters outside of the appropriation bills when all the appropriation bills are through and are in conference. The last two days ought to be given by the conferees to the consideration of these great bills, and then there will be a time when this Chamber will not be occupied by the appropriation bills. But whoever asks to interpose anything now that shall interfere with appropriation bills helps to delay and to make possible and probable the adjournment of Congress without having all these bills completed. I have only made my appeal. The Senator may go on and make his request.

Mr. GALLINGER. If the Senator will permit me, I will include in the request not to interfere with appropriation bills.

Mr. LODGE. Mr. President, I wish merely to take this occasion to give a notice. I do not want to interfere, of course, with the request of the Senator from New Hampshire, and I fully agree with what the Senator from Maine has stated as to the conduct of business. But the Philippine Islands tariff bill is here. It has no relation to our tariff whatever. It passed the House without division. It has been reported from the committee of the Senate without division.

There is no opposition to the bill, but it consists of 129 pages which must be read. There is one very important matter in it and that is the opium traffic. The bill ought to be passed before the adjournment, and I should like to give notice that I shall take an opportunity, without interfering with the appropriation bills, to ask the Senate to allow me to have the bill read whenever there is a spare moment to get the reading done.

Mr. TELLER. I wish to ask the Senator from Massachusetts a question.

Mr. LODGE. Certainly.

Mr. TELLER. It has been reported that there will be an attempt made to amend that bill.

Mr. LODGE. There will be no attempt made to amend it whatever. The bill carries——

Mr. TELLER. I meant in a certain direction. The Senator understands what I mean.

Mr. LODGE. My object is to secure the enactment of that tariff, which was made by the Philippine Commission, which has been revised by the War Department and revised by the Committee on Ways and Means and gone through the House without division, and has been revised by our committee. It carries only one amendment, that relating to the opium traffic, which it is very important to pass. I do not propose to admit any alien amendments of any kind, because I think it is of the utmost importance to the people of the islands and the conduct of business there that the revised tariff should go through. I do not propose to interfere in the remotest way with appropriation bills, and I hope those in charge of them, if there comes a spare half hour, will allow me to get the bill read.

The PRESIDENT pro tempore. The Senator from New Hampshire modifies his request now by adding to it "not to interfere with appropriation bills." Is there objection to the request as modified?

Mr. NELSON. Mr. President, I wish to be heard on that for a minute. Do the House bills include what is known as the cross-town railroad bill.

Mr. GALLINGER. All the bills will be considered under Rule VIII, and a Senator can object. That bill will not be called, I will say to the Senator.

Mr. NELSON. That bill will not be called?

Mr. GALLINGER. It will not be called.

The PRESIDING OFFICER. The Chair hears no objection——

Mr. HEYBURN. Mr. President. I object until I shall have stated my position. I think the time has arrived where I am entirely justified in objecting to unanimous consent for taking up anything except appropriation bills until the unfinished business has had a chance to be taken up and heard. I shall object to taking up anything but appropriation bills until the unfinished business is taken up.

Mr. GALLINGER. Does the Senator from Idaho object to my little request?

Mr. HEYBURN. I am compelled to ask for that very time for the very important bill which is the unfinished business.

Mr. COCKRELL. I suggest that we go on with the appropriation bills, one right after the other. Then we will have no trouble in passing them, and all these other measures can come in afterwards.

Mr. HALE. That is a very happy suggestion.

Mr. HEYBURN subsequently said: Mr. President, I desire——

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Maryland [Mr. GORMAN] has the floor. The Chair has recognized the Senator from Maryland.

Mr. HEYBURN. I ask the Senator from Maryland to yield for a moment. I merely wish to make a statement.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. GORMAN. For a statement, certainly.

Mr. HEYBURN. I desire, after consideration, to withdraw my objection to unanimous consent for the proposition of the Senator from New Hampshire [Mr. GALLINGER] that the time he asked may be devoted to the consideration of House bills reported from the Committee on the District of Columbia.

The PRESIDING OFFICER. The Senator from Idaho withdraws his objection. The Senator from New Hampshire will please state the request.

Mr. GALLINGER. It is that to-morrow afternoon, after the bills which the Senator from Maine [Mr. FRYE] obtained per-

mission to have considered at 5 o'clock shall be completed, thirty minutes shall be given for the consideration of House bills reported from the Committee on the District of Columbia, not to interfere with appropriation bills.

Mr. CLAY. I did not catch the character of the bills. Will the Senator state his request again?

Mr. GALLINGER. District of Columbia bills; that is, House bills.

Mr. CLAY. I have no objection to it.

The PRESIDING OFFICER. Without objection, it will be so ordered.

REMOVAL OF CIVIL OFFICERS FROM OFFICE.

Mr. BACON. With the permission of the Senator from Maine, I introduce a joint resolution, which I ask may be read at length, and lie on the table.

The joint resolution (S. R. 112) proposing an amendment to the Constitution of the United States providing for the removal from office of civil officers of the United States, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the following amendment to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution and shall be known as article 16 of the amendments to the Constitution:

All civil officers of the United States other than the President and Vice-President shall be removed from office upon the concurrent vote of two-thirds of each House of Congress directing the same, on account of immorality, imbecility, maladministration, misfeasance or malfeasance in office.

Mr. BACON. I ask that the joint resolution may lie on the table, and if opportunity is offered during the session I shall ask for a vote on it.

The PRESIDENT pro tempore. The joint resolution will lie on the table.

POLYGAMOUS MARRIAGES AND PLURAL COHABITATION.

Mr. DUBOIS. With the kind permission of the Senator from Maine, I submit a resolution which I ask may be read, lie on the table, and be printed.

The resolution was read, ordered to lie on the table, and to be printed, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized and instructed to prepare and report to the Senate within thirty days after the beginning of the next session of Congress a joint resolution of the two Houses of Congress, proposing to the several States, amendments to the Constitution of the United States which shall provide, in substance, for the prohibition and punishment of polygamous marriages and plural cohabitation, contracted or practiced within the United States and in every place subject to the jurisdiction of the United States; and which shall, in substance, also, require all persons taking office under the Constitution or laws of the United States, or of any State, to take and subscribe an oath that he or she is not, and will not be, a member or adherent of any organization whatever, the laws, rules, or nature of which organization require him or her to disregard his or her duty to support and maintain the Constitution and laws of the United States and of the several States.

THE COMMITTEE ON COMMERCE.

On motion of Mr. FRYE, it was

Ordered, That the Committee on Commerce have leave to sit during the sessions of the Senate.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the 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, the pending question being on the amendment of the Committee on Naval Affairs, at the top of page 69, line 6, after the word "vessels," to insert the following proviso:

Provided, That the limit of cost, exclusive of armor and armament, of each of the colliers and scout cruisers authorized by the act making appropriations for the naval service, approved April 27, 1904, be $1,450,000 and $2,000,000, respectively.

Mr. GORMAN obtained the floor.

Mr. MALLORY. Will the Senator from Maryland yield to me a moment to ask a question of the Senator from Maine?

Mr. GORMAN. With great pleasure.

Mr. MALLORY. I expect to attend a committee meeting, and will be compelled to leave the Chamber.

Mr. GORMAN. I yield to the Senator from Florida to ask a question of the Senator from Maine.

Mr. MALLORY. I should like to ask the Senator from Maine with reference to the pending amendment on page 69, providing for the increase of the appropriation for the scout cruisers and colliers, as to why that increase of $200,000 in each case is necessary, if he can state the reasons assigned?

Mr. BLACKBURN. That was done Saturday.

Mr. HALE. There is so much talk going on right at my hand that I have not heard what the Senator from Florida has said.

Mr. MALLORY. I have not heard what the Senator says.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senate will be in order.

Mr. HALE. Will the Senator state his request, if it was a request? I did not hear it.

Mr. MALLORY. I should like to know what reason is assigned for the increase proposed in the amendment of $200,000 in the case of the scout cruisers and colliers?

Mr. HALE. I wish the Senator had been here on Saturday.

Mr. MALLORY. I was here, but could not hear the Senator.

Mr. HALE. Well, it is in the RECORD. Of course I can go over and repeat it, but it will go into the RECORD again.

I said, in brief, that it had been found that these very fast ships, which are to be perhaps as fast as any in any navy in the world, can not be built under the present sum fixed; that the Secretary, in the exercise of good business discretion (in which, I may say, he is a master, and is as good a business man as I have known at the head of the Navy for years), instead of going on and making a contract and then coming in afterwards and asking us to reimburse the contractors, as we have done, let it all be until the matter could be submitted to Congress. The Naval Committee has reported these increases, and without the increases I should not advise him to build a vessel.

Mr. MALLORY. I can see how that will apply to the scout cruisers perhaps. Although the proviso includes armor for scout cruisers, I do not imagine that scout cruisers carry much armor. But as applied to colliers, I can not see any reason why the immense sum which is proposed to be expended on colliers should be increased.

Mr. HALE. Well, we will travel again over just what we did Saturday. That same question was asked in exactly the same form by one of the Senators upon the other side of the Chamber, and I went on to explain it, and it is in the RECORD. I said that while it is not expected that the colliers will have such speed as the cruisers, it is proper that they shall have good speed, not 24 or 25 knots, but 13, 14, or 15 knots——

Mr. PERKINS. Sixteen.

Mr. HALE. And they are immense vessels, with immense capacity. The Secretary found, just as he did with the cruisers, that he could not build the kind of vessel he wanted for the Navy unless he had more money to build it, and he has held up on these just as he has held up on the cruisers.

Mr. MALLORY. The act of last year, which provides for scout cruisers and colliers, provides that the colliers shall be capable of carrying "5,000 tons of cargo coal, loaded, and to have a trial speed of not less than 16 knots." Now, a 5,000-ton vessel can carry more than 5,000 tons of coal. These colliers, I imagine, would not have to be larger than a vessel of 5,000 or 6,000 tons gross measurement. It is a fact that even in this country to-day vessels engaged in the carrying business and in the passenger business can be built of the very best quality for $60 a ton. This proposes that the Government shall expend $280 a ton on colliers.

I can understand, Mr. President, how it would be desirable to build them extremely strong, perhaps much better qualified to withstand gales of wind when loaded than the ordinary collier, but I can not understand why there should be such a vast difference. In England to-day you can build those vessels for $42 a ton, according to the testimony which the Merchant Marine Commission received last summer and fall. Yet we propose under this provision to spend $280 a ton for the 5,000-ton ship. The speed is not great. Sixteen knots is not an extraordinary speed. There is no occasion for the collier to have such extraordinary speed, because she is to be a carrier and is not built for the purpose of speed. There are many vessels engaged in our foreign trade to-day that on their trial trips have developed 16 knots and a greater number of knots per hour. This requires it to develop this speed only on the trial trip. The fact that they are to be vessels of immense capacity does not seem to be sustained by the original provision, which required them to carry 5,000 tons of coal in a load, and I submit that 5,000 tons of coal can be carried in a 5,000-ton vessel.

Mr. GORMAN. Mr. President, when this bill was under consideration on Saturday, after the very interesting and frank statement of the Senator from Maine [Mr. HALE] as to the reason why we are urged to make this immense appropriation on account of the Navy, I stated during the discussion that with the present increase contained in the bill the officers and men in the Marine Corps would be about equal to the whole number of men in the Marine Corps and Army ten or twelve years ago. Of course, that statement was incorrect. What I had in mind and intended to say in the running debate, and did not say, was that the number of officers and men, including sailors in the Navy

and the officers and men in the Marine Corps, is greater now than the entire Army, Navy, and Marine Corps in 1885.

I find upon examination that the total strength of the Navy and Marine Corps, officers and men, in November, 1904, was 41,751, and that the total number of officers and men in the Army, Navy, and Marine Corps in 1885 was 38,985; and there can not be, under the conditions which exist, an excuse for this increase in a time of profound peace.

The only reason that has been assigned is the one given by the distinguished Senator from Maine, that we are entering upon an entirely new policy, one which has proved most expensive and which has added to our military expenditures an amount that has staggered everybody who has considered the question and who takes account of the revenues of the Government.

I will not at this time—for that will be left to others—indulge in any further criticism upon the system upon which we have entered of taking possession of other republics and other countries. The Senator from Maine stated frankly it is the policy of England, and I replied that we are not only pursuing the policy of England in that respect, but going beyond it when called upon to vote for a proposition to increase the Navy by the expenditure which is proposed, and to increase the number of officers and marines, and I consider both extravagant and unnecessary at this time.

Yes, Mr. President, we are pursuing the policy which England inaugurated, so far as the use of officers of the Navy and of the Marine Corps is concerned, and which England applied and introduced and made perfect when the now States were colonies.

This Administration is going back to the English policy of 1776, when naval officers and the Marine Corps were used for the purpose of collecting the revenues of the colonies and turning them over to the Crown. The only remnant that is left of that system in the United States is the retention of the naval officers at ports of entry. Practically all the duty of naval officers at ports was and is to keep an account of the collections made by the collectors, and auditing the accounts. In our system, the naval officers of the ports are civilians and that is the only remnant left of the English system in this country. But they had during colonial times the marines and other petty officers of the navy, who were styled "tidewaiters," for the purpose of watching the imports and exports on ships. Now, it seems that this Administration is entering upon the same line of policy that England pursued toward this country up to the Revolution, that of using naval officers as collectors in the little republics south of us, and I suppose that those thousand or more marines and officers provided for by this clause of the bill will be used in some of the South American Republics, for which we are to become guardians and collectors and distributers of their revenues.

Mr. President, the appropriations per annum for the naval establishment are at the present time a hundred million dollars or more, and are soon to be, under this system, $200,000,000, as stated by the distinguished Senator from Maine.

I want to call the attention of the Senate and of the country to the fact that while we all agree that a navy of the proper size is absolutely necessary, and nobody opposes it, yet the extravagance of the present system and its total cost are enormous. During the four years of the great war between the States of the Union, when every port south of the Potomac was blockaded, and when our cruisers were on the sea to meet the Confederate vessels or to follow them, we protected our commerce and the flag and our interests everywhere. We were threatened by the presence of the French army in Mexico, and the conditions with which we had to deal were more serious than had ever occurred in our history.

Mr. President, in the long four years of that war the Navy was indispensable, and the war could not have been terminated in twice four years but for the blockade maintained by the Navy of the ports of the South, which prevented cotton going out and war material coming in. During the time from 1862 to 1865, when the resources of the Government were taxed as they never had been taxed before, and I trust will never be taxed again, all the expenditures for the Navy Department on every account, including the construction and purchase of ships, amounted to $314,000,000. Now, sir, in a time of profound peace, with nothing to disturb us on any side, with no necessity to blockade any port, except that of some poor Central or South American Republic, we have expended on the Navy Department for the fiscal years of 1901, 1902, 1903, and 1904 less only by a million dollars than the expense incurred during the four years of the civil war. Mr. President, the mere statement of the case is amply sufficient to show the extravagance of this great expenditure.

It is said in excuse for it that we are building more expensive ships and that their armament is of a different character and more expensive. That is true; but the armament and the armor for the ships constructed and authorized create so great a power of offense and defense that we are 100 per cent in advance of what we were at any time preceding 1904, as compared with the strength of any other navy on the face of the earth.

These expenditures, Mr. President, have been so enormous and they are so increased in this bill that they have paralyzed Congress and prevented appropriations for matters of greater importance. We stand to-day because of these appropriations for the Army and the Navy, prevented from making provision for public buildings, known to be absolutely necessary for the conduct of the affairs of the Government. We stand in this Senate to-day hesitating to take up another great measure which is necessary for the commerce of the country, and to make necessary appropriations to facilitate commerce. I refer to the river and harbor bill.

We know from public statements, which are true, that that bill was only permitted to be introduced, considered, and sent here on condition that the amount contained therein should be so limited as not to interfere with the construction of a great navy. We are told, and I have no doubt truly, that imperfect as that measure may be, the Senate will be estopped from doing what we have always done—perfecting such measures as come to us from another quarter, and adding such amendments as we may think proper. It is said, unofficially of course, that if the river and harbor bill is largely increased its passage will be jeopardized.

Mr. President, here are the great harbors of Boston, of New York, of Philadelphia, of Baltimore, of New Orleans, and of Galveston that have not sufficient depth of water to float the great ships which are engaged in carrying the commerce from this to foreign countries. The delay in making provision for sufficient depth of water for the floating of these vessels means a loss of trade, the amount of which no man can tell. There is not a merchant, there is not a farmer, there is not a business man who does not know that ample provision for these great harbors is an absolute necessity. And yet this naval scheme and the army appropriations stand in the way of improvements which will benefit every man, woman, and child in the United States, and which will tend to keep our credit in the high position it now is with all other nations of the world.

Think of it, Mr. President! In the last four years, from 1901 to 1904, the total expenditures on account of all the river and harbor improvements in the United States, excluding only those for the Mississippi River, have amounted to but $76,628,000, as against $314,000,000 for the Navy in the same time.

Mr. HALE. What is the time covered by the Senator during which this $314,000,000 was expended?

Mr. GORMAN. That has been the aggregate of the expenditures of the Navy Department for the years 1901, 1902, 1903, and 1904. I take the figures which I have given from the very interesting compilation made by the clerk of the Committee on Naval Affairs as to the expenditures of the Navy Department, for which I think the Senate and the other House and the country is indebted to him. It is the most complete statement that has ever been made of the expenditures of that Department. I only wish that the example set by the efficient clerk of the Committee on Naval Affairs in this respect might be followed as to the expenditures for the Army and for the other Departments of the Government, so as to furnish all necessary information of what is being done, and as to the gross amount of the expenditures in those Departments. A condition of affairs is disclosed, Mr. President, that the country, in my judgment, will not longer tolerate.

I stand to-day representing here, in part, a State whose commerce is being seriously obstructed because of the want of proper depth of water for entering the harbor of Baltimore by ships drawing 34 to 35 feet of water, the great shipping interests of the country having reached the conclusion that commerce can be best and most profitably conducted in great ships drawing that depth. With the distress that has been occasioned in the city of Baltimore by reason of the great conflagration which occurred there and the consequent loss of trade, which has been enormous, the people of that city have, with unexampled courage, met their misfortune without aid from any quarter, but they now look, without regard to party, anxiously to Congress to provide facilities for that great harbor and its approaches which will enable them to compete with the balance of the world in their trade relations.

Yet I say now that if this Senate vote for the enormous appropriations contained in this bill, as they have done heretofore

for those contained in the army bill, considering the condition of the Treasury, and being bound to protect it, as I conceive it to be my duty always, as their representative in part, I would not feel it consistent with my sense of public duty to disregard the condition of the Treasury and ask for all that should be given to improve the Baltimore Harbor, although aware of its needs and the great interests involved. And here I desire to express my appreciation to those who framed the river and harbor bill, for they have dealt as liberally as it was possible for them to do under the conditions with which they were confronted. But nevertheless the refusal of larger appropriations will bring distress and will retard enterprise. That is a condition that should not be permitted to continue.

Mr. President, my attention has been called, from careful examination relating to business matters, to the tremendous evolution that has taken place in this country in the matter of transportation of products intended for export. Until within the last six or eight years nearly all the commodities of the great West and the Middle West found their way to European ports through New York, Boston, Philadelphia, and Baltimore. Until the development of the great enterprise which resulted in Newport News entering the field it was thought that climatic reasons would compel grain and other perishable articles of similar character to seek the more northern ports for shipment abroad; but now the whole trend is for the great export trade of the Mississippi Valley to seek an outlet over the roads running down that valley, along the Mississippi River, through the ports of New Orleans and Galveston. I say to our friends in the Eastern States that unless they join with those who are looking at the commercial interests of the country and who are more desirous of promoting them than they are to have a great army and a great navy it is to be feared that the commerce of those sections will be greatly retarded.

I have, Mr. President, no objection to a great navy. I mean by a great navy one sufficient for our needs, composed of officers and men who are as gallant and as efficient as are to be found in the world. That, I think, we have, and the history of the Navy has shown that they are equal to any who command ships. I would not prevent the construction of a reasonable number of ships every year if we had not already enough to protect, and properly protect, our interests on every ocean in the world, and enough to guard whatever interests we conceive to be our special duty to protect in the weaker republics south of us.

But when I oppose the appropriation for two more battle ships I have in mind the number which have been constructed and the number which are now under construction, and it is not because of any antagonism on party lines to this Administration. As I said on Saturday, I have never believed that party considerations should enter into the question of the construction or the management of the Navy.

During my former term in the Senate in one Congress I was in charge of the naval appropriation bill, and serving on the committee with me was the Senator from Maine [Mr. HALE]. It was under Mr. Cleveland's Administration. His Secretary of the Navy, General Herbert, of Alabama, like all Secretaries of the Navy, enthusiastic in his work and anxious to build up a great establishment, came to Congress with two most extraordinary propositions. He absolutely secured the passage through another branch of Congress of a bill authorizing the Secretary of the Navy to employ as many sailors and petty officers for the Navy as he, in his discretion, might desire, without any limitation by Congress. He wanted more battle ships and cruisers and colliers, but a Democratic Senate and a Democratic House refused to give all the Department asked. I opposed the increase then, as I do now, because it was unnecessary; it was leading to extravagance; it was encouraging shipbuilding interests by giving them so much work to do that a craze for shipbuilding came upon the country. In every little port in Maine, in Maryland, in New York, in New Jersey, in Connecticut, and in Pennsylvania, yards for the construction of ships were established. A great shipyard was built in Virginia. I think there was no effort made south of that point, although there may have been a Government shop at New Orleans on the Mississippi. What was the result? Competition in bidding? To some extent, yes; but millions and millions of dollars were invested in shipyards for which there was no need. A situation not created by acts of Congress, but due to commercial conditions, has disposed of many of them.

Mr. President, I do not object, when the plans have once been well determined upon, to giving the Secretary of the Navy all the money that is necessary to build first-class ships. The advance which has been made in the last five years in the construction and in the fashioning of machinery has made the ships constructed ten years ago almost useless in case of war. They have not the speed nor the armor of the newer class. Outside of the question of expense, it is a mistake to be appropriating for so many ships at a time. I will venture to say that ten years hence these very 16,000-ton battle ships that are provided for in the bill before us will be as obsolete as the *Texas*. When I speak of the *Texas*, I know that that vessel, which was constructed in a Government yard by order of the Secretary of the Navy, has had an unfortunate career, and yet for her type and in her time she was a great vessel; but to have her as part of a squadron in the case of a contest with another nation, I take it, would not be thought of.

The experiment in building the great fast cruisers, for which we are called upon to appropriate an additional amount, is an illustration. A year and a half ago the expert officers of the Navy Department determined upon a plan for a cruiser that was to be equal to anything afloat. With their knowledge then, they were quite ready to build the cruiser, but it turns out that English engineers and the Germans have made great improvements in machinery, and the English Government at least has put into complete form one cruiser that will excel in speed, and possibly in stability of construction, the cruisers that were contemplated by the act of Congress only one year ago. And now the Secretary comes back—and with the information I have been able to get I think it was a wise thing—to Congress and asks for an increased appropriation for the scout cruisers. They would be of no earthly use to him or the country unless in speed they were equal to any cruiser on the ocean belonging to any other nation on earth.

While the Secretary of the Navy may know more about railroads than he does about the construction of a navy, I agree with the Senator from Maine that he has applied correct business principles to that proposition; but what I complain of is that he does not apply correct business principles in asking for appropriations for new ships in view of the number of vessels there are now unfinished on the stocks. And yet I suppose it would be almost unreasonable to ask the Secretary of any Department, as things have been running since 1893, to be more than a clerk in determining the policy of his Department.

Mr. SPOONER. Why does the Senator limit it to 1893?

Mr. GORMAN. Mr. President, I limit my statement to that year because my knowledge does not extend farther back. I have observed closely the consideration of these public questions since that date.

Now, Mr. President, I think I have said about all that is necessary except in regard to the naval officers and naval boards. I think it is due them that it should be said by everybody who criticises the policy that we are pursuing that—I think it is admitted by naval experts everywhere in the world, and I state this after taking some pains to ascertain the views of the great experts both of Germany and of England—that in the construction of our new Navy from its beginning we have achieved remarkable success; and I date that beginning to the Administration in which Mr. Chandler was Secretary of the Navy, when a few new ships were constructed by Roach, at a time when there were few facilities, no adequately equipped yards, no forges capable of fashioning the great pieces of steel that were necessary in the construction, and when the shafts that were used in the machinery of the ships could not be made at all in this country. Our naval officers and boards, under such conditions, have succeeded in constructing vessels equal to any constructed by any nation on the face of the earth.

I think in the matter of armament the records will show that our great guns, from the 6-inch guns up, have been equal to any made in the world; that the Krupps have never excelled the guns we have produced in the Washington Navy-Yard. Some extravagances were absolutely unavoidable, I take it. Our people, mechanics as well as officers, had to be educated, and we have paid for it a good, round sum; and yet it is worth to the country all we have expended in that line. No patriotic man would have us rely upon foreign countries for our armor or on foreign skill in the fashioning of our ships. Therefore I do not complain of all the hundreds of thousands that, in the view of some, we have thrown away in the experiment.

I would not stop now. I would not have the Navy go back to the conditions of 1885 or 1900. I would hold what we have. I do not complain of the extravagant prices, which, as the public press frequently states, have been paid for the construction of some of the ships. My belief, from a rather careful examination of the figures, is that the contractors for the hulls of the ships—leaving out of consideration the armor—have not been too well paid. I do not charge that there is corruption, extravagance, or a mistaken policy in doing what we have done, but I do say we have reached the point where the heads who control the policies of the Government have become intoxicated

with their power and have entered upon a policy of constructing too great a number of war vessels.

What I desire is that the construction and maintenance of the Navy shall not become again, as it was prior to 1885, a question of parties in this country. For years prior to 1885 every speech made upon the stump, every attack that was made upon the Administration, turned upon the corruption and mismanagement of the Navy, until it was lifted out of that deplorable condition, as much by the distinguished Senator from Maine as by any other man who lives, and placed upon a business basis. Continue this extravagant policy and you will have—you must have—the pendulum swing the other way. The business men, the men who are building up the country and extending our commerce, the active, bright brains of the land, who give direction to public sentiment will revive the war on the excessive appropriations for war. We witness now that great body of intelligent citizens, troubled and embarrassed in their trade relations by the carrier interest, demanding reform, insisting upon justice, and, in their desire for relief, measures more drastic than wise are freely advocated by conservative men.

Mr. President, it seems to me that these great expenditures for the Army and the Navy should be reduced, and the money so saved applied to increasing and improving facilities at the great harbors of the country.

Mr. McCUMBER. Mr. President, I shall be exceedingly brief in the few remarks I shall make on this case. On the very threshold, I want to say that this new policy of the nation of building a mighty navy that is to overawe all of the nations of the world is so opposite to the history of the several policies of all Administrations of all parties in our history that I deem it a privilege as well as a duty on the part of every person who represents the people to give expression to his ideas upon it.

I confess, Mr. President, that it is somewhat difficult and somewhat painful for one who is so strong a partisan as I am to be out of harmony, possibly, with his party, and more particularly with the Administration, upon the subject of a mighty navy for this country. This is a matter of grave concern. The $103,000,000 appropriated this year means an annual appropriation of $200,000,000 in a very few years to keep up the Navy and meet expenses in connection with the repairing of the vessels and supplying them with men and officers.

It has often been said upon the floor of the Senate that the several great Departments of the Government have been rather excessively zealous in their inclination to reach out into new fields, and to extend the scope of their authority; and whatever we may say as to the efforts on the part of the several Departments in this respect in past years, I wish to say that all of them sink into insignificance compared with the audacious demands of the Navy Department for the past four years.

This, Mr. President, is a year of economical efforts on the part of Congress, that our expenses may not exceed our income. Every matter of new legislation involving in the slightest degree an appropriation is carefully scanned in the consideration of the general appropriation bills and ordinarily encounters a point of order. We must be economical; we must save these little sums that we may have the vast amount to pour into the throat of the great Navy which we have created and are creating and are to enlarge in the future. Every needful piece of legislation of a purely internal character is lopped off because we are too poor to make the appropriation. We have many treaties with the Indians requiring the payment of large sums of money. We can not fulfill those treaties because of the enforced economy of the Government. We can not pay our honest debts, because if we do we will overdraw our account. We can not build the great public buildings needed all over the country; and why? Because we need the money, not to build beautiful structures like the building across from the Capitol grounds, but for the construction of these mighty battle ships. As I say, we have to lop off all of these branches of needed legislation. It is estimated that we are paying as rent 17 per cent upon the cost of the buildings which we rent. But we have not the money to build the public buildings in this country necessary to carry on the business, because we need the money for the Navy.

Our great Committee on Public Buildings and Grounds has practically had nothing to do during all this session because its services were not needed in this economical Congress. Why? A hundred million dollars for the Navy; and every dollar appropriated for a battle ship is appropriated for something which, in all probability, I may say beyond a possibility, will never be used.

Mr. PERKINS. May I ask my friend if he does not consider it a good bond for peace; a good insurance against hostile action by other countries? Is it not better to expend a hundred million dollars upon our Navy annually than to spend a thousand millions annually as we were obliged to do in our internecine struggle?

Mr. McCUMBER. I am obliged to the Senator. That is the proposition which has come to us again and again on this floor—that the expenditure of a hundred million dollars a year would, in its effect, secure peace, and that a war lasting one year would, in expenditure, be equivalent to the annual naval expenditures for perhaps ten or fifteen or twenty years. That is an imported idea. It is imported from conditions that are so absolutely different from the conditions in this country that it has no possible application. No country in the world to-day ever unloosens its dogs of war until it has contemplated the final results of its action; not the immediate results, but the final results. To-day no nation will make war upon another simply because it may see that for a moment its efforts may be crowned with success, but if it goes to war it is upon the feeling that it has the ability to maintain that success until the very close of the war.

Mr. President, I may ask the Senator from California whence he draws the inspiration that we need a navy to prevent war? The conditions are such—our position is such in the world to-day, and it has been during the last forty years—that no nation in the world would ever go to war with us unless we were absolutely the aggressor. I want to ask the Senator to what extent the inferiority of our Navy in the past impaired our ability to command the respect and the deference of the world at large?

Mr. MORGAN. Will the Senator from North Dakota indulge me for a question?

Mr. McCUMBER. With pleasure.

Mr. MORGAN. The Senator is very expert in his knowledge of the financial condition of the country, as I know, for we have heard from him frequently on that subject. I desire to ask the Senator if he has computed the amount of interest we are paying on the bond of peace that the Senator from California presents, in the form of the expense of keeping that bond running? What probably would be the aggregate of the interest on the money we now have invested in battle ships, counted with reference to the expense of keeping them afloat and in trim for a fight? I understand that at all times a battle ship is ready within five minutes to go into a fight. She must be. If the Senator has not directed his attention to that subject, I hope he will work it out and show what amount of interest we are paying on that bond of peace.

Mr. PERKINS. Mr. President, with the permission of my friend the Senator from North Dakota I will say to my friend the Senator from Alabama, for whose good judgment and patriotism no one has more respect than I, that it is not a question of interest. It is not a question of dollars and cents in supporting the honor and dignity of the nation. Some years ago when we had the war with Spain, for which my friend voted, there was consternation from Maine to Galveston, resulting from the fear that the Spanish fleet, which outnumbered ours, would attack some of our defenseless ports.

Mr. MORGAN. If the Senator will allow me, I do not think that consternation reached farther down the coast than the mouth of the Potomac—Capes Charles and Henry.

Mr. PERKINS. Be that as it may, there were several of our friends in the Northern States, on the coast, who had great fear at the time.

The Navy is a part of the honor and dignity of our nation. It is beyond price; and we can not compute the interest upon the investment which my friend desires to have made. It is a nonpartisan institution. No one distinguished himself more in our recent war than did a native son of the State of Alabama, which my friend has represented here, in part, for so many years. Kentucky has her representatives in our Navy, and so has Texas, and every other State in the Union, and everyone feels a pride in the dignity and the honer of our country; and we can not maintain it unless we make these liberal and generous appropriations for the Navy.

So I say, in answer to my friend from North Dakota, that his position is not tenable when he compares us with these small European countries. Our country, from Maine to Florida, from Florida via the Gulf ports to Galveston, and from San Diego to Point Barrow on the Pacific coast, in miles, is more than the circumference of this earth, if we follow the sinuosities of the coast.

Pardon me for trespassing on the Senator's time.

Mr. McCUMBER. That is just the point I was making, that our conditions are entirely different from the conditions of those little countries of the Old World. There is Great Britain, not as large as some of the States of the Union, supporting 40,000,000 inhabitants. Her very life depends upon her commerce. Her prosperity depends upon the export of her

manufactured products. Her very being depends upon her ability to keep open at all times the avenues for the supply of her food products.

A navy is absolutely necessary for Great Britain. She is surrounded and environed by nations of her own power, all struggling against each other for commercial supremacy. If you took away for a single year her ability to defend her food supply, the British nation would no longer be heard of. Our very shores, of which the Senator from California speaks, are our defense. Every nation in the world knows that we have the men, that we have the territory, and that, above all, we have the resources, and resources compared with which all of the fabled wealth of Aladdin sinks into insignificance. Not a single other nation in the world is situated as we are to-day.

We could close our doors against all foreign commerce for a century, and it would not even check our growth and progress. We have between the two oceans and between Canada and the Gulf of Mexico everything necessary to support our people for a century to come. We are not dependent upon our foreign commerce. No other nation in the world, unless it may be Russia, is in the position the United States is to-day. A great navy is demanded in England. A great army is demanded in France, in Germany, and in Russia. Every one of those mighty nations is looking toward the other and its army equipment. Everyone knows that the moment there is a sign of weakness on its part there will be a sign of aggression on the part of the other. The territorial integrity and sovereignty of the smaller powers have been respected merely as the result of the jealousies existing between the greater foreign nations. Even this feeling of jealousy has not always protected the smaller, for there are yet fresh in our minds the spoliation of Poland and the enforced absorption of Finland. These conditions are so different from ours that I can not see how any character of comparison can be drawn.

Then it is said that this is an insurance of peace.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. With pleasure.

Mr. SPOONER. I have listened with great interest to the Senator in his argument in support of the proposition that we are in no possible danger of war. Would the Senator say, then, that we have very much too large a navy and that we should not under any circumstances increase it; I mean in time of peace?

Mr. McCUMBER. I say we should have a navy commensurate with our needs.

Mr. SPOONER. Who can tell what our needs will be next year as to the Navy? Can the Senator?

Mr. McCUMBER. Yes.

Mr. SPOONER. He is the man I want to find.

Mr. McCUMBER. I am glad the Senator has found him. We need a standing army. Can the Senator from Wisconsin say just how large the army should be? No. But I believe the Senator will agree that we have an army that is sufficient.

Mr. SPOONER. We can marshal an army much more quickly than we can build a battle ship. I thought when I came to the Senate of the United States that we would not want any larger army than we had then. Inside of a year or two we had a very large army in the field, and we had occasion, too, for a considerable navy.

Mr. McCUMBER. When we entered the war with Spain we made the war upon our own conditions. We abided our own time. We could have declared war then or we could have declared war a year later. We are so situated—that is the point I desire to make—that we can determine when it is necessary to go to war with any other power in the world.

Mr. SPOONER. Will the Senator allow me?

Mr. McCUMBER. With pleasure.

Mr. SPOONER. If we had not increased our Navy, if the Navy of the United States had in 1897 remained as it was in 1880, would the Senator be willing to give a bond that there would not have been a concert of Europe against us? I am not for too large a navy. I am not crazy about the Navy.

Mr. McCUMBER. The conditions in Europe are such that there could not be a coalition of powers against us. That is an impossibility under the conditions and circumstances that surround the nations of Europe. There could not be a concert of action.

Now, let me call the attention of the Senator from Wisconsin to a few facts. Our Navy, compared with the navy of Great Britain, is as a pigmy compared with a giant. And yet Great Britain yielded to our request that we might modify the Clayton-Bulwer treaty. She yielded with alacrity to our request for the arbitration of the differences between us and Canada upon the border line. She has attempted in every possible way to eliminate every character of matter that may disturb us in the future. When the two greatest powers of Europe—Great Britain and Germany—with their combined navies closed the ports of Venezuela, at a mere suggestion from this country they called off their navies, and they submitted that question to arbitration, not because our Navy was inferior to the English navy or to their combined navies, but because they knew, as every nation in the world knows, the commanding position that is occupied by this country. I believe there is just as much danger of any foreign country attacking this nation as there is of the people of Mars being attacked by the people of this globe.

Mr. SPOONER. Then, why should we have any Navy?

Mr. McCUMBER. We have our own matters to look after among the several sections of our country, and doubly so since we have extended our borders. I believe we should have a navy. A navy is needed for the many little things that will come up. There will be trouble with the little countries down in the south, but there will be no war between this country and a great nation of Europe, because the great nations of Europe, unless we are audaciously inclined to enter into a war, will think long and well before they will destroy themselves.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from California?

Mr. McCUMBER. With pleasure, always.

Mr. PERKINS. The Senator kindly promised the Senator from Wisconsin that he would tell the Senate how large a navy we ought to have. That is a problem we have been wrestling with for the past twelve years, when I have had the honor of being a member of the Committee on Naval Affairs. We have consulted with our naval officers. We have the precedent of Great Britain, France, Germany, and of Russia recently in the war in the Orient, and we have not solved the problem. The Senator has kindly said that he would tell us how many battle ships, how many armored cruisers, how many scout cruisers, and how many other vessels of war we should have.

Mr. McCUMBER. I did not promise the Senator from Wisconsin that I would give numbers and figures in that instance. I have simply stated that we need a standing army sufficient and we need a navy sufficient for the demands of this country, with the probabilities of war with any smaller nation or with any greater nation. I might ask the Senator from California, does he believe that we need a navy as large as that of Great Britain? I think he would answer in the negative. Great Britain takes the position that she needs a navy as large as would be equivalent to that of the two greatest powers of Europe. The Senator might say, therefore, that we need one as large as all the combined powers of Europe for fear there might be a coalition of those powers against us.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. With pleasure.

Mr. DIETRICH. I wish to ask the Senator from North Dakota a question. Does he not realize now that we are obliged to detail vessels of war, or it is expected that we must detail such vessels, to collect debts from various South American republics and island republics?

Mr. McCUMBER. The Senator is now going into a pretty deep subject. I do not know to what extent we shall be called on in the future to take possession of the finances of the southern republics. I hope we shall not be compelled to go any further than we have gone at the present time. But if we should, Mr. President, we have navy enough now for that. Even with that contingency we do not need to increase the Navy in the slightest degree.

Mr. President, it has been stated again and again that this Navy is the assurance of peace; that being prepared for war is an assurance of the peace of the world. That comes from the lips of Senators recognized as great historians on this floor, but I wish to ask any such Senator from what pages in history he makes that assertion as a fact? From what well spring of historical knowledge does he derive the inspiration to assert that as a doctrine?

Mr. President, to very little advantage has any student read the history of past ages if it has not demonstrated to him beyond any question that the nation most prepared for war has always been the nation most continuously in war, and generally a war of aggression. I have found that the man who always carries a gun finds a hundred justifiable occasions for shooting

where the man who carries none finds not a single occasion. It is a part of the weakness of our human nature. The country that has always been prepared for war, or is so strong that it is able to dictate the policies of the world and to have its way on all occasions, becomes first an autocrat and then a tyrant. I leave it to Senators to say whether or not I am correct in my assertion.

Mr. President, this is a matter worthy of our most serious consideration. To-day we have inaugurated another system, that of bringing the militia of the several States into more close union with the Army. Our mighty institutions of learning that are supported by the Government are grinding out year by year their grist of officers to command our Navy and to command our Army and our militia. I know, and every Senator knows, that the tendency of every organ is to perform its functions. That is a matter of natural history. The tendency of an organ of war is war. When you get this great standing army, which will be the mightiest standing army in the world, and when it is commanded by the officers we are graduating day by day, then desire for glory, desire to earn a military reputation, will be a potent factor, and it will require all of the moral energies of the people of this country to keep us out of a war of aggression.

I insist, Mr. President, that it is the duty of the American people, the same as an individual, to place a check upon such an expenditure as well as to use the energies of the nation for its own development. I wish to say to the Senator from Maine, who has charge of this bill, that I have in the past, and I shall in the future, do all in my power to help this country regain the commercial supremacy of the world.

I want to see every dollar's worth of American goods, exports and imports, carried in American bottoms. I want to see our flag flying peacefully in every port and holding its old position in the world. I am desirous of seeing our own country the greatest commercial country. But I am not seeking to make it the greatest military country of the world. I believe we have a great country. I believe that we have a great country; that we have a great people. There have been great countries before; there have been great people before; but neither a great country nor a great people have been able at all times to control themselves and keep on the safe side between national respect and tyranny. I hope that this great nation will. I want to have a great nation, but I care more for a great people.

Mr. President, it is my view that we have gone as far as it is at all necessary in the building up of a great navy. I can not but feel that the idea that we need it for protection scarcely slumbers in the mind of the people of the United States. I can not feel that it is the love of power, pride rather than necessity, which dictates this demand.

It has been asserted by the learned Senator in charge of this bill that the people seem to want it and they are willing to pay for it. I should like to ask the Senator how he got the sentiment of the people upon that subject. It is well known that in prosperous times the great mass of people will pay little attention to expenditures. We have had a prosperity in the last ten years that has been unknown in the history of the world, and the people are satisfied. But reverse the conditions so that they feel the pinch of these extraordinary appropriations upon a single subject and then you would hear from the people, and I do not believe that they would speak in favor of this extravagance. Let us put a lower tax on the things the people buy. If you place a greater internal-revenue tax upon the several articles, so that they will know that the dimes, the dollars, and hundreds of dollars go into this great fund, I believe you would fund a repulsion against it that would signify to the Senate that the people themselves, when they are brought face to face with the condition that we are to have a navy at an expenditure of $200,000,000 a year, would certainly be against it.

I am in favor, Mr. President, of such a navy as the country demands and of such an army as the country demands. I am in favor of staying by the old policies of the Government, and I do feel that we are going in the line of extreme extravagance in voting this mighty bill for battle ships that, to say the least, are more dangerous to those inside of them than to those outside of them—great iron tubs, precarious, that will sink at the least collision with any other battle ship, many of them going down to the bottom in a mere matter of maneuvering. It is pride and not necessity that demands it.

Mr. SCOTT. Will the Senator from North Dakota allow me?

Mr. McCUMBER. With pleasure.

Mr. SCOTT. Did the Senator from North Dakota on that memorable May morning, when he read the morning newspaper after the encounter by Dewey with the Spanish navy, feel that we had too great a navy, or that we ought to be ashamed of having any of these battle ships that were more dangerous to those inside than those without, or did he feel proud of his Navy and proud of the people who commanded the ships, proud of the American sailors and the American marines and the American officers?

Mr. McCUMBER. And because I am proud of the American soldier, proud of the American officer, proud of the American Navy, should that influence me in imposing a burden upon the people for that which we do not need?

Mr. BLACKBURN. Will the Senator from North Dakota permit me simply to make a suggestion just there in the nature of a response to the question of the Senator from West Virginia?

Mr. McCUMBER. With pleasure.

Mr. BLACKBURN. It is to this effect: In the battle of Manila Bay Admiral Dewey did not happen to have a battle ship under his command.

Mr. SCOTT. I am well aware of that fact.

Mr. PERKINS. Mr. President, I should like to ask my friend from North Dakota a question.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from California?

Mr. McCUMBER. I had practically concluded, but I will yield.

Mr. PERKINS. I wish to obtain some information, if my friend please. What battle ship has collided and sunk that belongs to this Government except the *Maine*, which was blown up in the harbor of Habana?

Mr. SCOTT. Will the Senator from North Dakota allow me to ask the Senator from Kentucky just one question?

Mr. McCUMBER. With pleasure.

Mr. SCOTT. Does the Senator from Kentucky suppose that Dewey would have lost the battle of Manila Bay if he had had a battle ship there?

Mr. BLACKBURN. That is a question so improbable, if not impossible, that it hardly admits of an answer. I know that he did not need any battle ships; that the result shows conclusively; and for one I am glad he did not have them.

Mr. McCUMBER. We have had, Mr. President, answering the Senator from California [Mr. PERKINS], several explosions in our battle ships in times of peace that would have disabled them had they been in war. Britain but a few years ago had one of its greatest and finest battle ships go down to the bottom in the mere matter of maneuvering and by a mere touch of another great vessel.

I wish to say again I am in favor of reasonable expenditures for battle ships and for a navy, but what I insist upon is that we should first appropriate for what we do need, and absolutely need, throughout the country. Then, if we have got any money that we do not need, I shall not seriously object to our building a few more battle ships than are absolutely necessary.

Mr. BLACKBURN. I would inquire, Mr. President, as to what is the question pending before the Senate?

The PRESIDING OFFICER. The question is on the amendment of the committee on page 69, the proviso in regard to the limit of cost. The Secretary will read it.

The SECRETARY. On page 69, after line 6, insert the following proviso:

Provided, That the limit of cost, exclusive of armor and armament, of each of the colliers and scout cruisers authorized by the act making appropriations for the naval service, approved April 27, 1904, be $1,450,000 and $2,000,000, respectively.

Mr. BLACKBURN. Mr. President——

Mr. CARMACK. Will the Senator yield to me to offer an amendment of which I gave notice on Saturday?

Mr. BLACKBURN. With pleasure.

Mr. CARMACK. I offer the following amendment on page 67.

The PRESIDING OFFICER. The Chair understood that the committee amendments would be first considered. The committee amendments have not yet been completed.

Mr. CARMACK. My amendment is not, then, in order at this time?

The PRESIDING OFFICER. Not at the present moment.

Mr. HALE. Let us have that discussion. The discussion is really upon the subject involved in the amendment of the Senator from Tennessee. Now, let us have the formal amendments out of the way, and then the Senator can offer his amendment. Let us first have a vote on the amendment of the committee. Then the Senator from Tennessee can get in his amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. BLACKBURN. My purpose was to offer at the proper time the amendment that I apprehend the Senator from Tennessee [Mr. CARMACK] had given notice of and is now sending to the desk, if that be the amendment, which proposes to strike

out of the bill the clause that provides for the construction of two battle ships.

Mr. HALE. Does the Senator object to a vote being taken upon the formal amendment as to increasing the limit and then let the other amendment come up?

Mr. BLACKBURN. The amendment relating to scout cruisers and colliers?

Mr. HALE. Yes.

Mr. BLACKBURN. No; I do not.

Mr. HALE. Then let us have a vote upon it.

Mr. BLACKBURN. I believe that we are all agreed as to the propriety of that amendment.

Mr. HALE. Let us have a vote upon it, then, and get it out of the way.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). Will the Senate agree to the amendment on page 69, inserting the proviso in lines 7 to 12, in the following words:

Provided, That the limit of cost, exclusive of armor and armament, of each of the colliers and scout cruisers authorized by the act making appropriations for the naval service, approved April 27, 1904, be $1,450,000, and $2,000,000, respectively.

The amendment was agreed to.

Mr. BLACKBURN. Does that exhaust the committee amendments?

Mr. HALE. There is one further along in the bill, but that exhausts the committee amendments up to that point. There is another further along on the bill which will be read last, but I do not ask that that be taken up now. We have reached the portion of the bill that touches the construction of the battle ships, and I will be glad, in order to test that matter with the Senate, that either the Senator from Tennessee or the Senator from Kentucky shall submit the amendment now, because the discussion will range about that amendment.

Mr. BLACKBURN. Then I will ask that the amendment offered by the Senator from Tennessee be read.

Mr. HALE. That is right.

The PRESIDING OFFICER. The Senator from Tennessee presents an amendment, which will be read for the information of the Senate.

Mr. CARMACK. On page 67, line 21, I move to strike out "Two" and insert "One," and to make the rest of the paragraph conform.

The SECRETARY. On page 67, line 21, strike out "Two," the first word in the line, and insert "One;" and in the same line, strike out "ships" and insert the word "ship;" so that, if amended, it will read:

One first-class battle ship, carrying the heaviest armor, etc.

Mr. BLACKBURN. Mr. President, it is to that amendment offered by the Senator from Tennessee that I will address myself.

The PRESIDING OFFICER. The Senator from Kentucky will pardon the Chair a moment. The Chair did not understand the Senator from Tennessee to offer an amendment at this time. He sent the amendment to the desk and asked that it be read for information. Does the Senator from Tennessee offer the amendment now?

Mr. CARMACK. Yes; I offer it now.

Mr. BLACKBURN. And the Senator from Maine, the chairman of the committee in charge of the bill, suggested that this matter, as I understood him, should be debated and settled now.

Mr. HALE. That is the main controversy, and in order to have really something to talk about the Senator can put in his amendment.

The PRESIDING OFFICER. The Chair understands the Senator from Tennessee to offer this amendment. The amendment is now before the Senate and the Chair recognizes the Senator from Kentucky.

Mr. BLACKBURN. It is to that amendment, Mr. President, that I wish to address myself, not in any elaborate discussion of this bill, but for a few moments only, in order that I may submit for the consideration of the Senate some facts and some figures that it seems to me proper that it should take cognizance of.

I know, Mr. President, that in speaking of the amendment offered by the Senator from Tennessee there is but little prospect of persuading the Senate to adopt it. To be entirely candid, sir, I am not encouraged even by a faint glimmer of a hope that we will be able to eliminate from the bill the section which provides for a further increase of the battle ships of our Navy.

It is not necessary, Mr. President, for me to protest my friendship for the naval establishment of this country. For nearly twenty years I have been a member of the Senate Committee on Naval Affairs. There is not a member of that committee, from its honored chairman who sits before me [Mr. HALE], and has been upon that committee even longer than I—there is not a member of that committee that I can not confidently and safely summon as a witness by whom to prove that during all these years my record shows that I have been with the most liberal in voting for the increase, the upbuilding, the expansion, and the maintenance of the naval arm of the service. I believe I might say without fear of contradiction that this is the first time that I have either by the raising of my voice or by the giving of a vote sought to stop the most liberal appropriations that were ever proposed in the interest of this arm of the service. But we had as well look the facts in the face, Mr. President. If we are to go on adding unprecedentedly, as we have recently been doing, to the battle-ship feature of the American Navy, it must be because there is some reason, and some good reason, for us to do it.

I am not going to cavil or quarrel about the proposed increase in the strength of the Navy proper or in the Marine Corps. Upon the contrary, I yield that feature in this bill as not only defensible, but as absolutely necessary. It is true the provisions of this bill will raise the Navy to 46,000; it is equally true that twelve years ago the Navy of our country consisted of 8,250 all told—landsmen, seamen, and all. This is an unprecedented increase in the naval force. This bill proposes to increase the Navy proper 3,000 men and the Marine Corps, which is an adjunct of the Navy, 1,200 men, making 4,200, which, added to the present strength of the Navy, will make it reach 46,000 men. I am not complaining of that, nor am I entering even an objection to the inevitable, which is the further increase of the Navy to 61,000, for it must go there. Whether you strike out the battle ships from this bill or no, whether you authorize by this bill the construction of an armored cruiser, or a protected cruiser, or a torpedo-boat destroyer, or any other sort of fighting ship to be floated on the water, still your Navy must go to 61,000 if you are ever to furnish the complement of officers and the crews to the ships already authorized and in process of construction.

Nor is that all. If this bill passes without abridgment, if this bill shall become a law without any reduction of the number of ships provided within its limits, your Navy must then go to 80,000 men, according to the best authority that the naval chairman furnishes us. I am speaking now upon the authority of Admiral Converse, the efficient head of the Bureau of Navigation. If you do not provide for the building of another ship of any description, your Navy must go to 61,000 men in order to man the ships that are already authorized and in process of construction. If you pass this bill without any impairment of its provisions, then your Navy must go to 80,000 men if this should be the last ship that was ever to be authorized by an American Congress.

In short, Mr. President, we have reached the point where, with the passage of this bill, it is more than a conservative statement for me to say that, if we should never pass another bill providing for the construction of another battle ship, nor another cruiser, nor another torpedo boat, nor a destroyer, still, when you have built all the ships you have already authorized, when you have built all the ships provided for in this measure, then there must be, at a conservative estimate, an appropriation of $100,000,000 a year to maintain the Navy if you never increase it by another dollar.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. BLACKBURN. With pleasure.

Mr. DIETRICH. I wish to ask the Senator from Kentucky whether he does not know that we are having great difficulty in securing men to man our ships which are already constructed, and whether it is not probable that we shall have more difficulty in securing men and officers for that purpose in the future?

Mr. BLACKBURN. I have no right, Mr. President, to speak for the Department in answer to the Senator's question, but my information is that which I presume every Senator in this Chamber has—and the question of the Senator from Nebraska is evidently predicated upon that information, which I apprehend he, too, possesses—and it is, as everybody knows, we are short of officers and that we are having more difficulty to-day to secure men as well as officers for the Navy than we have ever before known in the history of this country. There is not a session of Congress—and I mean to include the present—that the chairman of the Committee on Naval Affairs is not importuned and that the Committee on Naval Affairs is not importuned from the Department, from the Secretary down, for more liberal legislation to make easier the process of securing both the complement of officers and of men necessary to command and man these ships.

Mr. President, as I was saying, if there be a necessity for going further with the battle ships than we have already gone, I

am the last man who would raise his voice or interpose a vote against it. But let us look at the situation and see if there be such necessity. The Senator from California [Mr. PERKINS] probably, or the Senator from West Virginia [Mr. SCOTT], raised the question just now as to the efficiency and the value of the battle ship as a fighting machine. I am not here to arraign the battle ship or to declare it a failure, but I am here to assert, and to maintain the assertion, that the value of the battle ship as an equation in naval warfare has never yet passed beyond the realm of experiment. I deny that the experience of the world has demonstrated the efficiency of the battle ship over other fighting machines of the Navy. I insist, and the record will support me, that the world never saw a battle ship in action until the fight occurred in our late Spanish war at Santiago Harbor. There, when the *Oregon* received her baptism of fire, was the first time in the world's history when a battle ship had ever been in action. Surely the naval skirmish that occurred at Santiago Harbor did not suffice to establish the fighting qualities of the battle ship. Then you have never had another chance to test it until in the present pending war in the Orient between Russia and Japan. If the battle ship has been established permanently in the judgment of the world as a valuable adjunct to naval warfare, it must have been demonstrated in the present war between Russia and Japan. Now answer and tell me, is that true? Will any advocate of the battle ship claim that the experience between Japan and Russia has proven the value of that method of naval warfare?

The record shows that Japan has but four battle ships, and that she never did have but four. When Russia went into that war, instead of four battle ships, she had fourteen to Japan's four. Where are they now? Were any of them destroyed, sunk, blown up, or even listed as the result of shots received from a Japanese battle ship? Not one. Of all the destruction of Russia's great naval engines of warfare not one has gone down, not one has been exploded, not one has been listed or crippled by reason of the work performed by a battle ship upon the part of the Japanese. Mines have blown them up; others have been surrendered and disarmed and dismantled; others have gone into foreign ports, from which they dared not seek an exit; but up to the present speaking I declare that the record shows that we never had a battle ship destroyed by a battle ship, and Russia has never had a battle ship destroyed by one of the Japanese navy.

Now, I insist, Mr. President, that if this be true—and I apprehend that no Senator will deny it—it is not quite safe for us to assume that the battle ship has taken its place among the demonstrated effective agencies of naval warfare. But suppose that it has—I yield everything contended for by the supporters of this clause of the bill—admit that the battle ship has been demonstrated to your satisfaction and to mine and to the satisfaction of everybody that it is par excellence, beyond comparison, the most effective method of naval warfare known among men—admit all of that; query, is there any necessity for us to provide for the construction of more?

Why, Mr. President, we have twelve battle ships to-day, and we have to-day under authority for building and in process of construction fourteen more battle ships. Additional to the twelve we have got—we have got twelve in commission now—we have got fourteen on the stocks under authority for building by Congressional action already given. What is this for? Has any nation of the earth ever increased her naval armament as rapidly as we? Twelve years ago your Navy consisted of 8,250 men, all told, including landsmen and everybody else. To-day, by the provisions of this bill, it consists of 46,000 men. When you have finished the ships you have already ordered to be built it will not be short of 61,000 men, and if you pass this bill and build the ships that it provides for your Navy grows in its personnel to a roster of 80,000 men—bigger than your standing Army to-day.

Why, Mr. President, from the 1st of December, 1903—I am not dealing in ancient history; the statute of limitations does not run against what I am now submitting for the consideration of the Senate; I am taking the last year, from the 1st day of December, 1903, up to the 30th day of November, 1904; that is, last November—we have launched six battle ships, two armored cruisers, and two protected cruisers, besides all other fighting ships. In less than twelve months, ending with December last, the United States has launched six battle ships, two armored cruisers, two protected cruisers—more naval fighting machines than any nation on this earth has ever launched within a single year. How does that look?

I submit, in common fairness, is there an advocate of a great navy run mad who will not be content with that showing upon the part of the United States? Neither France, nor Germany, Russia, nor Italy, England, nor any other power upon this earth ever did launch in twelve months' time as many battle ships and as much of fighting material in the navy as the United States launched between December, 1903, and December, 1904.

Let me go further. Why do you want to build more battle ships? We were told ten years ago that this Government ought to increase the fighting power of its Navy and continue to increase it until we ranked among the first half dozen naval powers of the world. I agreed to that, and I lived up to it by my service in this Senate and upon its Committee on Naval Affairs. What have we done within the last ten years? In point of naval armament, in weight of metal, in number of ships, in classification of ships, we have within the last ten years caught up with Italy and passed her. Was that enough to satisfy us? No, sir. We went on until we caught up with Russia and passed her, and showed a larger, a heavier metaled, a more effective, and a stronger navy than the Russian bear. Did that satisfy us? No, sir. We went on until we caught up with Germany and passed her, leaving no power on earth but England and France in front of us. Was that enough? No, sir. Still the demand went up for a stronger navy; we yielded to that demand, and we have given it to you, and I undertake to assert here and now, measuring the value of every word as I utter it, measured by the fairest rule that can be applied, we stand to-day with a bigger and stronger and more powerful and effective navy than the Republic of France; and England alone of the powers of the earth outranks us as a fighting power upon the seas to-day.

I know that technically that statement might be challenged, but I am prepared here to defend it and to make it good. You must remember, Mr. President, that the life of a battle ship is estimated at from fifteen to twenty years. There is not a battle ship upon the roster of our Navy that has reached the age limit. The *Texas* is about 10 years old, if my memory serves me correctly. The dead timber in the navies of the world must be subtracted. When a battle ship has passed that age limit it is considered practically obsolete; at least it is not fit for offensive operations.

Mr. HEYBURN. Will the Senator from Kentucky yield to me while I ask that the unfinished business be laid before the Senate, the hour of 2 o'clock having arrived?

Mr. BLACKBURN. Certainly.

The PRESIDING OFFICER (Mr. MILLARD in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

Mr. HEYBURN. I ask unanimous consent that the unfinished business be temporarily laid aside in order that the Senator from Kentucky [Mr. BLACKBURN] may proceed with his remarks.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside that the pending bill may be proceeded with. Is there objection? The Chair hears none, and it is so ordered.

Mr. BLACKBURN. Now, Mr. President, let us see. France, it is true, has to-day upon the sea a heavier armanent than we have, but I am speaking of the relative strength of the two navies. Even if this bill should never become a law, when the ships already ordered and in process of construction shall have been completed, then you will find that England is the only power among the civilized nations of the earth that outranks in number of ships, in weight of metal, in efficiency or strength the naval armament of this country of our own. You have caught up with and even passed Italy; you have passed Germany; you have distanced Russia. It was not needed for the Japanese navy to destroy the Russian squadron, for even if the ships of that squadron were floating upon the seas to-day Russia would be your inferior as a naval power. Now you have outstripped France. Japan had 4 battle ships and 8 armored cruisers. England to-day has 51 battle ships and 29 armored cruisers; France has 19 battle ships and 18 cruisers; Germany has 16 battle ships and 4 cruisers; whilst the United States has 12 battle ships in commission and 14 on the stocks, making 26 battle ships, together with 2 armored cruisers in commission, 8 protected cruisers already afloat, and 44 other ships of war to-day authorized and in process of building. So that, when you make the deduction for the obsolete ships which have passed the age limit, which can only be used for defensive purposes like coast-defense vessels, like the old freeboard, double-turreted monitors, which are valueless for offensive operations, we stand the second naval power on this earth, with every battle ship and cruiser afloat of the most recent,

modern type; none of them old enough to be ancient; each and all of them up to date, with every advantage that science and progress have been able to develop.

I ask my friends who favor the retention of this clause in this bill to answer the question with which we started out—what for? You are now concededly the second naval power upon the earth. Do you want to be the first? If so, go on increasing your Navy until you shall have overtaken and outstripped Great Britain. Is it necessary, Mr. President, I ask, in common fairness; is there a Senator here who will contend that it is necessary, advisable, prudent, or wise for us to undertake to build a navy greater and heavier and more formidable than that of Great Britain?

Until within the last few years, when, by a process which I do not choose to stop now to discuss, we came into possession of the island of Porto Rico, the Hawaiian group, and the Philippine Archipelago what need had we for the second greatest navy upon the earth?

Now, Mr. President, if our possession of these colonial territories or islands has made it necessary to increase our Navy, I submit that we have done it amply, and that we have gone beyond any reasonable demand that could have been made upon us in that direction when we stand, as we do this day, the second greatest naval war power upon this earth.

Is there an American citizen, either in the State or outside of it, who would commit this Government to the policy of the construction of a navy that would outweigh the navy of Great Britain? Have we any need for such a naval armament? Mr. President, there is not a continent on this earth upon which Great Britain does not hold imperial possessions. She has her own sea-girdled isles upon the continent of Europe; she has here upon the American continent her Canadian possessions, larger in territorial measurement than all the forty-five States of this Union, with the Territories added; she has her vast and measureless empire of India upon the continent of Asia, and, in addition to her former holdings, she has recently added, by a war indefensible and aggressive, the two republics of South Africa upon that dark continent. When you come to the fifth continent of the world, Australia, England owns it all. That great continent is itself but one of her colonial holdings. England may need fifty-one battle ships; but in proportion to the obligations that rest upon her in proportion to the coast line that she must defend and guard, the fifty-one battle ships in the English navy are more than offset by the half dozen battle ships in the United States Navy. Now, sir, I submit in common fairness, is it not time to call a halt?

Should any Senator ask me whether I think we have gone too far in the building up of the Navy, I answer and say no. I have been a part and parcel of its construction. I have by voice and vote aided in every appropriation that has been made for its expansion to its present limits, and I apologize for nothing on that score. But I say to my fellow-Senators we have reached a point where it will require a hundred millions of money every year to maintain the Navy on its present authorized basis if you never vote a dollar for the building of another ship. Is not a hundred millions of money a year enough for the maintenance of your Navy? Is there a man here who will claim that it is fair to the diversified interests of the people of this country to make the drain for the maintenance of the Navy beyond a hundred million dollars annually?

Mr. President, it has been declared, and it will not be denied, that to-day the United States is appropriating more money year by year, every year—last year and this year—for the support and maintenance of our Army and our Navy and our pension list than any nation beneath God's rolling sun spends for similar purposes. There is not a nation in Europe, with its half million or more of a standing army, that is paying as much money from its treasury to-day as the United States Government is paying for these three items. Is not that enough? Must we needs go further?

Go on and order these two additional battle ships if you please, and how will it change our status relative to any other nation on earth? Not in the slightest. It will not make you superior to Great Britain, and you are already, without these ships, the superior naval power to every other nation of the earth. It will not raise you relatively in the scale of nations. It will not add to you nor to your power either for aggression or defense one whit of security that you do not already have against war with foreign powers. Who is seeking a war with this country? There is not a nation of Europe that is not our inferior in point of naval armament. Tell me, please, sir, will any European nation whose navy is weaker than our own undertake to cross the continent and cross the Atlantic and attack us here in our lair at home? Will Great Britain dare to do it? There never was a time when there was the slightest danger of a collision with Great Britain. Great Britain can not help it. She has delivered into our hands, and we hold to-day, a hostage for her good behavior. Her Canadian possessions upon our northern borders constitute that hostage. In case of war with Great Britain we need never move an inch to meet her upon battlefield. All we need to do is to take possession of Canada—bigger in square miles than the forty-five States in this Union.

Neither Germany nor France nor Russia nor Italy nor Austria-Hungary nor any other foreign power can start across the Atlantic Ocean with a navy equal to what she will meet here upon the coast line of our country.

Mr. President, I am not a declaimer against war. I am not a member of the universal peace society. I believe that times have been, I believe that times will come again, when a nation ought to go to war. I believe that every nation ought always to be prepared to protect her rights, the integrity of her territory, and to maintain her honor and her flag wherever civilization reaches. I know how much harder it is to improvise a navy than to build up an army, and it is for that reason that for nearly twenty years I have stood here as a member of your Committee on Naval Affairs voting with the most liberal to build up the Navy to the point of decency and respectability, which it has now reached. But, sir, I protest against going further. If there is need for these two battle ships, why not need for twenty battle ships; for that number would not give you rank over Great Britain, and this number, small as it is, is not needed to enable you to rank every other naval power on the earth.

Mr. President, I echo the sentiment I heard from the Senator from North Dakota [Mr. MCCUMBER]. I want to see my country grow great and powerful—not by means of aggression; I want the influence of this great Government extended—not by the force of arms; I want her territory expanded, not by conquest, but by peaceful methods. I have always believed and do still believe that the greatest and grandest mission vouchsafed to any nation was intended for us; that it was not that we should go about browbeating and bullying weaker nations, even when republics. I have always believed that the mission of the United States was to uplift, to liberalize and republicanize every power upon the North and South American continents. Until the late trouble with Spain came up we were making satisfactory progress in that direction. How many monarchies had we seen crumble to the earth and republics take their place among the powers to the south of us? Even in the greatest empire of South America, under the control and government of the wisest and most beneficent of all its imperial rulers, the crown of Dom Pedro toppled to the earth, his scepter crumbled. A monarchy died in order that a republic might survive.

That was my ambition; that was my hope; that was my plan—that in the tide of time this great country and Government of ours would have accomplished its grand mission and lifted from the ruts and gutters of imperial and autocratic power every government from the north to the south and made a republic where tyranny and autocracy before had held sway.

Mr. President, I will never by my act intentionally or knowingly cripple by one atom the defensive power of this country of ours, but I beg Senators to remember that it is a dangerous path that leads to war. Peace, we have been told, and I believe, has is victories more valuable and far-reaching and beneficent, more lasting and more enduring, more grand and more glorious than those of war. Our Navy is big enough for any and every purpose. Our country stands in the very front rank of all the naval powers. It does occur to me that we may well afford here and now for a single year to drop this increased appropriation for battle ships. We are told, sir, by those who sit upon the other side of the Chamber and have authority to speak for the financial affairs of the party in power, that we are confronted now by a deficit of twenty-four millions at the end of the coming fiscal year. I suspect that I would be nearer the truth if I were to say that the 30th day of next June will bring us a deficit of forty millions instead of twenty millions.

Mr. President, I have said all I care to say. To sum up in a single sentence, the proposition is whether we will be content to rest for another year without a further increase of battle ships for our Navy. As we have within the last year broken all records of all countries and all governments in the number of battle ships launched, it seems to me we may safely afford to drop this item from the pending bill.

LEWIS AND CLARK CENTENNIAL EXPOSITION.

During Mr. BLACKBURN'S speech,

Mr. FULTON. Mr. President, I ask the Senator to yield to me for a moment.

Mr. BLACKBURN. Mr. President, some time ago the Sen-

ator from Oregon asked me for this courtesy. I now desire to yield to him, but hope that the interruptions will go no further.

Mr. FULTON. I wish to report a concurrent resolution from the Select Committee on Industrial Expositions.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the invitation extended to the Congress of the United States by the Lewis and Clark Centennial Exposition and Oriental Fair to attend the opening ceremonies of said exposition to be held at Portland, Oreg., June 1, 1905, be, and it is hereby, accepted.

That the President pro tempore of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee, to consist of ten Senators and fifteen Representatives of the Fifty-eighth Congress, to attend the formal opening ceremonies referred to and to represent the Congress of the United States on that occasion.

Mr. FULTON. I ask unanimous consent for present consideration of the resolution.

Mr. BLACKBURN. Mr. President, I trust the Senator will not do that.

Mr. FULTON. It will not excite any debate.

Mr. BLACKBURN. I can not answer for that. I did not understand the nature of the Senator's request at the time it was made.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

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, with an amendment, the bill (S. 1635) for the extension of M street east of Bladensburg road, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17743) making appropriations for the support of the Army for the fiscal year ending June 30, 1906.

The message further announced that the House had disagreed to amendments of the Senate to 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; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. ALEXANDER, and Mr. SMITH of Kentucky managers at the conference on the part of the House.

The message also announced that the House had passed, with amendments, the bill (S. 3343) to authorize the Anacostia, Surrattsville, and Brandywine Electric Railway Company to extend its street railway into the District of Columbia, asks a conference with the Senate on the bill and amendments, and had appointed Mr. BABCOCK, Mr. WADSWORTH, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 68. An act granting an increase of pension to Martha M. Bolton;

S. 101. An act granting an increase of pension to James M. Shippen;

S. 107. An act granting an increase of pension to Joel H. Warren;

S. 194. An act granting an increase of pension to Chester M. Dimick;

S. 331. An act granting an increase of pension to Henry E. Jones;

S. 568. An act granting an increase of pension to Lyman H. Lamprey;

S. 899. An act granting an increase of pension to John Moulton;

S. 1299. An act granting a pension to John M. Reimer;

S. 1660. An act granting an increase of pension to John C. Wilkinson;

S. 1690. An act granting an increase of pension to James K. Brooks;

S. 1946. An act granting an increase of pension to Edward J. Palmer;

S. 1990. An act granting an increase of pension to Catherine Howland;

S. 2251. An act granting an increase of pension to Edward W. Bennett;

S. 2304. An act granting an increase of pension to Samuel S. Merrill;

S. 2456. An act granting a pension to William G. Bradley;

S. 2985. An act granting an increase of pension to William Wallace;

S. 3075. An act granting an increase of pension to Emma J. Kanady;

S. 3122. An act granting an increase of pension to Elias Thomas;

S. 3253. An act granting an increase of pension to Gilbert L. Eberhart;

S. 3406. An act granting an increase of pension to Amanda D. Penick;

S. 3442. An act granting an increase of pension to William S. Underdown;

S. 3556. An act granting an increase of pension to Theodore P. Rynder;

S. 3864. An act granting an increase of pension to Dean W. King;

S. 3898. An act granting an increase of pension to Noah C. Standiford;

S. 4551. An act granting an increase of pension to Richard Gable;

S. 4588. An act granting a pension to Hannah B. Nyce;

S. 4638. An act granting an increase of pension to Edwin F. Barrett;

S. 4684. An act granting an increase of pension to Ella M. Ewing;

S. 4918. An act granting an increase of pension to Merida P. Tate;

S. 5118. An act granting an increase of pension to Andrew R. Mack;

S. 5160. An act granting an increase of pension to Harriett P. Gray;

S. 5170. An act granting a pension to Kate M. Smith;

S. 5321. An act granting an increase of pension to William Klengensmith;

S. 5382. An act granting a pension to Sarah A. Morris;

S. 5405. An act granting an increase of pension to John Leary;

S. 5493. An act granting an increase of pension to Charles S. Kerns;

S. 5505. An act granting an increase of pension to William B. Chapman;

S. 5636. An act granting an increase of pension to James Nowell;

S. 5638. An act granting a pension to Susan E. McCarty;

S. 5814. An act granting an increase of pension to Edward D. Hamilton;

S. 5824. An act granting an increase of pension to Benjamin P. Thompson;

S. 5890. An act granting an increase of pension to Andrew Magnuson;

S. 5897. An act granting an increase of pension to Collin A. Wallace;

S. 5907. An act granting an increase of pension to May E. Robinson;

S. 5973. An act granting a pension to Jane N. Clements;

S. 6009. An act granting an increase of pension to James H. Briggs;

S. 6010. An act granting an increase of pension to Justus A. Chafee;

S. 6015. An act granting an increase of pension to Thomas Ritchie;

S. 6045. An act granting an increase of pension to Almon W. Bennett;

S. 6075. An act granting an increase of pension to Samuel M. Jones;

S. 6076. An act granting an increase of pension to James B. Clark;

S. 6096. An act granting an increase of pension to Charles Grass;

S. 6099. An act granting an increase of pension to Dempsey Ferguson;

S. 6185. An act granting an increase of pension to Thomas Read;

S. 6354. An act granting an increase of pension to Pierce McKeogh;

S. 6357. An act granting an increase of pension to Alvan P. Granger;

S. 6374. An act granting an increase of pension to Lewis Secor;

S. 6388. A act granting an increase of pension to George W. Hadlock;

S. 6415. An act granting an increase of pension to Daniel Bolen;

S. 6417. An act granting an increase of pension to Lucy F. Cruttenden;

S. 6418. An act granting an increase of pension to Wallace Goff;
S. 6432. An act granting an increase of pension to James Campbell;
S. 6440. An act granting an increase of pension to John F. Wallace;
S. 6441. An act granting an increase of pension to John Sebry;
S. 6442. An act granting an increase of pension to William Southwick;
S. 6443. An act granting an increase of pension to Terence J. Tully, alias James Fox;
S. 6466. An act granting an increase of pension to John W. Kennedy;
S. 6467. An act granting an increase of pension to Jonathan Story;
S. 6471. An act granting an increase of pension to Francis U. Scott;
S. 6472. An act granting an increase of pension to Samuel Hice;
S. 6484. An act granting an increase of pension to Ellen Scott;
S. 6492. An act granting an increase of pension to Joseph Howe;
S. 6515. An act granting an increase of pension to George Murphy;
S. 6556. An act granting a pension to Amanda B. Mack;
S. 6562. An act granting an increase of pension to George W. Magee;
S. 6571. An act granting an increase of pension to John Von Lear;
S. 6576. An act granting an increase of pension to Carrie M. Cleveland;
S. 6578. An act granting an increase of pension to Josiah Pearson;
S. 6579. An act granting an increase of pension to James W. Foley;
S. 6580. An act granting an increase of pension to Melissa E. Nelson;
S. 6661. An act granting an increase of pension to Edwin R. Kennedy;
S. 6675. An act granting an increase of pension to Halsey S. Curry;
S. 6676. An act granting an increase of pension to Albert S. Hopson;
S. 6681. An act granting an increase of pension to John L. Kiser;
S. 6698. An act granting an increase of pension to Charlotte Johnson;
S. 6701. An act granting a pension to Charles B. Spencer;
S. 6706. An act granting an increase of pension to Jacob Ormerod;
S. 6727. An act granting an increase of pension to Simeon Perry;
S. 6743. An act granting a pension to Joseph A. Aldrich;
S. 6749. An act granting an increase of pension to Alfred Diehl;
S. 6762. An act granting an increase of pension to David Wertz;
S. 6804. An act granting an increase of pension to Mary C. Leefe;
S. 6847. An act granting an increase of pension to Thomas Dunn;
S. 6859. An act granting an increase of pension to Lizzie D. Wise;
S. 6896. An act granting an increase of pension to William Gleason;
S. 6897. An act granting an increase of pension to James Flanagan;
S. 6898. An act granting an increase of pension to Joseph Wood, alias Joseph Rule;
S. 6901. An act granting an increase of pension to Allen Thompson;
S. 6921. An act granting an increase of pension to George W. Call;
S. 6922. An act granting a pension to Sarah Ferry;
S. 6924. An act granting an increase of pension to Richard H. McIntire;
S. 6925. An act granting an increase of pension to Laura C. Curtis;
S. 6930. An act granting an increase of pension to Helen S. Wright;
S. 6938. An act granting an increase of pension to Patrick W. Kennedy;
S. 6939. An act granting an increase of pension to John Coburn;
S. 6940. An act granting an increase of pension to George W. Enyart;
S. 6943. An act granting an increase of pension to Francis W. Little;
S. 6946. An act granting an increase of pension to Judson L. Mann;
S. 6948. An act granting an increase of pension to Bradford Burnham;
S. 6966. An act granting an increase of pension to Peter A. Purdy;
S. 6989. An act granting an increase of pension to Jacob O. Stout;
S. 6993. An act granting an increase of pension to Helen B. Messenger;
S. 7019. An act granting an increase of pension to Annie T. Seaman;
S. 7021. An act granting an increase of pension to Catharine R. Reynolds;
S. 7056. An act granting an increase of pension to Martha Haddock;
S. 7064. An act granting an increase of pension to Esther S. Damon;
S. 7065. An act to amend section 5146 of the Revised Statutes of the United States in relation to the qualifications of directors of national banking associations;
S. 7066. An act granting an increase of pension to Edmund W. Eakin;
S. 7076. An act granting a pension to Susan Hayman;
S. 7093. An act granting an increase of pension to William Dawson;
S. 7095. An act granting an increase of pension to Lewis M. Duff;
S. 7096. An act granting an increase of pension to Amanda N. Burrows;
S. 7124. An act granting an increase of pension to Harris Howard;
S. 7125. An act granting an increase of pension to Lorenzo D. Cousins;
S. 7194. An act granting an increase of pension to John Welch;
S. 7206. An act granting a pension to John Hollis;
S. 7210. An act granting an increase of pension to Charles M. Suter;
S. 7227. An act granting an increase of pension to Josephine E. Bard; and
H. R. 17117. An act granting an increase of pension to George H. Brusstar.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the 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, the pending question being on the amendment proposed by Mr. CARMACK.

Mr. CARMACK. Mr. President, our naval appropriations have reached such a point as to challenge attention and to demand some more rational and satisfying explanation than has yet been made. So long as we were appropriating from the surplus of a redundant revenue and the question was not how to make both ends meet, how to "shovel out" the said surplus, the conditions were not so acute as to emphasize the protest which some of us feel called upon to make. But in the presence of an inevitable and admitted deficiency, with the necessity upon us of meeting increased expenditures by increased taxation, or by an increase of the public debt, with great enterprises languishing and neglected for need of Government support, it seems to me we have a right to demand of the authors of this bill that they give us some reason for this enormous military expenditure in time of peace.

I know, Mr. President, that any man who counsels moderation in these matters is promptly classed as an enemy of the Navy.

But I do not counsel moderation. I do not ask the Government to keep within the bounds of wise and economical expenditure. I do not ask that we shall confine ourselves within the limits dictated by reason and common sense. I simply ask that we shall put some limit to wild and reckless extravagance.

The Senator from Maine [Mr. HALE], the honored chairman of the Naval Affairs Committee, asserted at the last session of Congress, and demonstrated the fact to be, that at that time the strength of our Navy was equal to that of the navy of France and greater than that of any other country in the world, Great Britain alone excepted. With the completion of the battle

ships now authorized and under construction, there can be no doubt of the fact that we shall have the second strongest navy in all the world. And without the construction of a single other battle ship, we will have imposed upon the Treasury a permanent charge of $100,000,000 per annum.

Mr. President, in the last four years we have expended upon our Navy in time of profound peace a larger sum than was expended for the same purpose during the four years of the war of secession. There was not a single year in that great conflict, when the fight was being made for the preservation of the Union, when the Navy was engaged in actual warfare, when it was protecting commerce upon the sea, when it was sealing up the forts and harbors of the Confederacy with a complete and perfect blockade and penetrating far inland through its navigable rivers, fighting battles all the time—there was not a year, I say, in that great conflict when we expended more money upon the Navy than we will have to expend every year after the passage of this bill. We are spending more money for mere vanity and display than we spent to save the Union.

Mr. President, we are spending now four times as much money upon the Navy as we expended during the four years of Mr. Cleveland's last Administration, and no man then was seized with a shaking in the knees because of the defenseless position of the country. No man was filled with dread lest some foreign power like England or Russia or Santo Domingo or Panama would take advantage of our helpless condition, descend upon our coasts and destroy this country from the face of the earth.

Strange as it may seem, Mr. President, it was only after we had startled the whole world with an object lesson of our strength and power that we became subject to these spasms of terror, this dread of destruction at the hands of some foreign enemy, and instead of diminishing it seems to have grown with the growth of our Navy. Every time we build a new battle ship we have a new spasm of terror, and every time we have a new spasm it calls for more battle ships.

Mr. President, money must be had to carry out this great naval programme, and to counterbalance the extraordinary expenditures demanded we must squeeze and stint and starve our expenditures for necessary and economical purposes of government. I beg leave to call the attention of the Senate to an extract from a speech which I had the honor to make six years ago in the House of Representatives when this nation was first entering upon a policy necessitating these great military preparations and expenditures.

> The people will begin to groan beneath the burden of taxes you have laid upon them and the cry will go up for retrenchment and reform in public expenditures. And when this necessity is upon you, where will you begin to retrench? In the presence of the dangers you have created and from which you can not escape, you dare not cut down your estimates for battle ships or your army appropriations. On the contrary, every fresh rumor of war, every new complication abroad, will call for increased military preparation and new military taxes. We must stint our expenditures for the peaceful purposes of government. We must cut down our appropriations for rivers and harbors, and other improvements for developing our internal commerce and adding to the wealth and prosperity of the people, in order that we may have the greatest navy in the world to protect the most worthless possessions that ever rotted beneath the sun.

Mr. President, if my reputation as a prophet depended upon the fulfillment of that prediction it would be secure. For the last three years we have had no river and harbor bill. For the last three years the improvement of our rivers and harbors has been sacrificed to this idol of a great navy. The objection has been met everywhere that we can not spend the money to improve the rivers and harbors of the country because we have to spend it to build battle ships.

The same has been true of your public building bills. It is not yet certain that we will have any river and harbor bill at the present session of Congress, and if we have it will be pared to the quick. Greatly needed improvements that would add vastly to the prosperity of the country must be sacrificed. Work upon which great progress has already been made must be postponed or abandoned, and the vast sums of money already expended made of no avail. The fiat has gone forth that we are to have no public building bill at the present session, and everywhere when we seek appropriations and legislation for the benefit of the people we meet in this way this obstacle of a great navy.

My friend, the Senator from South Carolina [Mr. LATIMER], and a colleague of mine in the House have been pressing a bill, known as the good roads bill, a measure which they believe would vastly increase the commerce and the wealth of the country. I do not say that I am ready to vote for expenditures from the Federal Treasury for that purpose, but I do say that the only effective obstacle to the passage of that bill by this Congress is the fact that we have not the money to spare, and we have not the money to spare because you are spending it upon battle ships which you do not need.

My colleague and I, the two Senators from Kentucky, and others have been laboring in vain to secure some legislation to bring relief to the oppressed tobacco growers of our section, and we are again met with the objection that while our measure is a worthy one, the Government can not spare the little paltry revenue involved, and it can not spare it, Mr. President, because it needs it for carrying out this great naval programme.

Mr. LATIMER. Mr. President——

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

Mr. CARMACK. With pleasure.

Mr. LATIMER. I wish to reenforce what the Senator from Tennessee has just said in regard to the appropriations of money for the improvement of public roads.

I have come in contact with quite a number of Senators, and it is reported that probably two-thirds of the members of the other body would like to vote for an appropriation to aid the people in building better public highways, but we are met on every turn with that statement "we have no money in the Treasury to undertake this gigantic scheme." But a hundred million dollars can be voted away for the Navy.

I wanted to make the statement in connection with the statement the Senator from Tennessee has just made.

Mr. CARMACK. I thank the Senator from South Carolina.

Mr. President, how many miles of levee might be built, how many rivers might be dredged, how many locks and dams might be constructed, how many harbors might be deepened and improved with one-half the money you are expending in your appropriations for the building of the greatest Navy in the world?

I desire to say, Mr. President, that in my opinion no money expended by this Government is more economically or fruitfully expended than that which is spent for the improvement of the rivers and harbors of the country. Every dollar that is thus expended yields tenfold in the increase of the commerce and the wealth and the power of the country—its power for peace and its power for war.

Every Senator here recognizes the need of the erection of new public buildings all over the country. There are cases that have come within my knowledge where public buildings in important towns have been condemned by Government commissions as utterly inadequate and disgracefully unfit, and yet you can not get a dollar for such a purpose from this Government.

In front of this building stands the great Congressional Library, said to be the finest library building in the world. The cost of that building, which will stand for a thousand years, was less than the cost of one great battle ship, which in a few years will be a mass of old junk, and may be out of date in one.

I have seen the statement made that in the last three years the Government has expended more money upon its Navy than it has spent in the construction of Federal buildings, including all the public buildings in the District of Columbia, from the foundation of the Government to the present hour.

The money appropriated in this bill would construct a public building costing $50,000 in every town and city of 2,500 inhabitants and over. One-fifth of the amount appropriated in this bill would construct a public building costing $50,000 in every town of 10,000 inhabitants and over.

Mr. President, we are sacrificing economical and productive for wasteful and destructive expenditures. Even from a military standpoint I say it is wasteful and ridiculous excess. We are told that in time of peace we must prepare for war. I thoroughly agree with that maxim, but how shall we prepare for war? Money is the sinews of war. Economic exhaustion to-day is the most dreaded penalty of armed conflict between nations. That nation is always the best prepared for war which has husbanded its resources, which is economically strong, which has concentrated its energies upon the production of wealth. That nation is least prepared for war, no matter how great may be its army or its navy, which has exhausted its resources in military preparation and finds itself suddenly summoned to battle when fainting beneath the weight of its armor.

The Senator from California spoke about our Navy being a bond for peace, and our Secretary of the Navy says it is a cheap insurance against war. Mr. President, great military preparation involves the cost and economic waste of war even in time of peace. Every dollar that is expended upon a battle ship is a dollar that otherwise would have been devoted to productive enterprise, and would have gone to increasing the wealth and the power of the country.

They tell us that if we do not have a great Navy we are inviting war. Mr. President, why is it that throughout all these years no envious and malignant power has seen fit to accept this enticing invitation? Why is it that when we had but a small Navy no European power took advantage of our alleged help-

lessness to crush and destroy us from the face of the earth? It is because no nation will commit the folly of measuring our power for war by the number of men under arms or of battle ships ready for sea. It knows that it must reckon with the great reserve power which waits behind the Army and the Navy, with the immense resources that would still remain immense after the greatest enemy that could come against us had been crushed by the magnitude of its own preparations.

Mr. President, Great Britain to-day is filled with murmuring and discontent because of the burdens entailed by her conquest of a little republic in South Africa, and even before that war Mr. Chamberlain declared that the people were growing weary of building more and more battle ships and equipping more and more battalions. For fifty years Great Britain had not been compelled to meet any great rival power in war, and yet Mr. Chamberlain tells us that in time of peace the people were groaning and in distress under the burden of the great armament they were compelled to bear.

Mr. President, I wish to read a brief extract from the rescript of the Czar at the time of the convoking of The Hague conference:

> The intellectual and physical strength of the nations, labor and capital, are for the major part diverted from their natural application, and unproductively consumed. Hundreds of millions are devoted to acquiring terrible engines of destruction which, though to-day regarded as the last word of science, are destined to-morrow to lose all value in consequence of some fresh discovery in the same field.
>
> National culture, economic progress, and the production of wealth are either paralyzed or checked in their development. Moreover, in proportion as the armaments of each power increase, so do they less and less fulfill the object which the Governments have set before themselves.
>
> The economic crisis, due in great part to the system of armaments *a Voutrance*, and the continual danger which lies in this massing of war material, are transforming the armed peace of our days into a crushing burden, which the people have more and more difficulty in bearing. It apears evident, then, that if this state of things were prolonged, it would inevitably lead to the very cataclysm which it is desired to avert, and the horrors of which make every thinking man shudder in advance.

Mr. President, the Czar has tested to his sorrow the soundness of that opinion. In spite of her great and imposing military array the power of Russia to-day is paralyzed, simply because the long impoverishment of militarism has made intolerable the added burdens of actual war. Her people have been kept down to the verge of starvation even in time of peace. The strength and substance of the Empire had been eaten out in maintaining these vast armaments, leaving her practically helpless when confronted with actual war.

The weakness for war of the European nations is due to the very fact that they have strained their resources to the limit to make ready for war. The strength of this country is due to the fact that it has directed its energies in the paths of peace. In time of peace and by the arts of peace we have prepared for war. Fifty years ago a great English statesman, Mr. Cobden, said that this country had but an insignificant army and navy; "but," said he, "there is not a statesman in Europe who does not know that the United States of America is the most formidable power in all this world."

"What nation," said he, "would dare to attack the United States?" That was fifty years ago, Mr. President, and we are incomparably stronger, absolutely and relatively, than we were then. There is not a nation on earth that would provoke a war with this country even if we did not have a single battle ship or a single soldier under arms.

Mr. President, there is a profound meaning in the figure of beating the sword into the plowshare. It signifies turning the energies of war to the tasks of production. The nation which beats its sword into a plowshare converts an instrument useless except for destruction into an implement which multiplies its value a thousand fold. As a sword it either dangles as an idle ornament or it wastes, it ravages, it destroys. As a plowshare it feeds the hungry, it clothes the naked, it increases the comforts and the prosperity of the people, and the wealth and power of the nation.

How many plowshares have been beaten into armor plates to clothe the sides of our great war vessels? Every dollar that is thus expended, Mr. President, is a dollar that is taken from the productive wealth and the productive power of the country. It is a dollar that is lost to the economic and industrial world, which stimulates no industry, which increases no wealth, but which is simply a burden upon the labor and the industry of the land.

Mr. President, if the Government of the United States should require the farmers of this country to bring their plowshares to some great Government warehouse to be used for making armor plate, it would be doing actually and directly what it is doing in effect. When you cripple the industries of the country, when you diminish the productive power of the country, to that extent you weaken its power for war.

But, Mr. President, we are simply at the beginning of these expenditures. We see the beginning, be we can not foresee the end. The Senator from Maine says that the programme of the Naval Board, if carried into execution, will fasten upon the country a permanent charge of $200,000,000 per annum; and even after we have passed the $200,000,000 mark I have no doubt that these gentlemen will still be calling, like Oliver Twist, for more, and every man who does not want to go beyond $200,000,000 will still be classed as an enemy of the Navy.

Mr. President, we are called upon to increase our Navy by having our attention directed to the size of the navies of Europe. We have suddenly conceived the idea that the size of the European navies constitutes a menace to the peace of the United States. But, Mr. President, as we increase our naval preparations, especially when it is accompanied by a truculent and menacing attitude toward the world in general, the nations of Europe will still further increase their navies and the same argument will demand an additional increase of ours. Thus a great navy will necessitate a still greater navy.

Mr. President, the nations of Europe have a right to suspect that we are arming not for defensive but for offensive operations. They have seen the people of the United States by an unprecedented majority elect as Chief Executive of this country the most militant and strenuous gentleman that ever stunned the sure and firm set earth with his armed heel, and whose voice, even when he speaks softly, is a terror to the world. They know as we know that he has inculcated the love of war for its own sake as the most indispensable virtue of a soldier. They know that he has tried to inculcate the doctrine that peace is destructive of all the manly virtues. They know that he is afflicted with an incurable propensity for meddling with the affairs of other nations and of dictating, not only to weak South American Republics, but to the great nations of Europe in matters respecting their internal policy, and of commanding them with a menace of war to better order the government of their own people in their own countries.

I say, Mr. President, that they have a right to believe that in the construction of a great navy we are not building it to defend ourselves, that we are not building it to defend the Monroe doctrine, but that we are building it for purposes of aggression, and it will be a warning to them to increase their armaments, to multiply their battle ships; and, as I said, as they multiply their battle ships the same argument that prevails to-day will command us still further to multiply ours.

Mr. President, why do the European nations maintain such vast armaments? Primarily, each does it to match the other; secondarily, because militarism has stamped itself upon the character of the people, and what was begun in prudence is maintained through pride.

We heard that note sounded here to-day. The Senator from California [Mr. PERKINS], in reply to the Senator from Kentucky [Mr. BLACKBURN], appealed to him as a matter of national pride in behalf of a great navy, not because we need it, but simply to minister to a vain barbaric love of military display.

That is the feeling, Mr. President, which has dictated a great deal of the navy building in the United States. As the Senator from Maine said, the fever of war is upon us. We are still legislating in the shadow of war, and, Mr. President, these appropriations feed that love of war. Inculcate this vanity, this love of military display, and you are feeding a spirit which will not only multiply your military expenditures, but which will be fatal to the liberties of the people; for, Mr. President, I say that even the state of mind which tolerates such vain shows of military power is a state of mind that is fatal to liberty.

I had hoped, Mr. President, that our Chief Executive had begun to turn his thoughts from bloodshed and battle when he took up the question of arbitration; but now that he has thrown the arbitration treaties into the fire, because the Senate of the United States would not surrender its constitutional rights and its constitutional duties, we have a right to believe that he was more intent upon increasing his own power than he was upon promoting the peace of the world.

Mr President, I would be glad to have some Senator who talks about the necessity of having a great navy to show me any evidence anywhere that we are beset with dangers from any part of the world. Why are we in any more danger than we were ten years ago, when we were spending but $25,000,000 per annum upon our navy, and were able to sleep at night undisturbed by wars or rumors of wars? Whence comes all this talk of the perils that are thickening around us and of the enemies who are preparing to descend like the wolf on the fold?

Mr. President, I love a reasonable amount of excitement. I like to be mildly thrilled by the contemplation of dangers sufficiently removed. I love to snuff the battle like Job's war horse, and say, "Ha, ha! I am far off." But, Mr. President, I am tired of having to jump out of my bed in the dead vast and middle of the night, to buckle on my armor with feverish haste, to snatch my sword from the wall, and rush out to meet the enemy at the gate, only to find that the whole uproar arises from the squalling of some pickaninny republic which the President of the United States has gathered into his strenuous and protecting arms. [Laughter.]

Where are the enemies? Do you need a navy costing a hundred million dollars per annum or two hundred million dollars per annum to swagger around these little South American republics and compel them to keep order and pay their debts? But they say to us. "We must defend the Monroe doctrine. The Monroe doctrine is in deadly peril; therefore we must have the greatest navy in the world." For already, Mr. President, the cry has gone out that we must be not only the second, but the greatest naval power in the world, and one enthusast says that we must have a navy equal to all combined in order to defend the Monroe doctrine.

Mr. President, I had always supposed that one of the great virtues of the Monroe doctrine was that it obviated the necessity of the greatest military armaments which are made necessary only by the neighborhood of rival and ambitious military powers.

Now it seems we must have the greatest navy of the world because of the Monroe doctrine, and the President of the United States tells us in effect that we must maintain the Monroe doctrine in order that we may not have to carry a big stick, and therefore we must carry a big stick in order to maintain the Monroe doctrine.

I say the Monroe doctrine is not and never has been in the slightest danger. Mr. President, we asserted that doctrine without fear eighty-odd years ago, and we have maintained it against all the world. We compelled Napoleon III to evacuate Mexico by a word and a gesture, and we did that at a time when the country had just passed through the greatest of all modern wars. Mr. Cleveland brought England, the greatest naval power on earth, to her knees for simply treading upon the shadow of the Monroe doctrine in Venezuela. We have always and everywhere asserted the dignity and enforced the rights of the United States as boldly and successfully as though our war fleets crowded the seas.

What nation has waited until we have become incontestably the greatest power upon earth to try conclusions with us upon the Monroe doctrine? Who is it? Why, Mr. President, it has been a part of our foreign policy to cultivate a feeling of suspicion and distrust and hostility toward all the nations of Europe except Great Britain. The fact that there is a little settlement of German people in Brazil, not planted there by the German Government, but a little settlement of peaceful, honest, industrious German citizens, has been magnified in the minds of some people to a deadly and insidious conspiracy against the Monroe doctrine. We are trying to find or imagine causes of offense as an excuse for a swaggering, bullying military policy.

Mr. President, the nations of the world will let us alone if we will let them alone. The Senator from Wisconsin asked a while ago what assurance we had at the time of the war with Spain, if we had not possessed a strong Navy, that there would not have been a coalition of all the nations of Europe against the United States. Mr. President, we simply had the assurance of universal experience and of common sense. I know there was a story helped about, very carefully helped about, at the time of our war with Spain, of a great conspiracy formed of European nations against this country, which was thwarted by the resolute opposition of Great Britain.

Mr. President, there never was one solitary shred of evidence anywhere to support this English-born falsehood which was conceived, in my judgment, for no other purpose than to further the schemes of Mr. Joseph Chamberlain when he publicly announced the policy of trying to bring about an alliance between England and the United States. All the nations of the earth are not only willing, but eager to be friendly with us if we will only let them be. If there is war it will be a war of aggression upon our part.

Mr. President, this talk of defending the Monroe doctrine is a mere pretense. The real reason for this great Navy is behind all that. As I have said, we have maintained the Monroe doctrine through all these years without trouble. It is not the Monroe doctrine, it is imperialism, that calls for this great and growing Navy. Why, Mr. President, we had warnings at the time to which Senators upon the other side of the Chamber should have listened. The distinguished Senator from Wisconsin said:

> In the event of war the most distant outpost where our flag could be found would be the point of first attack, and we would be obliged to maintain a navy adequate to protect the millions of people in the Philippines, 7,000 miles away, Hawaii, and our Atlantic and Pacific coasts. If our Navy were not adequate to all that, our ships being sent far away, our home coast would be unprotected. This would involve an awful increase of taxation.

Admiral Sampson about this same time in a public address said:

> Our new possessions will increase by 100 per cent the dangers of a foreign war.

The distinguished Senator from New York [Mr. DEPEW] said:

> If we should keep the Philippine Islands we should reverse the traditions of this Government from its foundation. We should open up a new line of policy. It would mean the establishment of a military government over possibly 10,000,000 people 6,000 miles away from us. It would mean the increase of our Navy to the proportions of the navies of Europe.

There, Mr. President, is the reason that stands behind all these great naval expenditures; and while I remember very well——

Mr. BEVERIDGE. Will the Senator permit a question?

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

Mr. CARMACK. Certainly.

Mr. BEVERIDGE. From what volume does the Senator read?

Mr. CARMACK. Volume of what?

Mr. BEVERIDGE. The Senator is reading from a book. What is it?

Mr. CARMACK. From the first and only volume of the Democratic Campaign Book of 1902.

Mr. BEVERIDGE. I thank the Senator.

Mr. CARMACK. And I commend it to the careful attention of my friend from Indiana. [Laughter.]

Mr. BEVERIDGE. I have already perused it, Mr. President, I will say to the Senator from Tennessee.

Mr. CARMACK. Evidently the people of the United States have not. [Laughter.]

Mr. BEVERIDGE. No; and I will say that it has additional value from the fact that it was largely compiled by the Senator from Tennessee.

Mr. CARMACK. And it also has additional value by reason of the fact that it contains so many quotations from Republican leaders against the policy of the Republican party. [Laughter.] These quotations are taken from the recorded speeches of the gentlemen named. I have read them before from the Congressional Record.

The Senator from Maine [Mr. HALE] at the last session of Congress, if I remember correctly, said that this great increase of our Navy was made necessary or justified only because of our Philippine possessions. The chairman of the Naval Committee in the other House says that a large part of the present appropriation is justified only because of our Philippine possessions. There, Mr. President, is the cause of our great expenditures, and if that policy is to be maintained, if we are to continue to have an aggressive foreign policy, if we are to continue to hold the Philippines, I say we must have a great navy; we must have a navy large enough not only to defend them in their exposed condition against any foreign foe, but a navy large enough to keep open the pathway between the United States and the Philippines for the transportation of men and munitions of war. You must have a great navy for such a purpose, yet there is not a man on earth who ever has or ever can show where we will get back in trade or otherwise one-tenth part of the cost we have assumed.

But, Mr. President, I accept the word of the President of the United States that that is not to be the final and permanent policy of this Government. We have departed from the true path; we have turned from our old ideal of the true grandeur of nations, and we have done it at the expense both of the strength and of the honor of the Republic. If the father of his country could return to-day, he would be tempted to exclaim in the language of the prophet Isaiah: "My people have changed their glory for that which doth not profit." But, Mr. President, I believe the country is ready to return now, and to stand forever in "the old paths wherein is the good way."

I wish to have printed as an appendix to my remarks the paper which I send to the desk, entitled "Cost of war and warfare."

The PRESIDING OFFICER. The Senator from Tennessee asks to have printed as an appendix to his remarks the paper he has sent to the desk. Is there objection? The Chair hears none, and it is so ordered.

The paper referred to is as follows:

[Cost of war and warfare, over-sea expansion and imperialism, eight years, to June 30, 1905, over $1,531,000,000. Fifth computation. Seven years and six months from official figures, last six months in 1905 based on expenditures in the first half of the fiscal year. Excess of expenditures on over-sea expansion and imperialism in fiscal year ending June 30, 1905, above the normal rate established in twenty years preceding the Spanish war, over $231,000,000. At the rate of $7.30 per person, or $36.50 per family or group of five persons. Deducting the customary estimate of the cost of the Spanish war, the excess of expenditure for over-sea expansion and imperialism in eight years ending June 30, 1905, will have been over $1,231,000,000. Transcribed from official figures and computed by periods, by Edward Atkinson, LL. D., Ph. D., Brookline, Mass., U. S. A. January 7, 1905.]

THE COST OF WAR AND WARFARE, OVER-SEA EXPANSION, AND IMPERIALISM, IN THE FISCAL YEAR WHICH WILL END JUNE 30, 1905, OVER $231,000,000.

Treasury estimate of population at that date by which the official per-capita estimates will be made up, 83,259,000.

Actual expenditures for six months ending December 31, 1904, with $3,870,000 added for probable postal deficiency, computed from the published monthly statements.

Civil service, Indians, and postal deficiency	$86, 680, 764
War	70, 443, 985
Navy	62, 485, 888
Pensions	72, 338, 665
Interest	11, 950, 698
Total	304, 000, 000

If the expenditures of the six months, December 31 to June 30, 1905, are not lessened, the expenditures to June 30, 1905, will be $608,000,000 at the rate, per capita, $7.30, $36.50 per family or group of five persons.

Before analyzing these figures it is fit for me to state that in the last computation which I made proving that the expenditures for eight years of war and warfare, over-sea expansion, and imperialism to June 30, 1905, will have been over $1,500,000,000, I estimated the expenditures of the present fiscal year at $550,000,000, an underestimate by more than 10 per cent in the present aspect of the case.

Attention may again be called to the fact that the expenditures of the present fiscal year, as above computed, on a gold basis will be equal to the average expenditure per year of eight years of the civil war and the reconstruction, which were paid in depreciated paper money.

In the twenty years of peace, order, and industry preceding the Spanish war, under the Administrations of Presidents Hayes, Arthur, Cleveland, Harrison, and Cleveland, the average expenditures were $5 per head, from $4.43 in Cleveland's first term to $5.36 in Harrison's term.

In this period the "New Navy" was constructed, manned, and at sea when the Spanish war began.

The fortifications of the coast were also begun. In this average there were nonrecurrent expenditures for the refund of direct taxes and the like, outside customary appropriation, amounting to 8 cents per head, these being deducted, making the true average cost of the Government average per year $4.92 per head.

If this be accepted as a normal or true standard of the cost of government economically administered, the subsequent comparisons of the expenditures of the present fiscal year may give a true basis for a Congressional investigation, item by item, which can not be made without access to the books of the several Departments. Some exceptions have been taken to my use of the per capita method of comparison, without giving a detailed statement of the items of the present excess of expenditures. I have merely adopted the long-established method of the Government of comparing annual expenditures under the several heads by per capita compilations, after having vainly attempted to make an itemized account in terms of actual expenditures from the published accounts.

In the computations of the eight years, to June 30, 1905, the sum of $50,000,000 paid on the Panama purchase, is not included, but is specifically deducted.

The comparison by periods is computed on the normal, regular, recurrent expenditures, omitting the nonrecurrent special expenditures in each term.

The gross postal expenditures are not included, the postal deficiency only being included. The figures are from data lately published, subject to slight variation on the final accounting.

	Per capita expenditures twenty years before Spanish war to 1897 inclusive.	Computed expenditures, fiscal year ending June 30, 1905.
Civil service, Indians, and postal deficiency	$1.40	$2.08 + $0.68
War	.75	1.70 + .95
Navy, including cost of "New Navy"	.35	1.50 + 1.15
	2.50	5.28 + 2.78
Pensions and interest	2.42	2.02 — .40
Total	4.92	7.30 + 2.38

It will be observed that had the normal rate of the twenty years preceding the Spanish war of $4.92 per capita been continued, the falling in of the civil war pensions and the reduction of interest would have reduced it by over 50 cents per head to $4.42. Even with the increase of interest and the addition of Spanish war pensions it has been reduced 40 cents per head. At present rates on pensions the regular cost of Government would now be less than $4.50 per head. It is $7.30 per head, an actual difference of $2.78 per head on a population computed at 83,259,000.

On this basis the cost to the taxpayers of this country in the present fiscal year, ending June 30, 1905, will be over $231,000,000.

In my last guarded estimate I stated that it would be over $200,000,000.

Such is the penalty for the temporary aberration toward over-sea expansion and imperialism in the effort to govern an alien people, to whom it is said to have been forbidden to listen to the reading of the Declaration of Independence on the last Fourth of July.

It now remains to compare the several items of the cost of government as they would have been at the normal rate established in the twenty years preceding the Spanish war with the computed expenditures of the present fiscal year.

	Population, 83,259,000.		
	Taxed at the normal rate of $4.50 per head.	Taxed at the present rate of $7.30 per head.	Excess of taxation.
Civil	$1.40×$116,562,600	$2.08×$173,561,528	$0.68×$56,998,928
Army	.75× 62,444,250	1.70× 140,887,970	.95× 78,443,720
Navy	.35× 29,140,650	1.50× 124,971,776	1.15× 95,831,126
	2.50× 208,147,500	5.28× 439,421,274	2.78×231,273,774
Pensions and interest, actual	2.02× 168,578,726	2.02× 168,578,726	
Total	4.52× 376,726,226	7.30× 608,000,000	

Excess of expenditures fiscal year ending June 30, 1905, $231,000,000.

It will be observed that during the twelve years of President Cleveland (first term), Harrison, and Cleveland (second term), during which period the "New Navy" was constructed and put in commission and the coast fortifications extended, the average expenditures under the head of "Army and Navy" averaged $72,000,000 per year. At the same rate per capita on the population of the present year the amount available would have been $92,000,000. This sum would have been ample for all purposes of national defense in maintaining a larger Navy than we previously had and an adequate force in the Army—somewhat larger than in the former period.

At the present rate of expenditure on the Army and Navy in the year 1905 the amount will be not less than $265,000,000, probably more. On that basis the excess of expenditure in the present year above the normal rate, ample for defensive purposes, will be not less than $173,000,000. The taxpayers are therefore paying more than $2 per head, or more than $10 per family or group of five persons, for the support of an army nominally of 60,000 men, of whom it is reported by the military authorities that about 10 per cent desert every year, and for the construction and maintenance of battle ships and armored cruisers, which are not required for national defense and will probably ere long be useless for any purpose. During the present year the turbine engine, with propellers below the water line, will probably outclass any battle ship now afloat in speed and efficiency. The improved guns and shells of greater penetrating power now coming into use, and proved by the Japanese, will render it impossible for any battle ship to carry plates of sufficient thickness to resist them and remain afloat.

The excess under the title of Civil Service, Indians, and Postal Deficiency can not be analyzed from any published accounts known to me. Only an expert accountant under Congressional direction can separate the items spent within our own continental domain from those spent on our over-sea expansion. The excess of expenditures on Army and Navy speak for themselves.

River and harbor improvements are kept for some unknown reason under the title of Army. The per capita expenditure in the last eight years varies but a fraction from the previous term. These expenditures on our own rivers and harbors have been much cut down this year and the last, making rather a false appearance of economy in the appropriations.

There have been some new expenditures on irrigation, forest reserves, and the like in recent years which were but as yet not sufficient to vary the computation in any measure. They are covered by sales of public lands and other "miscellaneous permanent receipts."

These facts and figures are given with as close an approximation as is possible at the middle of the fiscal year; they may be slightly changed as the expenditures of the second six months may be greater or less than those of the first half of the fiscal year—probably greater.

In dealing with this subject I have limited myself in this treatise to the economic aspect.

The evil and destructive influence of the warfare upon the people of the Philippine Islands has been proved by the official reports of officers of the Government and by the personal reports of trained observers.

The corrupting influence of the temporary aberration toward imperialism in the United States has become so manifest that he who runs may read. At the present time, when one-half the voters or more wish we had never undertaken the task of governing an alien people by force, and the other half or less are seeking to find the way to withdraw without discredit, the Executive feeling the way by holding out vague hopes of independence to the people of the Philippine Islands, it may be safely assumed that the day is not distant when all will discover that they are capable of establishing their own institutions. The work of the anti-imperialists may therefore soon be ended by the establishment of the principle for which they have contended.

Respectfully submitted.

EDWARD ATKINSON, LL. D., Ph. D.

BROOKLINE, MASS., U. S. A., *January 7, 1905.*

Mr. HALE. Mr. President, I think it proper, in view of the amendment proposed by the Senator from Tennessee [Mr. CARMACK], to strike out one battle ship, leaving but one provided for, without going into all the questions and issues which have been raised by the Senator in his attractive speech, to state the reasons why the committee which I represent here on the floor have reported a clause providing for two additional battle ships.

I wish to say, Mr. President, that I think the process of education, not only in Congress, but with the people of the United States, has brought the minds of men more nearly to a realization of the true question which confronts us every year when naval appropriations appear before either House of Congress. There has been too much of assumption that we are legislating because we have no navy, or no adequate navy, and the appeal is made to patriotism and to the necessity that exists for having this arm of the service properly equipped and properly maintained. It has been forgotten by a great many people, or overslaughed in the consideration of a great many people, that we already have a very great and very powerful, and, should emer-

gencies call for its use, what would be a very formidable and effective navy. I do not propose that any discussion that arises in the Senate shall be allowed to drift upon the general question that the United States, situated as it is, ought to be equipped with a good navy. I do not propose that the discussion shall be allowed to drift from the fact that we already have a great navy.

I endeavored at the last session of Congress to show by figures, which established facts and demonstrated conditions, that we had not gone on in a way that disregarded the patriotic instincts of the country, but that we had increased the Navy from year to year to a very great extent; and that then we had practically provided for ships that, when completed, would give to the American people the second best navy in the world. I do not in any way depart, Mr. President, from the proposition I then made or from the statements I then presented to the Senate, nor from the theories which I thought should actuate us.

I thought then, and I think now, that the time has come when, instead of inordinately swelling that branch of the public service to the exclusion of other subjects-matter that ought to come before the minds of Congress, we should consider it in view of what we have got, and should so establish a policy that, instead of going on and increasing, enlarging, expanding, and swelling this establishment, we could look it squarely in the face and provide ships enough to keep it good, ships of the kind most needed, ships of the kind that would show to the world that we did not mean and do not mean that the Navy should run down, but that we should maintain it as a formidable branch of the military service of this country.

I think the discussion that took place in that Congress—not what I said, for I have not assumed to believe that that was largely influential—I think that was all an educating process, and that Senators upon that side and upon this side realize, and that the country realizes, as it did not before, that we are not confronted with the question of a feeble power at sea, of an uncertain power at sea needing a navy, but the question is, What shall we do to maintain a great, a sufficient, a powerful navy commensurate with the power of this people?

I thought then, I think now, that the time has come when, if we appropriate each year for one battle ship to make good the waste that time causes, the eating away that the years bring about upon every creation of the human hand, that would be ample to maintain the great Navy that we now have.

We now have, without counting what the committee has reported upon this bill, twenty-six great battle ships—new battle ships, not old when compared with the ages of ships in foreign navies, but structures that have been commended to us by naval authorities in the last ten years; and when completed—their progress is now going on at such a remarkably fast rate that the naval establishment this year brings to us a deficiency of $15,000,000 because the work was so much more rapid than either the Department or Congress believed was possible—I believe that that fleet, that great naval establishment, setting aside other vessels, is as large as there is any call to be maintained by the American people.

This year the Committee on Naval Affairs was confronted with the fact that in the other body there had been an animated contest over the provision in the naval appropriation bill concerning battle ships; that the matter had been fought out after unlimited debate in which no one was controlled or shut off by a rule, but everyone who desired to talk did so and presented the considerations necessary for the discussion of a great question. It was an interesting and illuminating debate, and the result was—I think I have indicated this before and I am sorry if I am repeating—the result of that debate was that the House deliberately put in the bill, instead of a provision for one battle ship, a provision for two battle ships. It was not done upon a party vote. Scores of Democrats voted for the two-battle-ship proposition and a good many Republicans voted for one battle ship. The fight against two battle ships was led by a Republican; but the House, which is a coordinate branch, established that as its rule this year for new naval construction. That had influence with the Committee on Naval Affairs of the Senate. It was not a question of two ships, because, as I have said, I think all agreed that it will be necessary in the years to come to provide yearly one battle ship and certain other smaller vessels to make good the waste of time and to maintain this powerful Navy of ours. It was a question of making and entering into a contest with the House at this stage of the session or yielding to their suggestion.

There were other reasons of importance in this matter. There has been, as a result of this education of which I speak, a realization of what this naval question is. It is not a question of appealing to the people to say that the patriotic instinct is for a navy, because we have got a navy, and a great navy; it is a question of what we shall do. It would never do to leave this matter, Mr. President, to determination by naval boards. Congress should be firm. It is for Congress to say what shall be the extent and the magnitude of appropriations of the people's money for the Navy. Congress views all of the conditions upon all other questions.

I am irked and impatient, Mr. President, that no recognition can be got before the people, before high authorities, or before the Departments of the immense needs of the merchant marine of the United States. I am very impatient when I see millions and ten and hundreds of millions devoted to the building up of the Navy and maintaining the Army, when we can get nothing for the merchant marine, which a navy ought to guard.

I have seen the merchant marine gradually disappear. I have heard the sound of the hammer and the axe and the auger and everything that used to keep alive the merchant shipyards of the United States fall into silence, and the bats and the owls reign where once was a busy hum of work in building ships. It has all departed. We are building to-day four hundred and odd thousand tons of shipping for the Navy. Almost every private shipyard on the coast of the Atlantic, the Gulf, and the Great Lakes has disappeared, except as they are providing ships for the coastwise trade. I am impatient of this state of affairs. I do not deny that, and, therefore, I am in favor of a conservative policy, and this bill represents a conservative policy.

You can not trust these great questions about the Army to army officers, for they see nothing but the Army. They want a great establishment; they want the parade, the pomp, and the panoply of war of the military establishment everywhere. They want the country, the Republic, run in the interest of war and of the Army. The naval officers are the same. You get a body of naval officers together and constitute a board, and put before it what can be afforded in the next year as the naval programme, and they will suffocate you with the programme they will send here. That is one reason why the committee adopted this conservative programme.

Naval officers, looking at this subject and none other, proposed this scheme: Three battle ships, five scout cruisers, six destroyers, six torpedo boats, and two squadron colliers, at a cost for new construction this year of $42,250,000. I give warning here and now to these gentlemen, good officers as they are, good fighters as they will be in time of emergency, that Congress has something to do with saying what portion of the public funds shall be devoted to new construction. Some of us know a little something about this matter. I have been reporting bills for the building up of the Navy and advocating the building up of the Navy when the officers who come here and tell us that we should add $42,000,000 of new construction to the Navy were ensigns or cadets at the Annapolis Academy, and yet they come here with a programme and endeavor to dictate to Congress what it shall appropriate, and if anyone stands up and qualifies or opposes their plans it is said that he is not patriotic, that he is against the country, and that the country demands a navy. That is one of the things that led to a conservative programme in this bill.

Their first proposition was cut down. When that was cut down, the next proposition was for three battle ships, six destroyers, and one squadron collier, to cost $29,200,000—about the same as it was last year, or perhaps not quite that much. That was overslaughed.

I wish to say here that the Secretary of the Navy is a new man. He has not been identified with naval affairs or with the administration of affairs of any part of the Government. He naturally, therefore, takes much impress in his mind from the officers of his establishment, but he has shown in this matter, as he has in many other matters, a strong regulating business mind. He is one of the best officers in that regard as an administrator of whom I have ever known in the Navy Department, and we have had good Secretaries of the Navy heretofore, Mr. President. He need give way in ability and comprehension to none of his predecessors. He has seen that all that the naval officers, the professionals in the Navy, demanded could not be granted, and so the next scheme—and I think he favored that—was for three battle ships, to cost $23,250,000. The House committee, representing the popular branch of Congress, took that estimate, pruned it, and provided for two battle ships. So that the original programme, calling for an expenditure of $42,250,000, which was presented to us by the naval board, which is said to be the seat of all the concentrated wisdom that there is upon this question, was not adopted.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. Yes.

Mr. TELLER. I want to ask the Senator just what the amount of new construction in this bill is?

Mr. HALE. I have given it at two battle ships; they are immense structures. They cost about $8,000,000 apiece, I think, when they are fully fitted out for sea, but when they are ready for commission they will together cost $15,550,000. That is only $450,000 less than $16,000,000 for the two ships. That is the increase.

Mr. TELLER. Does that include armor?

Mr. HALE. That includes everything to the time when they receive their commission.

My predictions have not been without warrant, for I said last year that if we went on with these enormous programmes dictated to us by the boards of the Navy Department in five years we would be appropriating $200,000,000 a year for the Navy, and that the American people would never abide that result. I do not qualify that in the least. It would certainly amount to that. It would practically be confiscating a great part of the revenues of the Government for this one war establishment.

But as a result, as I have said, of the educating process that has gone on we are not taking the first scheme, nor the second scheme, nor the third scheme, but have adopted the last scheme which the House committee adopted, providing for the construction of two battle ships. It is only a question of assuming a reasonable programme, and I hope we will come next year to it, so that we will build one battle ship to make good the waste of time. I think we ought to build smaller vessels; but it was not worth while to raise that issue. Let us have a programme of about, say, twelve or fifteen million dollars a year of new increases to the Navy to make good the ravages of time; and after four or five years the annual appropriations will drop, never to anything like what has been estimated, but below a hundred million dollars a year. There is nothing so expensive——

Mr. NEWLANDS. Will the Senator from Maine permit me to ask him whether he makes the same estimate as did the Senator from Kentucky regarding the cost of the naval service after the ships now under construction are completed and the ships authorized in this bill are completed? I understood him to say there were about 45,000 men in the service now, and that after these ships are built the number of men required would be about 80,000.

Mr. HALE. I was going on to say that nothing is so expensive as an establishment of this kind. The battle ships alone do not cover the expense. But the fewer you have of them the less will be the future-incurred expense for the necessary needs of the Navy. But the increase in men is enormous; the increase in the Marine Corps is large; the increase in pay is large; the increase in officers is large; the increase of the retired list is very great. Senators do not realize the expense of the retired list of the Navy to-day—those who have gone out of the service. Where it used to be only a hundred or two hundred men, it is now six or eight hundred and many of them at the highest pay. Every step taken is attended with great expense.

So even with the conservative programme that I hope will be adopted hereafter, and which I think is substantially adopted to-day, except for the one battle ship, considering all the costliness and all the branches of the naval service, the expense will be larger than anybody estimates. But some of us—the younger men of this body—if we have a conservative plan and do not let it be whooped up too large, see in time that the annual appropriations will be less than a hundred million dollars. Whether they will be less than ninety millions I should have very great doubt.

We are appropriating this year out of the revenues of the Government, in this bill and the deficiencies for which we shall appropriate this year at the present session, in round numbers about a hundred and twenty million dollars for the Navy. I hope the time will come when we shall not be called upon to make these deficiency appropriations. I think the new Secretary, when he is confronted with the expenditures and the appropriations next year, will not allow his Department to come to us with a deficiency of about $16,000,000 over and above what Congress has appropriated.

When his bureau chiefs are clamoring at him for more money than Congress has appropriated and saying that deficiencies will cure it, I think he will hold them up to the appropriations that are given in this bill and will say to them, "Gentlemen, you must conform the expenditures in your bureaus to the appropriations by Congress and must distribute them through the twelve months, so that when March comes, as it now has almost come, it will not be found that you have spent every dollar that was given you for the year and therefore ask $16,000,000 to carry you out beyond." I will trust the Secretary of the Navy to see that that is done in the future. There is too much disposition, not only on the part of the Navy, but of all Departments to override Congress and spend what money they say is necessary for keeping up a proper establishment and then come to us for deficiencies.

So I felt, Mr. President, that it was proper and right to state why it is that the committee has reported these two battle ships.

I for one do not think that the battle ship is the unit of naval force. I do not think it is the most essential part of the military establishment at sea. I am not going into the question—because Senators do not agree with me—as to the lessons of the great war in the East. Certainly the Russian fleet, in their own defenses at Port Arthur, was largely in excess of the Japanese battle-ship fleet, and yet the result has been that the Russian fleet has been destroyed and not one battle ship has been destroyed by another battle ship. But I am not going into that because Senators do not agree with me, and the naval boards are all bent upon more big ships.

We found on investigation that the Navy Department had not on the average one torpedo to-day for every torpedo boat. One of the provisions of the pending bill is to supply that deficiency. So intent have they been upon building these great battle ships that they have let the other branches go into absolute neglect, and if a war were sprung upon us—while I have no idea that I or any other Senator here will see another war—with this fleet of torpedo boats we would have had nothing whatever to make them active and efficient. I would rather see some attention paid to other branches and other vessels of the Navy of the United States; but I did not think it was worth while——

Mr. McCOMAS. I do not want to interrupt the Senator, but I should like to ask him how long it takes to make a torpedo, if he knows?

Mr. HALE. I do not know, but not very long. It can not be done in a day or a week or a month, but it can be done in a comparatively short time—a few weeks or a few months. But we ought always to be supplied with them. I did not think it was worth while to raise that question, and I do not think so now.

I think this is a conservative bill, and because it is a conservative bill I shall sustain it; and I hope and believe that when we come to consider the subject next year, in view of this process of education, which, I repeat, is based upon the fact that until lately nobody has approached this discussion with the assumption, which is justified, that we already have a very great and powerful Navy to start with, we shall come to some conservative basis and will maintain a navy that will be adequate.

I suppose these ships will sail the seas and carry the flag. There is no commerce for them to protect. We have lost that. But they will appear and will maintain the dignity and the power of the Government. But no Senator here, in my judgment, will ever hear of their firing a gun except in practice, or of there being any raid made upon us, or any war waged against the United States. Nobody need fear that; and, I think, I am not simply in the condition of a man who is blind to probable dangers, because I would be equipped for anything that I thought was a probable danger. But with no danger, which I estimate it to be, I am still in favor of keeping up this establishment which we have built and which is practically substantially the second navy in the world, and of making appropriations from year to year to keep it up. The condition of my throat is such that it is difficult for me to proceed.

Mr. NEWLANDS. I should like to ask the Senator a question before he takes his seat.

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

Mr. HALE. I will be very glad to yield the floor entirely.

Mr. NEWLANDS. I should like to ask the Senator a question in regard to the item of armor and armament. I find it is $18,000,000 this year, and that it was twelve millions, I think, last year. I should like to inquire of the Senator what is included in the term "armament" as distinguished from armor?

Mr. HALE. The two are not in the least alike. They are no more alike than a pocket pistol would be like the Senator's handsome waistcoat.

Mr. NEWLANDS. What proportion of this appropriation is for armament and what for armor?

Mr. HALE. The larger proportion is for armor. It is more expensive than armament.

Mr. NEWLANDS. About how much?

Mr. HALE. Oh, I can not tell exactly. The largest expenditure of a ship is on the hull, the body of the ship. That is under the charge of the Bureau of Construction and Repairs. For every one of these $8,000,000 battle ships the body of the ship, as provided here, costs nearly $5,000,000; and then comes

in a table which shows what proportion of the additional cost is armor and what is armament. The armor, of course, is the protection of the ship, both upon the sides and upon the turrets and upon the protected deck. The armament is the ordnance, the guns; and that is not so expensive as the armor, although expensive. The large guns are very expensive. I can not give the Senator exactly the relation in the aggregate that the armor bears to the armament. But the armor is next to the hull.

Mr. NEWLANDS. I have been told that the armor would be about two-thirds of this appropriation, or about $12,000,000. I wish to ask the Senator whether there has been any reduction in the price of armor plate?

Mr. HALE. I do not think there has been; not within the last year or two.

Mr. NEWLANDS. I have been told that the bids of the two armor-plate companies are identical in price, something over $400 a ton, which would indicate a combination regarding the price. Would the Senator inform us as to what the actual cost of armor plate is? Has it been ascertained by any scientific body of the Navy Department?

Mr. HALE. That has been thrashed over by committee after committee and investigation after investigation at the hands of either House of Congress, and the estimate has been all the way from $240 up to $400.

Mr. NEWLANDS. As the actual cost?

Mr. HALE. As the actual cost. In the olden times, when a larger royalty was paid, and when the cost was greater, and when the adaptations for perfecting the armor were not what they are now, at one time it went up to over $500 a ton; and European powers are to-day paying larger sums for their armor and larger sums for the royalties on the patents under which it is constructed than is the United States Government. We are getting this armor cheaper than any other country in the world, and, I think, getting probably better armor than any made in the world.

Mr. NEWLANDS. Is it not a fact that Russia was furnished with armor plate by these very companies at $250 a ton?

Mr. HALE. The Senator's question has been answered at least a hundred and fifty times. That question has been asked here and in the other House more than a hundred and fifty times.

Mr. NEWLANDS. The information has not reached me as yet, and I would be very glad if the Senator would enlighten me.

Mr. HALE. I am sorry the Senator is so far behind. It is beyond my power to bring him up to the present time. If he does not know of the——

Mr. NEWLANDS. I should be glad to be educated by the Senator.

Mr. HALE. But I do not wish to shut the Senator off, of course. There was a contract made with Russia, and I suppose it was made as contracts are made by private manufacturing establishments. In order to demonstrate the goodness of the article furnished, the completeness of the armor, a losing contract was made with Russia for certain armor upon a certain ship. It was accepted and was so good that afterwards no foreign power, Russia or Japan, or any other power, tried to get contracts lower than what we are paying. It was an isolated case. It did not make any rule. It did not afford any demonstration as to the cost of the armor.

Mr. NEWLANDS. I should like to know whether there has been in later years any further demonstration as to the cost of armor plate. I am aware that there have been a great many inquiries in regard to the subject, but I understood that a commission of naval men some time ago reported that armor plate could be made for less than $200 a ton, and that an armor-plate plant could be built for something over $2,000,000. Now, if that be true, and if this appropriation amounts to $12,000,000, it means that $6,000,000 more than cost is being paid by the Government. It seems to me that if that be true the Naval Committee should seriously consider the question of the construction of an armor-plate plant.

I simply ask the Senator whether there has been any further inquiry by the Navy into the cost of armor plate and into the cost of an armor-plate plant with a view to economizing in this important item of expenditure?

Mr. HALE. The Naval Committee has not only investigated the matter and communicated the result of its investigation, but has almost forgotten it ever made the investigation.

Mr. NEWLANDS. There has been nothing recent in the line of this inquiry?

Mr. HALE. Nothing recent that has demonstrated anything. The only thing that has raised the question is that another establishment has come into the ranks of bidders and has bid lower than the Bethlehem and Carnegie establishments have offered. But investigation showed, although I will not go into that question because it is too long, that it was not a concern which had a plant to do the work. There was very grave suspicion that it was making its bid in order to compel the other companies to come to terms. And under the discretion that is allowed in each appropriation bill to the Secretary of the Navy, that he shall award the bid to the best competent, responsible bidder, they, in the first case, withdrew their offer, having, as it is supposed, compounded with their rivals, and after the later offer that was made a thorough investigation showed that they would not be able to furnish the armor in time, if the Government depended upon them, and that the ships would be hung up and would not be armored for years, and perhaps never.

That is the only cloud which has been on the sky lately that raises this question beyond the old and very complete and thorough examination made several years ago.

Mr. NEWLANDS. May I ask just another question?

Mr. HALE. Yes.

Mr. NEWLANDS. Will the construction of the Navy contemplated by the Senator from Maine involve further expenditures for several years to come equaling the amount of the appropriation for this year, say, $12,000,000 for armor plate?

Mr. HALE. I do not think there will be much falling off next year. I think the year after there will be some faling off, and the year after that still more. I doubt whether there will be much falling off next year.

Mr. LODGE. Mr. President——

Mr. BACON. Will the Senator from Maine permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Georgia?

Mr. BACON. I shall occupy but a moment, as I do not want to consume time——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I am in a pretty bad way with my throat.

Mr. BACON. I will not trespass on the Senator.

Mr. HALE. I will be very glad to hear the Senator.

Mr. BACON. It is not material.

Mr. LODGE. Mr. President, I desire to say a few words upon this bill. Although I have not the honor to be a member of the committee, the subject is one in which I have always taken deep interest ever since I served on the House committee, as I did for years. I also desire to say something on the subjects which have been brought incidentally into this debate which trench on the foreign policy of this Government.

I listened with great interest, Mr. President, on Saturday to the annual protest of affection for the Navy on the part of the Senator from Maryland [Mr. GORMAN], followed by his annual attack upon it, and I always admire the talent which makes that annual attack lose no interest by repetition. I do not propose to follow him in regard to the Marine Corps or the proposed increases of the Navy. I want to go at once to the question of battle ships, which is the practical question that we have before us here.

I thoroughly agree with the Senator from Maine [Mr. HALE], that the idea that we are to go on forever expanding the Navy without limit is an absurd one. We started out many years ago with no navy. The object has been to bring it up to a suitable point, not to make it a navy as great as England, but a navy adequate for the defense of the country, and then, as the Senator from Maine has so well pointed out, to maintain it by moderate yearly additions at the highest level of perfection. The Senator from Maryland, in discussing the Navy, brought forward his favorite example of what we had spent during the civil war. Mr. President, no one could have a greater admiration for the enormous service of the Navy in the civil war than I, but the naval experiences of the civil war are about as applicable to the conditions of naval warfare to-day as those of Trafalgar or even of the Roman triremes. The civil war marked a revolution in naval warfare. We were then, too, confronted with an opponent, who had no navy at all. They had to improvise an entire navy, and we had to improvise a part of a navy; and under the conditions then existing it was perfectly possible to use merchant ships and many other vessels which answered every purpose perfectly well. The condition to-day is utterly and entirely different, and it is of present conditions that I desire to speak.

I do not agree with the Senator from Maine in his estimate of the importance of the battle ship. So far as I have been able to understand the question, and I have tried to understand it, the battle ship is the essential and vital part of the Navy. No effective navy is possible without the battle ship. Every thing else can be built in comparatively little time. We can even substitute merchant vessels for scout cruisers, as we did by taking fast merchant vessels in the Spanish war. We can

build torpedo boats with comparative rapidity. We can buy, cruisers, as we bought two in the Spanish war.

But you can not improvise battle ships, which are the essential and vital part of the Navy. That is the part of the Navy that should be brought up first to the desired level and kept there, and then from time to time we can make the necessary appropriations for adjuncts and auxiliaries of every kind.

The reason why I think the battle ship is essential is because no naval fleet to-day can keep the sea without them if the enemy possesses battle ships, few or many. When Dewey was in Manila, after he had fought his battle and was there surrounded by the war ships of foreign countries, when he believed—as I believe, contrary to the opinion of the Senator from Tennessee—that there was very grave danger of a coalition against us, and that a coalition was actually attempted that moment, the crying demand that he constantly sent to this country was to send him a battle ship. Our battle ships, few in number, were all employed elsewhere. We did the best we could. We sent at great risk the powerful monitor, the *Monterey*, a heavily armored ship, which would answer the purpose of a battle ship in harbor, and when that single heavily armored ship arrived in the harbor of Manila the clouds which had threatened from various quarters dispersed and the foreign war ships took their unobserved departure.

Santiago could never have been fought without battle ships. The blockade could never have been maintained without those vessels, and our war, in the opinion of all naval experts, demonstrated not that the battle ship was the vital part of the fleet, but that the torpedo boat fell far short of what was anticipated and hoped for from it. The Japanese war has demonstrated the same thing. The Secretary of the Navy in his report says:

BATTLE SHIPS VERSUS TORPEDO BOATS.

The lessons of the war in the East thus far are the same as those of the Spanish war with respect to the relative value and uses of battle ships, torpedo boats, and destroyers. Weight of metal, heavy guns, and hard hitting, whether at long or short range, still do the most effective work. The day of the battle ship is not over, and the sphere of the lighter vessels, while important, is auxiliary only.

I ask that the passage I have quoted and the passage I have marked in addition may be printed with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

These conclusions, reached by the General Board and the Board on Construction as the result of careful study of recent naval progress and present conditions, in the light of the events of the past few months in eastern seas, confirm in a most striking manner your own views on the subject, expressed more than two and a half years ago. Upon the files of the Navy Department I find a letter addressed by you to the Secretary of the Navy, February 22, 1902, in which you assign the place of first importance to the heavier vessels of modern fleets; conclude that in the future as in the past battle ships must hold the battle line; and emphasize the point by taking the ground that the place of the admiral in war, and probably also in peace, is on board the best fighting ship of his squadron. In that letter, after expressing a wish for the views in the matter of leading officers of the service, you said:

"One salient point in connection with the Santiago battle seems to me to be the unwisdom of having had the two admirals on ships concerning which it could be said that they were not to fight in the line. The analogy between an admiral in a sea fight and a general in a land fight does not seem to me to hold, if only from the fact that the admiral has inseparably connected with his person a fighting unit corresponding to a brigade on shore. It does not seem to me desirable that an admiral should be expected to keep out of the fight. At Santiago the Spanish ships were only armored cruisers. If our ships were pitted against battle ships of a first-class power an armored cruiser might have a very hard time, and yet it might be to the very last degree demoralizing in a closely contested battle to see the admiral sheering out of the fight. Every great admiral, from the days of Blake and Van Tromp and De Ruyter to those of Nelson and Farragut, has taken his place in one of the best fighting ships and has been in the forefront of the battle. At Lissa the victorious Austrian admiral, Tegethoff, followed this custom with splendid results, and his defeated foe owed part of his ill success to the fact that he was not on one of the most formidable ships, and did not go into the thick of the fight, keeping outside in a vain attempt to exercise such a supervision over his squadron as on shore the colonel of a regiment would exercise over his individual captains.

"Unless good reason can be shown me to the contrary, I intend to have an order issued that the admiral shall have his place in one of the great fighting ships whenever there is war. I should also like to know if there is any reason why he should not also be in a great fighting ship in time of peace."

Your judgment of the place of the battle ship in the Navy of the future, as set forth in the above quotation from your letter of February 22, 1902, is that of naval experts to-day. With respect to the place of the torpedo boat it is remarkable that no terms can be found in which to state present conclusions with more clearness and precision than those employed in a report on "The value of torpedo boats" made by you more than six years ago (February 18, 1898) while Assistant Secretary of the Navy. Significant extracts from that report are the following:

"I herewith inclose * * * two papers just received through the Chief of the Bureau of Intelligence. The first * * * sets forth in graphic form the unsuitability of torpedo boats to do duty in rough weather; an unsuitability which must always be taken into account, even on the occasions when it is necessary to disregard it. The other paper is a report of a committee of investigation on behalf of the French Admiralty, undertaken to inquire into the reason for the multitude of casualties in the * * * torpedo-boat squadron.

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"The margin of safety in these boats is exceedingly small. In the effort to attain the maximum of speed at the sacrifice of everything else the structure has been made so delicate that accidents continually occur if the boats are driven hard or if they get into a heavy seaway, while the scantling is so light that to scrape a dock or touch a shoal may mean rather serious temporary injury.

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"Every war ship, big or small, is of course nothing but a compromise—speed, safety, gun power, protection, and coal endurance being each and every one sacrificed to a greater or less extent in order that any of the others may be developed at all. A torpedo boat must be fast, for it must be able under favorable conditions to deal its blow and then escape, if escape be possible. Only about a minute will elapse between the time when a torpedo boat becomes visible under the searchlight and the time when it discharges its torpedoes; for, of course, a torpedo boat can work only by surprise.

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"Experience with the torpedo boat in foreign navies, no less than in our own, shows that while under favorable circumstances it is undoubtedly a most terrible engine of war, these favorable circumstances may very rarely occur. * * * Nothing could be more foolish than the talk of substituting torpedo boats for battle ships and cruisers. Except when working at night or under conditions which favor a surprise the torpedo boat is absolutely helpless against any seagoing ship armed with rapid-fire guns, whether the ship be large or small, and under no circumstances is it fit to do rough work at sea or to perform any of the duties taken as a matter of course by regular seagoing craft. Torpedo boats should never be used as dispatch boats except under unusual conditions. They are fit to make night raids on an enemy's squadron near the coast when the conditions are favorable or under exceptional circumstances to take part in the closing scene (but only the closing scene) of a great battle, and they are fit for little else. Of course this means that they are fit for a function of enormous importance, but it must not be supposed that such a function is all that is necessary to have a modern navy to perform.

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"It is possible that we may be able to reduce the extreme fragility of torpedo boats; nevertheless, they will always remain as fragile as they are formidable. Every war vessel of the highest efficiency, from a battle ship down, is itself a huge bit of delicate mechanism, and its efficiency is largely conditioned upon features of its structure which are liable at any time to suffer serious accident. There is always risk of damage to such a bit of mechanism, and the risk must be accepted as part of the price paid for the immense increase of efficiency in the weapon itself. * * * An old style frigate was practically safe from any damage but shipwreck. A modern battle ship, with its vast load of armor and armament and a multitude of engines and of every kind of machinery aboard it, is incomparably more delicate; and yet such a battle ship could, without damage to itself, sweep out of existence all the fleets of all the nations in the world as they were at the time of Trafalgar. A great nation must have a great navy. * * * If because of * * * accidents it stops work, whether on dry docks, battle ships, or torpedo boats, it will prove that it is not a great nation and that it is not entitled to rank as such in the world. Even in the old days of sailing ships, the British, toward the close of the gigantic Napoleonic wars, suffered much heavier losses annually by shipwreck and the disasters due to existence on the sea than by the guns of the foe. In recent times the melancholy list of accidents in every foreign navy is remembered by all who take interest in these services. Until the recent disaster to the *Maine* our own new Navy had been extraordinarily free from such accidents. Nevertheless, occasional disasters of great severity and continual accidents of minor importance are sure to occur.

"If Great Britain had stopped maneuvering her squadron after the sinking of the *Captain*, the *Vanguard*, or the *Victoria;* if Germany had abandoned any effort to upbuild her navy after the sinking of the *Kurfürst;* if the Russians had ceased to build ships when the *Gargout* sank; if the French had given up torpedo boats when they found that two-thirds of those in commission in the Mediterranean were disabled by accident, then each and all of these nations would have shown that they were unfit any longer to stand as great powers; that they lacked the nerve to face the ordinary punishment which must be encountered by every nation in traveling the road to greatness.

"Exactly the same judgment will be deservedly passed upon us if for these reasons, or for any other reasons, we refuse to go on with the upbuilding of our Navy, whether our refusal takes the form of stopping work on dry docks, battle ships, or torpedo boats."

The General Board and the Board on Construction, after weighing the results of recent developments, have reached conclusions in full accord with those expressed by you in the paper above quoted, and a schedule of naval construction in harmony with these views will be submitted later.

Mr. LODGE. Now, Mr. President, in this connection I wish to turn to another authority, one wholly disconnected from this country, recognized, I think, as the greatest naval expert in Great Britain, writing of the Japanese war purely with relation to its naval lesson for Great Britain, without any regard, I need not say, to what we are doing or what we are thinking of doing. The writer is Mr. H. W. Wilson, a naval engineer and naval critic and historian, recognized, as I have said, as the greatest British authority on naval matters. The article appeared in the Monthly Review in London and has been reprinted here in the Living Age. The whole article is extremely interesting, but I want to call the especial attention of the Senate to the points Mr. Wilson makes:

The first lesson of this war, in which it confirms previous experience, is the advantage of a prompt offensive. The Russian fleet at Port Arthur had been warned of the imminence of hostilities, but does not appear to have taken the warning seriously.

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The value of a perfect coordination of political and naval action is a second lesson of this war. When matters were growing serious, in the winter of 1903–4, the Japanese navy underwent a special battle training—constant firing at long range with heavy guns, under war conditions, torpedo work at night, in bad weather, using live torpedoes, maneuvering at night without lights, night firing, and the rehearsal of operations that were actually to form part of the war when it began.

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A third lesson of the war in the Far East has been the importance of the Napoleonic principle of concentration.

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Turning now from the strategical lessons of the war to the tactical lessons, the first and most striking is the comparative inefficiency of the torpedo. From this weapon much had been expected, and it was employed upon a large scale. But except in the initial attack at Port Arthur it has gained no successes, and even at Port Arthur it did not sink a single ship. It failed to put any Russian ship permanently out of action. That the *Retvisan*, *Tzarevitch*, and *Pallada* would have sunk if they had been torpedoed far from shore is probable, but not certain. As it was, contrary to all anticipations, they were again at sea in five months, and very little the worse for their experience. The torpedoes used upon them were the large and powerful 18-inch of latest pattern, which, after the British experiments upon the *Belleisle*, might have been expected to shatter completely the part of the ship struck and to cause a terrible shock to the boilers and machinery. The actual damage was as follows: A large hole was blown in the *Retvisan's* side, her engines were thrown slightly out of alignment, and her boilers developed leaky tubes. She was easily repaired, but her speed was much reduced. The *Tzarevitch* had her rudder blown off and her steering gear damaged, but the injury was completely repaired. The *Pallada* was struck amidships; the torpedo exploded in a coal bunker, blowing a large hole and damaging the Belleville boilers. The injury was easily and swiftly repaired. An even more astounding failure of the torpedo occurred in the case of the *Sado Maru*. This liner, without any kind of protection, first of all had 150 shells fired at her by the Vladivostock fleet, and then was torpedoed twice with the 18-inch Whitehead by the *Rossia*. The torpedoes blew enormous holes in her and did great damage to her engine room, but she did not sink, and was towed into Sasebo looking outwardly little the worse.

A second fact which appears with regard to the torpedo is the infrequency of hits, even when attacking ships which are not in motion. In the first and most successful Port Arthur attack the Japanese destroyers slowed to 5 or 6 knots and closed to within a short distance of their enemy, but of their twenty-three torpedoes only three made hits. In the other attacks on the Port Arthur ships they do not appear to have scored any successes, for though there were reports at the time that several Russian ships had been hit, these do not seem to have been true.

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He then says:

Against ships in motion, the generalization still holds good that the torpedo is useless.

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If torpedoes have proved comparatively inefficient, far otherwise is it with mines.

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Yet mines in the Far East have done what torpedoes have failed to do, and there is an enormous list of casualties to their credit.

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If the torpedo has been relatively ineffective, it has yet produced a very curious effect on naval actions. All the fighting between large ships in the Far East has been conducted at extreme ranges.

He then concludes:

The war has demonstrated conclusively the value of the modern large-size battle ship and armored cruiser. The Japanese battle ships and cruisers have been continuously employed on difficult service and have taken part in four severe actions, yet in not one single case has disabling injury been inflicted upon any ship by gun fire in encounters at sea. The same is true of the Russian battle ships. The *Tzarevitch*, in the battle of August, was the target of the whole Japanese fleet, and was hit fifteen times in every part of the ship by 12-inch and 8-inch shells, which might à priori have been expected to put her out of action and to wreck her completely. As a matter of fact she lost only 4 officers and 8 men killed and 50 officers and men wounded out of a crew of about 750, so that her armor gave her men good protection. Of her larger guns, sixteen in all, only two were put out of action. It had been supposed that a single hit below the water line would destroy even the largest ship; the *Tzarevitch*, however, was struck by a 12-inch shell below her armor, which inflicted very little injury. Her funnels were wrecked and her foremast almost shot away, while the officers and men in her conning tower were placed hors de combat by Japanese shells, one of which killed the Russian admiral. But at the end of the battle the *Tzarevitch* was quite able to defend herself and could steam 14 knots, though only at a fearful expenditure of coal.

The fighting quality—

He says—

The fighting quality of the large armored ship has thus been decisively proved.

He also mentions the need of protection for all guns and the excellence of the telescopic sights used by the Japanese. These points all deserve consideration and all prove the essential importance of the battle ship.

I ask that the passages which I have marked in this article may be printed in this connection.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

A fact shown by the fighting has been the necessity of providing protection for all guns. At Chemulpo the *Variag* lost one-third of her crew because her guns were without shields. No one, on the other hand, was injured below the armored deck. In the battle of August 10 the *Askiold*, a cruiser of very similar design to the *Variag*, was struck by fourteen shells, mostly of large caliber. She leaked heavily after the battle, but her loss of life was small, as her guns were protected by shields.

One cause of the Japanese successes in the earlier period of the war was the excellence of the telescopic sights provided.

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Generally speaking, the lessons of the war confirm predictions, except with regard to the deadliness of the torpedo and mine and the efficacy of modern artillery. The immense value of the large battle ship and armored cruiser has been again and again demonstrated. Small craft can effect nothing without their support and are further liable to lose their speed in continuous service. The wear and tear of war ships has been proved to be very serious and to increase as the size of the vessel decreases. A large margin must be allowed in any fleet which means to take the offensive for mishaps due to mines and collisions. The effect of the war on the navies of the world will inevitably be to stimulate the construction of battle ships and large armored cruisers and to increase the attention already given to organization. Success has been proved to depend on three things: Being ready first, the possession of a personnel trained for war and not merely practiced in inane peace evolutions, and a good material.

Mr. LODGE. Now, Mr. President, I think it is shown both by the Spanish war and by the Japanese war, in the opinion of the best experts, both American and British, that the essential part, the vital part, of any fleet is the battle ship. You may have as many torpedo boats, as many fast cruisers as you choose, they can not hold the sea against the battle ship. If the enemy has one or two battle ships they are all helpless; they are mere auxiliaries. The command of the sea rests with the battle ships.

Therefore, Mr. President, it seems to me what we want to do is to perfect first the essential part of the Navy. The Senator from Maine has said we are reaching the necessary limit. I hope and believe so. When that is reached all that remains is to maintain it.

So far, Mr. President, in what I have said, I have assumed that we are all agreed as to the need of a navy of suitable power.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. With pleasure.

Mr. PATTERSON. Before the Senator leaves the question of the battle ships, let me ask him if an event has not transpired, since the article was written by the author from whom he quoted, which may detract somewhat from what he said, and that recently? I refer to the *Sebastapol*. It is true that it was in harbor, but it was totally disabled, or disabled and partly sunk by the attack of torpedoes without the assistance of any other war branch.

Mr. LODGE. I think the Senator from Colorado is mistaken. The *Sebastapol* was sunk by the siege guns after the Japanese had got possession of 203-Meter Hill. She was not sunk by torpedo boats, I am perfectly certain.

Mr. PATTERSON. My recollection is, as far as the *Sebastapol* is concerned, that she had practically gotten out of the range of the siege guns on Meter Hill.

Mr. LODGE. I think they got within range and sunk her with heavy siege guns.

Mr. PATTERSON. On several stormy nights, when it was snowing and blowing and almost impossible to discover the attackers, a number of Japanese torpedo boats assailed the *Sebastopol* and inflicted injury. At least that is the way we read the current history of that event.

Mr. LODGE. I think the Senator is mistaken as to the *Sebastopol*. In any event, that was a ship anchored, not in motion, and at great disadvantage, of course. Mr. Wilson is speaking of ships of motion—that is, of a fleet in being.

I wish now to say something, Mr. President, on the larger aspect of the question—that of having any navy at all—which has been questioned here in debate to-day.

The Senator from Tennessee [Mr. CARMACK] pointed out, in a very picturesque manner, how many public buildings we might have, how many more plowshares we might have, how many dams and other river and harbor improvements we might have by spending in those directions the money that we now spend on the Navy.

Mr. President, the American people demand additional expenditures for public buildings, for post-offices and post-roads, for rivers and harbors. They are all proper expenditures, and you can not meet them by crying economy. They must all be met. I do not oppose any of them. We have to pay the price demanded by the splendor of our own success. But there are certain expenditures of government which can not be intrusted merely to popular demand. They must be watched over by those who are charged with the Government itself. It is for Congress to see to the defense of the country, and you can not defend the country, you can not maintain the honor of the flag with public buildings, with plowshares, or with river and harbor improvements. You must provide ships and forts for your defense.

Now, Mr. President, I want a strong navy for one simple reason—I believe it is the guaranty of peace. I object to a weak navy, because I think it is a temptation to war on the part of other aggressive powers. In this world and in present conditions you can not defend this country with bluster and you can not defend it with declarations that nobody will attack us because we are rich and strong. Wars are not made or met in that way now. The autocracies of this world have no love for us. The pressure for land where land is not occupied is very strong. The Americas offer a most tempting field, and that pressure for land is ever knocking at the door of certain great countries. We could not suffer the seizure of South American

territory or Central American territory or West Indian territory by any other power. Yet it is liable, in my opinion, to be seized, or attempts will be made to seize it, if we have no navy. It is no use to say that this is imaginary and something not likely to happen.

Why, within three years we have seen two great fleets come over here and bombard the ports of a South American country for the purpose of collecting debts. I did not like the presence of those fleets; I did not like the sound of those guns in American waters; the American people did not like it, and it is my deliberate opinion that those fleets, or one of them at least, never would have gone away, as they did go away, that they never would have refrained from landing troops in Venezuela, or from taking possession of the territory and involving us in the most dangerous of complications if it had not been that lying near Porto Rico was a powerful American fleet. There never was a better demonstration of the fact that the American fleet makes for the peace of the world. American peace rests on the fact that no European power can to-day take new territory and make new military establishments in this hemisphere; and to maintain that condition we need not only be rich and strong and prosperous, we need to have the weapon which secures our safety ready to our hands. Admit that we are stronger than anybody in wealth and resources; admit that we are stronger in the character of our people and in our natural and acquired wealth; the case is not altered thereby. Think of the difference between Russian and Japan; Russia with a population of 140,000,000, Japan a little island power with only 40,000,000; Russia controlling under one roof more territory than any nation in the world, with an army of nearly a million and a half of men, with one of the most powerful fleets. If it could be said by any country in the world Russia could have said, "There is nobody who will dare to attack us; we are so strong, so large in territory, so abundant in men and resources that no one will think of making war upon us." But she was attacked, and the result of the attack is before the eyes of the world to-day.

Mr. President, it is not the maintenance of the Monroe doctrine or any other doctrine which makes the Navy essential. It is the maintenance of the peace of the country.

I agree with the Senator from Maine, and I fervently hope that we shall never have occasion to fire a hostile gun. But I believe if we do not have to fire a hostile gun, and if none of us, as I trust none ever will, live to see the country engaged in war, it will be owing to the fact that we have a navy so strong and so ready that no one will venture to attack us. Moreover, in the process of time our interests in the East—I do not refer to the Philippine Islands, for I do not think their possession alters in any degree the amount of navy that is required, but our interests in the East have risen to a very high point.

Mr. CARMACK. Mr. President——

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

Mr. LODGE. Certainly, with pleasure.

Mr. CARMACK. I wish to say to the Senator, if he thinks our relations with the Philippines have nothing to do with the requirements of a larger navy, I understand he differs in opinion from the President of the United States.

Mr. LODGE. Well, Mr. President, I do not think I differ with the President of the United States on the question of the Navy or on the Philippines or on the need of maintaining the Navy, and I am certain that I do not differ from him a hair's breadth in his earnest desire for the maintenance of the peace of the United States, the honorable peace which comes from strength and not from weakness.

I have said that the Philippines do not weigh with me in advocating a strong navy. But what does weigh with me is the fact that the markets of the East are of great importance to this country, and of ever growing importance in the trade competition of the world. We must have our share of those markets. For that purpose the integrity of China is an essential and a cardinal point in the policy of the United States. We can not be shut out from those great markets, and if our voice is to be potential, as it was in the negotiations after the attacks on the legations, we must have a strong squadron in Asiatic waters. What enabled us to carry those negotiations to success and what enabled us to prevent the partition of China at that time was the fact that we had there an army brought from the Philippines and a powerful fleet. The trade in the East depends on our power to be properly represented in the naval forces in the neighborhood of China. Now, Mr. President, a good deal has been said as to the——

Mr. CARMACK. Mr. President——

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

Mr. LODGE. I do.

Mr. CARMACK. Before the Senator passes from that portion of his remarks I should like for him to give some figures in reference to the extent of our trade with China.

Mr. LODGE. I have not the figures here, Mr. President. I know the total trade with the East has reached the neighborhood of $100,000,000. I know we sent to Manchuria alone, from which we have been recently cut off—that is the reason I remember it—$12,000,000 of cotton textiles in a year.

Mr. CARMACK. I should like to ask the Senator if he does not know it to be a fact that our trade with the East had been increasing rapidly long before we ever took possession of the Philippine Islands or ever thought of taking those islands?

Mr. LODGE. No; that is not the case. I went into that pretty carefully at one time. I have not the figures here, but the increase from 1898 in the East was very much more rapid than before. There is no doubt, I think, of that.

Mr. CARMACK. I am going by the statistics furnished by the Treasury Department, which show that in about three years before we took possession of the Philippine Islands—in fact, I think about 1894 to 1897—we doubled our exports to Japan, and, I think, also to China, and our trade with the East generally had increased in that proportion.

Mr. LODGE. That is not what seemed to me the result of the statistics which I examined a year or two ago. I have no doubt—in fact I know as a matter of fact—that the war in the East has diminished the exports. I am not speaking of the increase in the last year, but of the increase since 1898.

Mr. BEVERIDGE. Will the Senator permit me——

Mr. LODGE. With pleasure.

Mr. BEVERIDGE. Merely one sentence in answer to the Senator from Tennessee. The facts are that not our trade only but our exports to Asia and Oceania have increased more since we took the Philippines than in the half century before put together.

Mr. CARMACK. I will ask the Senator if he does not know it to be a fact that our foreign trade generally in other parts of the world has increased just as rapidly as our trade with the East?

Mr. BEVERIDGE. I know——

Mr. CARMACK. If the Senator will permit me a moment—I made the statement once here in debate—I have not the figures now, but I am confident that I am in the neighborhood of being correct when I say that our exports to Japan and British Australasia and Asiatic Russia doubled from 1893 to 1896, and doubled again in the next three years, and that the increase of our foreign trade in other parts of the world has been as significant, if not more so, than our trade with the Orient.

Mr. BEVERIDGE. The Senator asked me a question, and——

Mr. CARMACK. I do not believe that our possession of the Philippines had anything on earth to do with our Eastern trade. Our trade is not by way of the Philippines.

Mr. BEVERIDGE. Mr. President——

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

Mr. LODGE. Certainly.

Mr. BEVERIDGE. I call the attention of the Senator from Tennessee to the fact that he can not expect me to answer all he said in the time of the Senator from Massachusetts, but I will undertake to answer the question which he asked me, which was whether I did not know it to be the fact that our trade with other foreign countries has increased quite as rapidly as our trade with Asia and Oceania in the same time. The answer is no. I know the contrary to be the fact. Our increase of trade with the countries of Europe on the average was less than 40 per cent. Our next increase was with Canada, which was over 80 per cent, and our increase in the countries named was considerably over that in the same time. The Senator will excuse me. I do not intend to enter into a debate with the Senator in the time of the Senator from Massachusetts, but I have answered that question since he asked me as to the fact.

Mr. CARMACK. I do not wish to take up the time of the Senator from Massachusetts. I simply want to say that an argument based on percentages is very deceptive. One year you may sell a dollar's worth and the next year you may sell two dollars' worth, and that is an increase of a hundred per cent, but that may not amount to anything.

Mr. BEVERIDGE. It is not a question of argument, it is a question of fact. The Senator asked as to the fact. But I will not ask the indulgence of the Senator from Massachusetts further.

Mr. LODGE. I was speaking about the trade of the East generally in what I said about the Navy, and I thought I said carefully "without reference to the Philippines." I do not want to be led off into a discussion of figures, for they form

no part of my argument to-day. The Senator from Michigan [Mr. BURROWS] has kindly handed me a table of statistics, in which I find that our total eastern trade was nearly or close on to $200,000,000 in the past year, instead of $100,000,000, as I stated. That was when the war was coming. In 1902 it was over $200,000,000, and there were $62,000,000 of exports to all Asia, which sufficiently demonstrates all that I care to say at this time, that the trade was an important and a growing trade.

Mr. President, I do not wish to detain the Senate more than a few moments longer on this bill, but I wish to speak briefly in regard to some of the statements which have been made in the course of this debate.

Let me say, first, as to the sarcasms which have been uttered as to the defense of American citizens, that I am sentimental enough and old-fashioned enough to believe that the protection of the American citizen wherever he happens to be, so long as he behaves himself lawfully and properly, is one of the highest duties of the Government; and so far as the Navy is needed for that purpose, I think we must all be in sympathy with it.

It has also been said in this debate that the Navy was used to bully small powers, the argument being that we must not treat a small power harshly. If a small power does wrong, it is no more to be excused because it is small than a great power because it is great. Moreover, we have not been in the habit of bullying small powers. During the period of my service only two cases have occurred in which this Government took what may be called a very high tone with any foreign power. One was in the case of Chile, a small power. Our purpose was to redress an act of unqualified and intolerable insolence, which no self-respecting government could have endured. That act was redressed and the apology given. That was under President Harrison.

The next case was in Mr. Cleveland's Administration in regard to Venezuela and his message concerning Great Britain's encroachments there. Great Britain is one of the greatest powers in the world; and I do not think this country hesitated any more to take a high tone with Great Britain than it did with Chile. I thought then, and I think still, that the policy of Mr. Cleveland's Administration at that time was eminently sound and wise. I think it did more than almost anything that had been done up to that time, with the exception of the expulsion of the French from Mexico, to maintain and assert the Monroe doctrine.

Those two cases illustrate, Mr. President, that there is not the slightest disposition on the part of this country, whether it has a small navy or a great navy, to bully small powers. The country has always been ready to maintain its rights, and I hope always will be ready to do so. We desire to be at peace with all the world, but there is no peace worth having unless we are able and willing to maintain our rights if they are infringed.

There has been brought out, however, in the course of the debate, the case of Santo Domingo, which is now most immediately before the consideration of the country. The policy involved in the message of the President and the treaty, which has been given to the public, was called in question. I should not myself have entered upon that topic unless it had been entered upon by others, but as that has been dragged in here as one of the things against battle ships and against the Navy, I feel justified in speaking upon the policy employed there.

In the first place, the United States was invited to Santo Domingo. In the second place, the conditions existing in Santo Domingo and Haiti which demand intervention lie at our door. We have condemned that island to the condition in which it now is. We have said to the world, "Not one of you shall go in to maintain order and make that island what it can be, one of the most prosperous in the world, and we will not do it ourselves." We have stood here with all our power and shut out from that island all possibility of order and civilization. Those people have passed from revolution to revolution; they are in a state of helpless, miserable anarchy. In the island of Haiti they are sinking back into voodooism, fetishism, and even cannibalism. That island, as it stands to-day, is a disgrace to the American hemisphere. That we have not there better order, some progress, better guaranties for life and property, is owing to our policy! We would not allow anybody to help them; we would not allow anybody to interfere—we are quite right in that, of course—and we decline to interfere ourselves. I do not think that this attitude of the dog in the manger a worthy one. A great people, a great nation, has its responsibilities, and I for one do not believe that they can be shirked.

This question has been drawing nearer and nearer to us as the years have gone by. The people who have lent moneys, who have investments in those countries, come over and try to collect their debts; they appeal to their governments to help them. We then stand forward and say, "You must not take an inch of territory; you must not take possession of the custom-houses; you must do nothing; we can not allow it, because it infringes the Monroe doctrine."

I have no desire to see the United States become a collector of debts; but it must be remembered that if we see that one of those countries pays its debts, we also see that it is not robbed. The great majority of the claims against some of those republics I believe to represent sums ten times in excess of what was ever received. I believe they represent a long period of corrupt rule by adventurers using the name of the Government, who got for $10,000,000 in bonds $1,000,000 in cash; and I think the time has come when we have got to put a stop to swindling loans as well as to dishonest refusals on the part of these little so-called "republics" to pay their just debts.

I do not want to see war here. I do not want to see foreign fleets here. I should regard the annexation of that island as an unmitigated misfortune. I do not want to see any more annexations to the south of us. But I do want to see the United States take the position, which it seems to me is the only position it ought to take—that is, to say to the powers of the world, "If you stand aloof in obedience to the Monroe doctrine we will see to it that a reasonable degree of order and a reasonable degree of safety are maintained in those republics," who sin with impunity only because the United States puts her broad shield over them.

We can not escape from such responsibilities as these. Our peace is bound up in the doctrine that we can not permit European powers to enter America and take possession of those islands or of little republics on the coast or of American territory anywhere. We must maintain that doctrine, and if we maintain it we can not escape the necessary corollary of the position. We have our responsibilities, and we can not evade them. If we are going to dominate, as we believe we do, the Western Hemisphere, if we are going to dictate here in this hemisphere and say to the rest of the world, "You shall not enter in," we must take the responsibilities that go with the benefits.

The Senator from Maine [Mr. HALE] spoke of "the shadow of war" under which we are still acting, and said he hoped we should return to normal conditions. Mr. President, the conditions are normal to-day. We are under the shadow of no war. The conditions to-day are of our own making. They have come by our action and by the growth of our strength and prosperity.

It has been said that the Spanish war did not make us a world power. That is quite true. We are ourselves responsible for making the United States a world power. All the Spanish war did was to reveal to the rest of the world that the United States was a great world power as a matter of fact, with all the responsibilities that it implies. You can no more go back to the conditions which existed before the Spanish war than you can go back to the conditions which existed before the civil war.

Mr. President, after the last Federalist Administration, that of John Adams, went out of power, Mr. Jefferson came in with all his hostility to every instrumentality of government which the Federalists had established. We were to be rid once for all of all those things that disgraced the Old World and burdened the people; we were to have no more navies or armies or debts; we were to be a simple democracy, living free from all those impeding and entangling incumbrances of old societies. After Mr. Jefferson and his followers had been in power sixteen years, they had accepted the navy, and were building up one larger than this one in proportion to the population of the United States at that time. They accepted the army; they fought a war; they chartered the United States Bank; they incurred an enormous debt; in other words, they had adopted every one of the instrumentalities of Hamilton which they had so stormed against when they were in the opposition. Their gossamer theories had been crushed in the iron grasp of facts. I do not blame them for inconsistency. They were able men, dealing with facts as they arose. It is no blemish on the reputation of Clay or Cheves, of Lowndes or Calhoun, and the men who led in bringing on of the war of 1812, that in 1816 they passed a protective tariff. Facts were stronger than they were. Facts make the situation; and we can not escape the destiny which the facts have made for us. We may be equal to that high destiny, or we may be unequal to it, but we can not fly from it. We have not failed to meet it hitherto. I do not think we shall fail to meet it now. We may meet it with stumbling or with timidity; but we can not be turned back. You can not turn back the wheels of time. By the mere fact of our growth, by the mere fact of wealth, by the mere fact of our power we have incurred responsibilities which we can not avoid, which would prove us cowards if we tried to avoid them.

This little Republic which to-day, in a brief gleam of sense, comes to us for aid is one of them. We have said in the plenitude of our power that no one shall come into that island. We have condemned them now for nearly a hundred years, under our Monroe doctrine, to the most helpless anarchy anywhere seen on the earth. They ask us for help. People to whom they owe money ask us for help. I say it is a mission in the interest of good government and order and civilization to help those people, and it is the only way, in my judgment, in which you will avoid the ultimate annexation of that island, a thing to be deplored under all circumstances.

Mr. President, it is for these reasons that I think it is necessary, as I have always thought it necessary, to maintain a navy in the United States, not to bully a small power—a few cruisers could do that—but to maintain the peace of the Western Hemisphere, and as long as the peace of the Western Hemisphere is maintained by excluding from it the military empires of Europe the peace of the United States will not be broken.

Mr. MARTIN and Mr. MONEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. MARTIN] is recognized.

Mr. CARMACK. I ask the Senator to yield to me for a moment.

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

Mr. MARTIN. I yield to the Senator from Tennessee.

Mr. CARMACK. I wish to offer an amendment to the bill, to come in on page 69, at the end of line 24.

The PRESIDING OFFICER. There is an amendment pending at the present time.

Mr. CARMACK. I wish to have the amendment lie on the table. I do not offer it now.

The PRESIDING OFFICER. Does the Senator desire it read?

Mr. CARMACK. No; I do not care to have it read now.

Mr. MARTIN. I agree with the Senator from Massachusetts [Mr. LODGE] that there is a necessity for the United States to maintain a strong navy. I believe there is no higher duty that this Government owes to its people than to protect them in every land in which they may be carried in the legitimate pursuit of business or travel. I realize, too, that the Navy is the best guaranty that the nation can have of peace. I realize, too, that the policies recently entered upon by this Government have accentuated and brought into greater prominence than ever before the necessity of maintaining a great navy. Entertaining these views, Mr. President, I have not been one of those heretofore found criticising naval appropriation bills. During my service in this body I have voted for every measure increasing our Navy and perfecting and promoting its efficiency and its strength. When the naval bill was before this body a year ago much criticism was indulged in. I dissented from that criticism at that time, and I supported the bill then before the Senate. I did so with much reluctance. If I am not mistaken, the distinguished chairman of the Committee on Naval Affairs himself then, as he has done again to-day, indicated by his remarks that he felt the time was close at hand when we could properly and wisely halt in this march toward an ever-increasing navy.

It is with great hesitation that I dissent from any position taken by the distinguished chairman of the Committee on Naval Affairs in respect to anything that concerns the Navy of our country. His long service as chairman of that committee, his patriotic devotion to the interests of the Navy, and his thorough information on the subject entitle his opinion to the greatest respect and consideration. I noticed in his remarks before the Senate on Saturday and again to-day statements which indicate that he has hesitated much in standing here as the chairman of that great committee in advocacy of the increases in the Navy contemplated by the pending bill. His conservatism leads him to distrust the wisdom of this continual march toward greater expenditure and greater increase in the Navy. The same conservatism of character and of thought have made him hesitate combating the tendency of the Department and what I may say is the tendency of the times in the direction of extravagance. If I do not misconstrue his remarks, it is with much hesitation and not a very earnest conviction or thorough heartiness that he comes here to maintain this increase in the number of our battle ships at this time.

I agree with what the Senator from Massachusetts [Mr. LODGE] has said about battle ships. In coming to a conclusion as to the effectiveness of the battle ship and the armored cruiser, which I classify with the battle ship, I say I have accepted the opinion of the naval experts of the country, that battle ships and cruisers constitute the great power of naval warfare. I realize that the great power of the Navy rests in that class of ships; and I think it is incumbent upon the United States to maintain itself in the first class of naval powers in respect to the number and the power of its battle ships; but, Mr. President, it seems to me that the position which I have desired to see the United States attain has already been attained. I have desired to see the United States second in naval power only to Great Britain. I apprehend that no one in this country contemplates the construction of a navy for our country which shall equal in power the navy of Great Britain. It is unnecessary to attempt any such task; it is entirely inexpedient to attempt it; and I feel that I may say, without fear of contradiction, that to-day the United States is second only to Great Britain in the fighting power of its Navy and in the fighting power of its battle ships and its armored cruisers.

I did feel that it was important and very desirable that the United States should have a navy greater than that of France and greater than that of Germany; but I say, Mr. President, we have reached that point. Our Navy is to-day second only to that of Great Britain.

I have in my hand, Mr. President, a little pamphlet prepared by the most excellent clerk of the Committee on Naval Affairs, Mr. Pulsifer, and I will ask that the parts of that pamphlet which I have marked, beginning on page 23 and ending on page 28, at the end of the list of retired officers, may be incorporated in the RECORD with my remarks.

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

The matter referred to is as follows:

Summary of vessels in the United States Navy.

VESSELS FIT FOR SERVICE, INCLUDING THOSE UNDER REPAIR.

First-class battle ships	11
Second-class battle ship	1
Armored cruisers	2
Armored ram	1
Single-turret harbor-defense monitors	4
Double-turret monitors	6
Protected cruisers	18
Unprotected cruisers	3
Gunboats	12
Light-draft gunboats	3
Composite gunboats	6
Training ship (Naval Academy), sheathed	1
Special class (Dolphin-Vesuvius)	2
Gunboats under 500 tons	21
Torpedo-boat destroyers	16
Steel torpedo boats	30
Submarine torpedo boats	8
Wooden torpedo boat	1
Iron cruising vessels, steam	5
Wooden cruising vessels, steam	6
Wooden sailing vessels	9
Tugs	41
Auxiliary cruisers	35
Converted yachts	32
Colliers	16
Supply ships and hospital ships	14
Total	265

VESSELS UNDER CONSTRUCTION OR AUTHORIZED.

First-class battle ships	14
Armored cruisers	10
Protected cruisers	5
Scout cruisers	3
Gunboat for Great Lakes (not begun)	1
Composite gunboats	2
Steel torpedo boats	5
Training ships	2
Training brig	1
Colliers	2
Tugs	2
Total	47

VESSELS UNFIT FOR SEA SERVICE.

Wooden cruising vessels, steam	10
Wooden sailing vessels	5
Total	15
Grand total	327

SEA STRENGTH OF THE PRINCIPAL NAVAL POWERS, NOVEMBER 1, 1904.

Number and displacement of war ships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons.

	Number.	Tons.
GREAT BRITAIN.		
Battle ships, 10,000 tons and over	59	813,000
Coast-defense vessels	6	49,900
Armored cruisers	41	428,800
Cruisers above 6,000 tons	21	201,950
Cruisers, 6,000 to 3,000 tons	57	245,340
Cruisers, 3,000 to 1,000 tons	62	121,610
Torpedo-boat destroyers	143	53,295
Torpedo boats	94	8,812
Submarines	19	3,400
Total	502	1,926,107

Number and displacement of war ships, built and building, etc.—Continued.

	Number.	Tons.
FRANCE.		
Battle ships (10,000 tons and over)	25	300,389
Coast-defense vessels	17	73,368
Armored cruisers	24	218,576
Cruisers above 6,000 tons	4	31,513
Cruisers 6,000 to 3,000 tons	18	74,378
Cruisers 3,000 to 1,000 tons	18	32,868
Torpedo-boat destroyers	39	11,826
Torpedo boats	311	27,816
Submarines	52	7,415
Total	508	778,149
UNITED STATES.		
Battle ships (10,000 tons and over)	24	317,529
Coast-defense vessels	12	47,445
Armored cruisers	10	129,215
Cruisers above 6,000 tons	5	43,550
Cruisers 6,000 to 3,000 tons	17	61,379
Cruisers 3,000 to 1,000 tons	23	31,667
Torpedo-boat destroyers	16	6,695
Torpedo boats	32	5,300
Submarines	8	913
Total	147	643,693
GERMANY.		
Battle ships (10,000 tons and over)	22	256,557
Coast-defense vessels	16	91,315
Armored cruisers	7	67,091
Cruisers above 6,000 tons	0	
Cruisers 6,000 to 3,000 tons	9	46,749
Cruisers 3,000 to 1,000 tons	33	76,571
Torpedo-boat destroyers	43	14,724
Torpedo boats	105	13,924
Submarines	3	360
Total	238	567,291
RUSSIA.		
Battle ships (10,000 tons and over)	24	302,505
Coast-defense vessels	11	64,962
Armored cruisers	7	59,331
Cruisers, above 6,000 tons	9	59,632
Cruisers, 6,000 to 3,000 tons	9	32,267
Cruisers, 3,000 to 1,000 tons	9	11,376

Number and displacement of war ships, built and building, etc.—Continued.

	Number.	Tons.
RUSSIA—continued.		
Torpedo-boat destroyers	54	15,936
Torpedo boats	91	9,069
Submarines	17	2,040
Total	231	557,118
ITALY.		
Battle ships (10,000 tons and over)	18	224,639
Coast-defense vessels	1	3,913
Armored cruisers	6	39,185
Cruisers above 6,000 tons		
Cruisers 6,000 to 3,000 tons	5	17,490
Cruisers 3,000 to 1,000 tons	12	26,216
Torpedo-boat destroyers	13	4,153
Torpedo boats	115	11,036
Submarines	7	707
Total	177	327,339
JAPAN.		
Battle ships (10,000 tons and over)	6	89,800
Coast-defense vessels	2	11,067
Armored cruisers	8	72,738
Cruisers above 6,000 tons	0	
Cruisers 6,000 to 3,000 tons	12	46,776
Cruisers 3,000 to 1,000 tons	12	22,098
Torpedo-boat destroyers	22	7,331
Torpedo boats	85	7,767
Submarines	0	
Total	147	257,577
AUSTRIA.		
Battle ships (10,000 tons and over)	3	31,800
Coast-defense vessels	11	74,150
Armored cruisers	3	18,820
Cruisers, above 6,000 tons	0	
Cruisers, 6,000 to 3,000 tons	2	8,128
Cruisers, 3,000 to 1,000 tons	8	15,260
Torpedo-boat destroyers		
Torpedo boats	37	3,278
Submarines		
Total	64	151,436

Docks of the United States Navy, completed and under construction.

GRAVING DOCKS.

No.	Location.	Material.	Length on coping, head to outer sill.	Width at coping in body of dock.	Depth over sill at mean high water.	Date of commencement.	Date of completion.	Cost to date of completion.	Completion, December 1, 1904.
			Ft. in.	*Ft. in.*	*Ft. in.*				*Per cent.*
2	Portsmouth	Granite and concrete	750 0	130 0	30 0	1899		(a)	99.8
1	Boston	Granite	393 0½	86 1½	25 10½	1827	1833	$972,717.29	
2	do	Granite and concrete	750 0	114 0	30 7½	1899		(a)	99.7
1	New York	Granite	369 3	98 4	25 0½	1841	1851	2,003,498.05	
2	do	Concrete	470 7	112 5	25 11½	1887	1890	595,019.24	
3	do	Wood	668 7	150 10	29 4½	1893	1897	554,707.08	
4	do	Granite and concrete	542 0	130 0	31 0	1905		(a)	
1	League Island	Wood and concrete	500 0	133 0	25 5	1888	1891	548,700.00	
2	do	Concrete and granite	753 0	140 0	30 0	1899		(a)	63
4	Norfolk	Granite	332 5	86 3½	25 1	1827	1834	943,676.00	
2	do	Wood	500 0	130 2	25 3½	1887	1889	504,980.76	
3	do	Granite and concrete	550 0	186 0	32 0	1903		(a)	13
1	Charleston	Stone and concrete	575 0	134 0	32 0	1902		(a)	39
1	Mare Island	Granite	517 0½	121 11½	27 6	1872	1891	2,772,332.08	
2	do	Granite and concrete	752 0	120 0	30 0	1899		(a)	23.6
1	Puget Sound	Wood body with masonry entrance	650 5½	130 1½	30 0	1892	1896	632,636.33	

a Under construction.

FLOATING DOCKS.

Location.	Material.	Length over all.	Extreme breadth of dock.	Date of completion.	Cost, date of completion.
		Ft. in.	*Ft. in.*		
Portsmouth	Wood	350 0	64 1½	1851	$800,805.90
Pensacola	do	201 2	87 1		a 102,470.00
Algiers	Steel	525 0	b 133 8½	1902	810,000.00
Pensacola	do	450 0	109 0½	1897	a 195,000.00
Cavite	do	501 0	154 0		(c)

a Purchased. b Over fenders. c Under construction.

OFFICERS AND MEN ON THE ACTIVE LIST OF THE NAVY.

Officers on the active list of the Navy November 15, 1904, consist of the following:

Admiral	1
Rear-admirals	26
Captains	86
Commanders	122
Lieutenant-commanders	192
Lieutenants	331
Lieutenants (junior grade)	34
Ensigns	174
Midshipmen at sea	105
Medical directors	16
Medical inspectors	15
Surgeons	86
Passed assistant surgeons	46
Assistant surgeons	66
Acting assistant surgeons	25
Pay directors	14
Pay inspectors	15
Paymasters	76
Passed assistant paymasters	30
Assistant paymasters	35
Chaplains	24
Professors of mathematics	12
Naval constructors	23
Assistant naval constructors	26
Civil engineers	28
Assistant civil engineers	4
Chief boatswains	34
Boatswains	108
Chief gunners	36
Gunners	87
Chief carpenters	33
Carpenters	51

Chief sailmakers	6
Warrant machinists	153
Pharmacists	24
Mates	27
Total	2,171

The total of 2,171 officers is divided in the various branches of the naval service as follows:

Total number of line officers	966
Total number of staff officers	541
Total number of midshipmen at sea	105
Total number of warrant officers	559
Total	2,171

Petty officers, men, and apprentices in service November 15, 1904.

Petty officers	8,729
Seamen and other rates	16,677
Apprentices under training	882
Apprentices on cruising vessels	3,033
Total	29,321

OFFICERS AND MEN ON ACTIVE LIST OF THE MARINE CORPS.

Memorandum showing the strength of officers and enlisted men of the Marine Corps and that allowed by law, November 1, 1904.

Rank.	Strength November 1, 1904.	Allowed by law.
Brigadier-general commandant	1	1
Colonel, adjutant and inspector	1	1
Lieutenant-colonel, assistant adjutant and inspector	1	1
Majors, assistant adjutants, and inspectors	3	3
Colonel, quartermaster	1	1
Lieutenant-colonel, assistant quartermaster	1	1
Majors, assistant quartermasters	2	2
Captains, assistant quartermasters	8	8
Colonel, paymaster	1	1
Lieutenant-colonel, assistant paymaster	1	1
Major, assistant paymaster	1	1
Captain, assistant paymaster	1	1
Total	22	22
Colonels	6	6
Lieutenant-colonels	6	6
Majors	13	15
Captains	72	72
First lieutenants	67	85
Second lieutenants	58	72
Total	222	256
Sergeants-major	6	6
Quartermaster-sergeants	59	60
Drum major	1	1
First sergeants	63	72
Gunnery sergeants	73	82
Sergeants	355	345
Corporals	580	595
Drummers	72	100
Trumpeters	94	100
Privates	6,014	6,084
Boys learning music	28	25
Leader of band	1	1
Second leader of band	1	1
First-class musicians	30	30
Second-class musicians	30	30
Total	7,407	7,532
Grand total	7,651	7,810

NOTE.—Efforts are being made through examination of officers eligible for promotion, and of candidates for appointment as officers, to fill the 34 vacancies indicated above, the total number allowed by law being 278, and there being but 244 in the service. It is expected that the enlisted force will be recruited to its full strength during the current month, or before the end of December of the present year. No candidate under 5 feet 6 inches accepted for enlistment.

Very respectfully,

G. F. ELLIOTT,
Brigadier-General Commandant U. S. Marine Corps.

Officers on the retired list of the Navy January 4, 1905.

Rear-admirals	81
Commodores	5
Captains	12
Commanders	36
Lieutenant-commanders	26
Lieutenants	45
Lieutenants (junior grade)	10
Ensigns	20
Medical directors	31
Medical inspectors	8
Surgeons	18
Passed assistant surgeons	9
Assistant surgeons	9
Pay directors	29
Pay inspectors	7
Paymasters	9
Passed assistant paymaster	1
Assistant paymasters	2
Chief engineers	45
Passed assistant engineers	32
Assistant engineers	27
Chaplains	11
Professors of mathematics	6
Naval constructors	8
Civil engineers	6
Chief boatswains	13
Boatswains	19
Chief gunners	8
Gunners	21
Chief carpenters	6
Carpenters	17
Chief sailmakers	4
Sailmakers	5
Warrant machinists	9
Pharmacists	6
Mates	18
Total	621

Officers on the retired list of the Marine Corps on January 4, 1905.

Major-general	1
Brigadier-generals	3
Colonels	4
Lieutenant-colonels	5
Majors	4
Captains	9
First lieutenants	5
Second lieutenants	5
Total	36

Mr. MARTIN. By reference to this little pamphlet it will be observed that we now have under construction or authorized fourteen first-class battle ships; and it will be remembered that each one of those battle ships costs about $8,000,000. We have under construction or authorized ten armored cruisers, equal in power to a first-class battle ship. So we now have under construction or authorized to be constructed twenty-four of the greatest war vessels which in the present stage of naval architecture can be constructed.

We find in this little pamphlet that there are five protected cruisers, and although I will not take the time to read the list, quite a large number of torpedo boats, gunboats, and other ships, in the aggregate amounting to forty-seven.

Mr. President, when we look at what the United States has done, when we see what is being done now, when we realize that we have attained the position of second naval power in the world, I say when we go beyond that it is useless extravagance. A great deal remains to be done to perfect the Navy. It is an admitted fact that in dry docks, in training stations, in equipment of every sort our Navy is defective. We have at this session of Congress turned down recommendation after recommendation intended for the perfection of the Navy we now have in existence or under construction, and we have turned down those recommendations from the Department, not that they were not wisely made, not that they were unnecessary, but, admitting that there was urgent demand for them, we have turned them down in the interest of economy. We have turned them down because the magnitude of the naval bill has become a menace to the revenues of the country.

I feel that the time has come when we should halt. I feel that the time has come when with safety and with sound judgment we may perfect the naval establishment. It may be necessary next year or some other year to continue the process of construction. I am not here to say that we must never go further forward than we have gone. But I am here to express my deliberate judgment that we are going too fast, and that a halt should be called in this constant and what I believe to be excessive work of construction of expensive battle ships.

The experiences in the conflict between Russia and Japan may teach us something, and we ought to have the benefit of that experience, which is so near at hand, before we go too far in this costly matter. I realize that there will always be improvements, that there will always be great inventions, that there will always be progress, and that it will not do to wait too often or too long for the development of something new, but I say the peculiar conditions existing at the present time, with this great conflict in progress, which will inevitably be terminated very soon——

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. MARTIN. I do.

Mr. McCUMBER. I wish to ask the Senator from Virginia if he does not think that the war in the East between Japan and Russia has demonstrated a demand for more mines and less fighting ships? Is it not a fact that practically the only destruction of ships has been not from other battle ships, but from the explosion of mines? Is there a single instance in which a battle ship has sunk or destroyed another battle ship?

Mr. MARTIN. There may be something in that suggestion, but I am of the deliberate opinion that the prowess on the ocean of the battle ship remains unchallenged to-day and will continue to be unchallenged. I do not believe a naval power can be sustained without the great ships. The small ships, the torpedo boats, the submarine boats, and all of those agencies

have their place, but you must rely upon the battle ship and the armored cruisers as the backbone of the Navy.

Mr. McCUMBER. I will ask the Senator if it is not a fact that it has been the smaller craft and the torpedo boats which have been the effective war machinery in the East?

Mr. MARTIN. They have done some very considerable damage. They have done it, though, under the shadow of the battle ship, and without the presence of the battle ship they could not have lived for an hour.

Mr. McCUMBER. Have the battle ships done any damage?

Mr. MARTIN. I am not prepared to give the details of that conflict. I had not intended to direct my remarks to a discussion of the relative usefulness of the different classes of ships or of the different agencies of warfare. In fact, I have been detained from the floor of the Senate and have heard only a part of the discussion on this bill. The Committee on Commerce has been considering the river and harbor bill, and I have not even had the benefit of what has been said in this discussion, and I do not intend to go, in any elaborate way, into a discussion of it now, but simply in a very brief way to express the views I entertain on the subject, inasmuch as the bill was reported from a committee of which I am a member.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. MARTIN. Certainly.

Mr. DIETRICH. I should like to ask the Senator from Virginia a question. Is it not true that while the Japanese navy was much smaller than the Russian navy, experts claim that it is because of the efficiency of the Japanese navy that they have been able to destroy the Russian fleet? In other words, is it not better to have a fleet sufficiently large, well manned, well equipped, and then maintain it at the highest possible degree of efficiency, rather than to have a great, unwieldy navy.

Mr. MARTIN. No doubt the Russian fleet compared favorably with and it may have been bigger than the Japanese fleet; but I am not prepared to give the statistics.

Mr. HALE. The Russian fleet at Port Arthur was larger in battle ships than the Japanese fleet. In addition, they had their base right there. They were on the defensive, and they had the harbor.

The Russians had all the advantage in that regard, with more battle ships than the Japanese had, and yet the condition to which the Senator from Nebraska has referred—the better efficiency of the Japanese fleet, the fact that they had possession of mines and torpedoes and all that—resulted in their losing a small number of battle ships, and the Russians lost all of theirs. But no battle ship in that war destroyed another battle ship.

Mr. MARTIN. I have no doubt about the fact that the Japanese were better trained and better equipped; that they were better seamen and better gunners. I have no doubt that the efficiency of the service depends, to use the common expression, more on the man behind the gun than anything else.

Mr. McCUMBER. The point I wanted the Senator to bring out and explain to the Senate is this: Whether or not in any wars since we have had the great battle ship he can point to a single instance where a battle ship has accomplished anything whatever; where it has proved an effective engine of war against another battle ship.

Mr. GALLINGER. If the Senator will permit me, it seems to me, so far as the war in the East is concerned, the result is largely due to the fact that the fleets did not meet in the open sea. I take it for granted that if the Japanese battle ships meet the Russian ships that have started to the East there will be some vessels destroyed. There will be no question about it. But we know that the Russian vessels were under cover, and that torpedo boats were sent in under the protection of the Japanese battle ships, and they accomplished the destruction of some of the battle ships of the Russian fleet.

Mr. MARTIN. That is undoubtedly true.

Mr. MALLORY. If the Senator will permit me, I will suggest, in response to the inquiry of the Senator from North Dakota, that the *Oregon* did something——

Mr. GALLINGER. Yes.

Mr. MALLORY. In the way of destroying a part of the enemy's fleet at Santiago, and did it well.

Mr. MARTIN. If Japan had not had battle ships outside of the harbor at Port Arthur, a single war vessel of no great power would have come out and made it impossible for the Japanese torpedo boats and for the smaller craft, which did a good deal of damage there, to remain an hour. It was at last a trial of strength between the battle ships, and the battle ships of Russia lingered in the harbor because they did not dare to go out on the ocean and join battle with the Japanese.

Mr. HALE. Why?

Mr. MARTIN. They were inferior——

Mr. HALE. No; they were superior.

Mr. MARTIN. They were inferior in organization——

Mr. HALE. There were more of them.

Mr. MARTIN. They were inferior in the organization and in the equipment of the men who had charge of them.

Mr. HALE. There were more of them; but the truth is that neither side cared to put battle ship against battle ship in company. There is nothing so full of intricate machinery, and so liable to be put out of service by a single bad accident, by a jar, by an explosion, as the battle ship.

Not any Senator here will ever see a fleet of battle ships on the sea put against another fleet of battle ships. They do not dare to do it. In a conflict between six battle ships on one side and six on the other I would predict that out of the twelve ships, ten would be put out of service entirely. They are parade ships. They are the favorites of the establishment. And the navies go on making them, but they have never demonstrated their efficiency.

At Santiago the fighting was done much more by the *Brooklyn* than the *Oregon*, and the damage that was done to the Spanish ships was shown to have been done, not by the big guns of the *Oregon*, which did everything that a ship could do, but by the 8-inch guns of the other ships. There was where the damage was done. If the *Oregon* had not been there the result would have been the same.

Mr. MARTIN. The statement made by the Senator from Maine is a demonstration of the value of the battle ship. He says in a great conflict between battle ships, six on a side, ten of the twelve would undoubtedly be destroyed. What would become of the nation which, not having any battle ship, had to enter the conflict with only small ships, where its adversary had six battle ships?

Mr. HALE. She would not be any worse off.

Mr. MARTIN. I would rather take the chance of an equal conflict with the enemy than to start with defeat inevitable and destruction a foregone conclusion.

I did not intend to discuss the question of the relative effectiveness of different kinds of ships. I intended to call the attention of the Senate to the fact that we are already well equipped with battle ships and armored cruisers, and need have no fear of a conflict with any nation on this earth. And when we are fully provided with these instrumentalities of war and then find that the equipment of the vessels we already have has been neglected—and the equipment and training is, as has been stated, more than half the battle—it seems to me our duty is plain.

I remember when the *Oregon* was making its famous trip from San Francisco to Cuban waters, and we frequently heard people talk of the possibilities of that single American battle ship coming in conflict with the Spanish fleet. I heard a distinguished admiral of the Navy say he felt no uneasiness; that he would not be concerned at all if the *Oregon* met the entire Spanish navy in those waters. He said the Spaniards were not trained as our men were trained; that their vessels were not equipped with the effective guns and the carefully trained men; that they could not handle their ships like the American commanders handled ours, and relying upon that superior equipment and that superior training, that superior knowledge, that superior efficiency, this distinguished admiral of the Navy went so far as to say he would not fear the result of a conflict between the *Oregon* and all the war vessels that Spain had in Cuban waters.

But I must come back to this proposition of better equipment and better training for the ships we have, and call attention to the fact that in our excess of zeal for the construction of additional battle ships we are neglecting the ships we now have. Admiral Converse, the Chief of the Bureau of Navigation, says that he has not officers enough. When the ships under construction and authorized are built we have almost to double the number of seamen. If this process of construction goes on, the naval bill will be a menace to every interest and every industry in this country. The time has come to call a halt, and I say if we perfect what we now have in existence and in construction it will be a terrible tax upon the country to maintain it.

Take the Medical Department of our Navy. It is admittedly in very bad condition. Referring again, and with a view to learning something, to the war now going on in the East, it is said that the medical organization and the sanitary arrangements of the Japanese are so superior to anything hitherto known that they will overcome any difference in numbers if the Russian should bring in a very much larger force than the Japanese can muster.

The necessity of thorough organization, of thorough equipment, the necessity for making every unit count, is much more important than this continuance to multiply the units and leave them badly organized and inefficiently provided with those things that are necessary to success.

Mr. President, I feel that we have gone fast enough. When the distinguished chairman of the Committee on Naval Affairs, the Senator from Maine [Mr. HALE], a year ago expressed his hesitation about a further continuance in the policy of increased construction of naval vessels; when I heard him then, twelve months ago, sound the warning and say that the time was close at hand when a halt should be called, and must be called, I had hoped that he would see his way clear, and the committee would see its way clear, and the Senate would see its way clear, to make that halt now, at this session. So far as I am concerned, I must halt, and for the first time I part company, and do it with much hesitation, with the distinguished chairman of the Naval Affairs Committee. I do not believe it is necessary to have two more battle ships. I do not believe it is wise to have two battle ships authorized at this time. I believe it is far better to expend some of the revenues of the Government in perfecting the organization and in perfecting the equipment of the vessels we now have and of those which must soon be provided for.

I will not, Mr. President, prolong these remarks. I have occupied this much of the time of the Senate at this peculiar juncture with great hesitation, but my convictions are clear and strong and decisive, and I desired to present them to the Senate for what they were worth.

Mr. MALLORY. Before the Senator from Virginia takes his seat, I should like to ask him a question. How many battle ships have we now in commission?

Mr. MARTIN. The pamphlet from which I caused an extract to be incorporated in my remarks, prepared by Mr. Pulsifer, and which is an exceedingly valuable document, states that we now have fit for service eleven first-class battle ships and one second-class battle ship and two armored cruisers.

Mr. PERKINS. Mr. President, as I understand, the amendments proposed by the Committee on Naval Affairs have all been adopted, and the pending question is on the amendment proposed by the Senator from Tennessee [Mr. CARMACK].

The PRESIDING OFFICER. Not all of the amendments.

Mr. PERKINS. Then the pending question is on the motion made by the Senator from Tennessee, to strike out "two" and insert "one" battle ship.

The PRESIDING OFFICER. The Senator from California is correct.

Mr. PERKINS. Mr. President, I wish to say only two or three words. I would not venture to do so but for the fact that I am a member of the Naval Committee, and I have given it some thought and consideration.

I listened with much interest and instruction to my distinguished friend the Senator from Kentucky [Mr. BLACKBURN], who is a member of that committee and with whom my association for the past ten or twelve years has been most pleasant. I have always found him on the right side, as believing in supplying and building up the American Navy, manning and equipping it properly, manning it with American seamen, to protect the honor and the dignity of the nation at home and abroad.

Now, our friends have wandered off in this discussion to such an extent that one would think from listening to their remarks that to strike out one battle ship would reduce the appropriation now carried in the bill—$100,300,000—an enormous amount. The facts are simply these: If we strike out one ship, we simply reduce the amount of the bill $7,500,000.

Mr. PATTERSON. I do not understand that there is any appropriation made in the present bill for the new battle ships that are proposed. The proposition is to authorize these battle ships, and they will require appropriations in the future. The appropriations that are contained in this bill are all, so far as additions to the Navy are concerned, to be applied to ships already authorized to be constructed, and not to those that are provided for here for the first time.

Mr. PERKINS. The Senator is correct in that respect. We provide for the building of two additional battle ships. As stated by the Senator from Virginia [Mr. MARTIN], we have eleven battle ships to-day built and ready for service. We have fourteen battleships in process of construction, one at the navy-yard in Brooklyn and the others at private shipbuilding yards. The ships are being built on very advantageous terms to the Government, at perhaps 15 or 25 per cent less than they could have been built for five years ago. The plans of the ships that are to be provided for now will not be ready for at least one year. Their construction will require from four to five years after the plans have been determined upon and the contracts made.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. PERKINS. Certainly.

Mr. DIETRICH. I should like to ascertain what it costs per annum, or the estimated cost per annum, of maintaining one of these great battle ships.

Mr. PERKINS. The wear and tear estimated by nautical men, shipowners, and shipbuilders, is about 5 per cent per annum; that is, every prudent shipowner writes off of the value of his vessel 5 per cent per annum. But it does not follow that at the end of twenty years these ships have no further value.

Mr. DIETRICH. I wish to ascertain the cost of the officers and men.

Mr. PERKINS. The cost is between five and six hundred thousand dollars per annum for the pay of the crew and their maintenance and support.

Mr. President, the efficiency of the battle ships has been brought into question. To whom are we to look for advice, for counsel? Will we go to my friend from North Dakota, as learned and able a lawyer as he is, versed in the law and in all that pertains to the welfare and prosperity of his State, or should we go to those whom the Government has educated at our Naval Academy, who go into the service and advance grade by grade, not by preference, not by political influence, not by other influences, but on their merit? They must pass their examination, and if they are found deficient they must wait another year. Then, if they fail in the examination, they are given, perhaps, another year of probation. Then they are tried again, and if they fail they must go into some other occupation, farming, mining, or perhaps follow the law, or be sent to Congress, or occupy some other position where the people have more confidence in them than in managing the affairs of our Navy. These gentlemen in the Navy go up, as I said, until they reach the highest grade in the service of our Government in the Navy, and they compare favorably, aye, they are the peers of any men in any navy in any country in this world.

The consensus of the opinion of all naval officers in this country is that the battle ship is the unit of naval power in the service. They have recommended the building of battle ships, and it will require from four to five years to construct them, while ordinary cruisers, protected cruisers, and scout cruisers can be taken any day from the marine service or from the merchant service, as they were in the late war with Spain, and brought into service in our Navy.

But not alone do our own naval officers say that the battle ship is the unit of naval power. I wish to read to you what I took from an English magazine the other day, written by a very eminent authority of Great Britain. In summing up the lessons of the war in the Orient between Japan and Russia Lord Selborne, first lord of the British Admiralty, said:

> The lessons from the war in the Far East are the importance of the personnel, the necessity for having a margin of strength, and the fact that without battle ships no power can hold or win command of the sea.

That is the testimony of the first lord of the Admiralty in naval affairs in Great Britain, who has devoted his life to the service, and England has battle ships which are superior to or certainly the equal of any that are built. We are profiting by England's experience. We are profiting by Germany's experience.

Mr. HALE. Let me ask the Senator a practical question. Does the Senator know that up to this time England has never built a single battle ship of the kind we are building, and has never adopted the turreted ships, which are exclusively our model of ships? To-day the only ship that England is laying down is the barbette ship, the guns protected by a wall by the side of the ship—a barbette and not a single turreted ship.

Now, that is a very important question to be considered and it throws great light upon this infallibility of the naval board. I do not admit what the Senator said, that they understand more about the management and the conduct of a battle and all. When you put the naval officer into a board he tells us this year we have got to have sheathed ships and next year, the same board, tells us we do not want a single ship sheathed.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Colorado?

Mr. TELLER. I have no doubt the speaking over there is instructive and interesting, but we do not hear a word of it on this side of the Chamber.

Mr. HALE. I suppose it is more interesting to the Senators from California and Maine than to others.

Mr. TELLER. No; we want to hear what is going on.

Mr. HALE. The Senator from California says that these naval boards know more as to what we should do than we know. I do not admit that. I would take the judgment of a good civilian who has watched the progress of wars as to what should be done in the way of ships before I would take the judgment of the Navy.

As I was saying to the Senator from California, the naval board told us we wanted battle ships of 10,000 tons; that they were the best in the world. Then they changed and said we want 12,000-ton ships. Then they changed and said we want 14,000 tons. Now they say 16,000 tons or else they will not be harmonious. They told us they wanted sheathed battle ships. Then they told us they did not want sheathed battle ships. Then they told us that we needed the double superimposed turrets, and for four years we followed them on that recommendation. Then they turned around and said, "We do not want any more of the superimposed turrets; we want the single turrets," and "We do not want the 14,000-ton ship, we want the 16,000-ton ship."

Now, where is the time that the Senator from California catches this infallible Board and makes their result things that all ought to accept blindly? They have not maintained the same position for two years on anything. Half the time they have decided these things by vote after a quarrel in the Board. England, as I have said, has never laid down a ship with a turret such as we persist in building. I think we ought to hesitate before we commit ourselves to any great programme until there is some demonstration that we are on the right side. I do not agree with the Senator that a naval board is more competent to settle this question than anybody else.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. PERKINS. Certainly.

Mr. McCUMBER. In connection with the same inquiry and upon the suggestion of the Senator from California that we should humbly bow in acquiescence to the consensus of the opinion of the admirals of the Navy as to what should be regarded as the unit of power and strength, I want to ask the Senator if it was not the consensus of the admirals and commanders of the great navy of Spain at the time of Queen Elizabeth that a great ship was the unit of power, and those great vessels went down before the little English craft?

Mr. PERKINS. Mr. President, nations, like individuals, are wise if they profit by the experience of others. I remember having read somewhere when a boy that in Hindostan the Burmans there did not fortify their towns or wish any navy, because they said no one would attack them. The result was that Lord Clive and others came in a few years afterwards, and ever since they have been in subjection to a government that had arms and battle ships.

It is the part of wisdom for us to profit by the mistakes of England. We have had no collision between our ships that have sunk them to the bottom, as did the *Camperdown* sink the *Victoria* in their maneuvers. That experience we profited by; and our naval officers, I repeat, Mr. President, by education, by experience, inspired by a spirit of patriotism, are the equal of any men who walk any ship's deck.

In answer to my friend from Maine, whose services on the committee and in the Senate and to our country none appreciate more than I do, I say it is the naval officers who do the fighting, while my friend from Maine and his friend from California and my friend from North Dakota remain at home; and the least we can do is in a measure to comply with their recommendations to build them such ships as they have demonstrated by experience are well calculated to withstand the fury of the elements, the ravages of time, and the assaults of the enemy wherever he may be.

Mr. President, the hour is late, and I want this bill to pass. I hope this amendment will not be adopted. The argument which has been used here that we are going too fast might be used with regard to this beautiful Capitol. We added one wing after another to it. We added to it and adorned and beautified it until to-day it is a thing of beauty and a joy to the people of this country and the nation. We do not want to build another Capitol. We shall have a Navy large enough when the fourteen ships that are now in process of construction are completed. and I want to say that those ships that are being built are only about 50 per cent constructed, and that it will be perhaps five years before some of them are ready for service.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nebraska?

Mr. PERKINS. With pleasure.

Mr. DIETRICH. What does the Senator from California say as to our present condition, that we are so poor that we can not build public buildings; so poor that we can not do any work upon our rivers and harbors; so poor that we can not increase the salaries of thousands of Government employees; so poor that we are paying 17 per cent upon rented buildings in the District of Columbia, one of them—the building occupied by the Geological Survey—a building that is not a fireproof building, but with more than $3,000,000 worth of surveys and documents liable to burn at any time?

Mr. PERKINS. That shows bad business management. When the Government can borrow money for 2 per cent—issue 2 per cent bonds that command a premium of 3 or 4 per cent—it is bad management when she pays 17 per cent per annum rent.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Minnesota?

Mr. PERKINS. I do.

Mr. NELSON. I desire to call the Senator's attention to the fact that we have about $140,000,000 in the Treasury, $100,000,000 of it lying idle in the banks of New York on which we receive no interest at all, and every time there is a financial flurry in Wall street they go to the Secretary of the Treasury and want to get the use of that money. We had better expend a part of it in building a navy than leave it idle in the banks.

Mr. PERKINS. Mr. President, we are having good advice on all sides. We all have the same common object in view, to do that which is for the best interest of our country, for its honor and its perpetuity. I believe that this bill as presented by your committee is all right, and I believe we ought to vote for it as it is presented by the committee. We should provide for the building of these two battle ships, and one year from now when we meet my friend from Kentucky, and my friend from Maine, and my friend from Virginia in the Committee on Naval Affairs we will take up this matter as a business proposition, as we have done in years past. We now have a navy equal to any navy afloat; we are the second naval power in the world, and we fear nothing from any other nation; but to-day it is a bad time for us to stop, in the closing hours of the session, and therefore I hope the amendment of the Senator from Tennessee will not prevail.

Mr. TELLER. Mr. President, I do not believe anybody here will charge me with being an enemy of a fair navy; I have voted, I think, for a proper increase of the Navy, but I do not think it is a question here that we need to discuss whether we ought to have a reasonably good navy. We have got that now. I am quite willing to adopt the suggestion made by the chairman, that as the ships depreciate, drop out of commission, we meet it year by year with a new appropriation for another ship or whatever may be necessary.

But, since the Senator from Minnesota [Mr. NELSON] made the statement that we have so much money lying idle in the bank that we might as well use, I wish to call his attention to the fact that at the rate we are going it will not take long to use that up and a good deal more. In 1903 we appropriated $82,000,000 for this service. We were told that we had reached the limit; that we had a pretty good navy started, and that we could in the future reduce this expense. The next year we appropriated $20,000,000 more than before. That made $102,950,000. Now we have $120,000,000.

Mr. President, if you will take the $120,000,000 for this service, take that of the War Department, which will be, I suppose, as much as it was last year, $115,000,000, and you have $235,000,000, or practically 50 per cent of all that we can hope to collect this year. I was looking at the Government's statement on Saturday. Up to the present time we have collected, in round numbers, $361,000,000. That is for two-thirds of the fiscal year. If we add another third to that we will have practically $480,000,000, and that is as much as I think anybody can expect us to collect this year.

Now, take $120,000,000 for this service, $120,000,000 for the war service, and you have practically one-half of the collections of this country for war purposes. Then you take from the revenues $142,000,000 for pensions, which may be attributed not to the present, but to past wars, and after these services are paid we will have about $100,000,000 left. If anything, we will have less than that left.

Mr. President, if there was need of a great navy I would be willing to borrow money to build it. If I believed we were in danger of being invaded or attacked by any power on the face of the earth I would not object to the expenditure of $100,000,000 if it was necessary. But there is no more danger of our being assailed by any foreign power than there is that we

shall assail some foreign power without any premeditation or any wrong on their part.

There is in some sections of the country, I will admit, a strong war spirit, but it is not sufficient here or anywhere in the world, in my judgment, to bring about a war between the United States and any great power. We have a large navy now, and when we have completed the fourteen ships that are in the stocks, or being built, we shall have largely above our present expenditures, if we stop building ships now or build only to a moderate extent.

I am willing to vote for one ship, but I am not willing to vote for more than that. I had rather at this moment vote for no new ships. I want to know, Mr. President, with a deficiency staring us in the face, which nobody has put at less than $40,000,000 this year, and in another place a very intelligent gentleman who represents the party in power has stated that it will be $81,000,000; but, no matter, it is a deficiency; you are not collecting as much as you are expending; your expenditures must necessarily increase—how are you to raise the money to meet this deficiency? You can draw upon the money in the Treasury until it is gone, but when that is gone you have got to increase you taxes.

Where are you going to increase them? Are you going to increase the customs duties? Can you get more customs duties than we are now getting? If you levy a greater tariff, then you cut off your imports. It is not in the nature of things that you can raise any more revenue in that way. You can raise more revenue if you increase internal taxes. There is no end to that. You can tax everything, as has been done in other countries. Our people have not been used to those things, and they are not going to get used to them.

You can not satisfy the public mind, Mr. President, I do not care what party is in power, when you begin to increase the internal-revenue taxes and say to the people "we had to build more ships, because we were afraid some nation would attack us." Will any Senator stand on this floor and say that he can name any country that is likely to attack us? Are we quarreling with any of the great powers of the world? It is absurd, if I may use that term here, for any Senator to say that we are in danger of a great war and that we ought to build more ships.

Mr. President, we have been doing without ships. When I came into the Senate twenty-eight years ago we were practically without a war navy. We went to work and increased our Navy. I voted for that, not so much because I felt that there was danger of a foreign war, but because we always need a navy of some size to protect our revenues and for other purposes.

Mr. President, I have not any patience, if I may say that, with any Senator who stands upon this floor and seeks to get my vote by telling me that we are in danger of attack. If we did not have a ship there is not any great power that is going to attack us.

I want to say that I agree with the Senator who said a little while ago that, in his judgment, there was no danger of a coalition between the European powers against us when we were going to have a war with Spain. I want to say that that idea was born in England, and I think that there was as much to do with it in this country as anywhere else. I am told that there was a fright up and down the coast for fear Spanish ships would come and attack us. There might have been, though there was no reason for it; but because somebody is unduly frightened or somebody may get panicky and think there is danger of war immediately I am not to be led, Mr. President, into going further in this direction than is necessary to maintain our present attitude, our present condition, and keep the ships we have in proper order and in commission.

I want to inquire again, where are you going to get the money to pay the expenses of this country in the future if you deplete the Treasury of what is in it now? We have gone into a great and expensive transaction on the Isthmus of Panama. It will cost nobody knows how much. I think the engineers have now got it down for a sea-level canal to cost about $279,000,000. That is undoubtedly an extremely conservative estimate. It will doubtless cost more. We are to pay that by borrowing money and running in debt. I do not believe any party or any set of men who come before the country can justify themselves by voting these extravagant amounts either for the Army or for the Navy in the present condition of affairs.

Mr. President, I did not intend to make a speech on this subject, and I should not have done so had I not heard some things here to-day which have rather surprised me. I do not know, of course, if we enter upon the policy of collecting the debts of the people in the Western Hemisphere, of maintaining order even in Haiti or in Santo Domingo, where there has not been any order and can be no order such as we call order unless our Army is there and our Navy is there—it does not strike me that the Monroe doctrine demands that.

The Monroe doctrine has existed and been respected by all the powers of the world since it was enunciated by Monroe when we were without ships, and, Mr. President, it is as safe to-day without ships as it is with them. But if we are to become the collectors of the defaulting debts of the various countries of the Western Hemisphere, if we are to be responsible to mankind for the peace and order that may prevail in all those sections of the world, then, Mr. President, it will be time enough when we have settled on that policy to go to work and build a great navy. You will need then a navy double its present size, not because it will be required for any contest with foreign powers, but you will need it in contest with the people whose domestic affairs you invade and whom you undertake to deprive of the right to govern and manage their own affairs.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee [Mr. CARMACK].

Mr. GORMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CARMACK. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67, line 21, before the words "first-class battle ships," it is proposed to strike out "two" and insert "one;" and in the same line, after the word "battle," to strike out "ships" and insert "ship;" so that if amended it will read:

One first-class battle ship, carrying the heaviest armor and most powerful armament for vessels, etc.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee [Mr. CARMACK], which has just been stated. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. As he is not present, I will withhold my vote. If he were present, I should vote "yea."

Mr. MILLARD (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE] who is not present; but I will transfer that pair to the Senator from New York [Mr. PLATT], and vote "nay."

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Indiana [Mr. FAIRBANKS]. If he were present, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. If he were here I should vote "nay."

Mr. TALIAFERRO (when his name was called). I have a general pair with the Senator from West Virginia [Mr. SCOTT]. In his absence I withhold my vote.

Mr. WARREN (when his name was called). I ask if the senior Senator from Mississippi [Mr. MONEY] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. WARREN. I have a general pair with that Senator and therefore withhold my vote.

The roll call was concluded.

Mr. QUARLES. I desire to transfer my pair with the Senator from Texas [Mr. CULBERSON] to the junior Senator from Washington [Mr. ANKENY] and vote. I vote "nay."

Mr. WARREN. I will transfer my pair, so that the senior Senator from Mississippi [Mr. MONEY] will stand paired with the junior Senator from Pennsylvania [Mr. KNOX], and vote. I vote "nay."

The result was announced—yeas 22, nays 38, as follows:

YEAS—22.

Bacon	Clay	McCreary	Patterson
Bailey	Cockrell	McCumber	Pettus
Bate	Daniel	McLaurin	Simmons
Berry	Dietrich	Martin	Teller
Blackburn	Gorman	Newlands	
Carmack	Latimer	Overman	

NAYS—38.

Allee	Dick	Hopkins	Perkins
Allison	Dolliver	Kean	Platt, Conn.
Ball	Foraker	Kittredge	Quarles
Bard	Foster, La.	Lodge	Smoot
Burrows	Foster, Wash.	Long	Spooner
Clapp	Gallinger	McComas	Stewart
Clark, Wyo.	Gamble	McEnery	Stone
Crane	Hale	Millard	Warren
Cullom	Hansbrough	Nelson	
Depew	Heyburn	Penrose	

NOT VOTING—30.

Aldrich	Culberson	Gibson	Platt, N. Y.
Alger	Dillingham	Hawley	Proctor
Ankeny	Dryden	Kearns	Scott
Beveridge	Dubois	Knox	Taliaferro
Burnham	Elkins	Mallory	Tillman
Burton	Fairbanks	Mitchell	Wetmore
Clark, Mont.	Frye	Money	
Clarke, Ark.	Fulton	Morgan	

So Mr. CARMACK's amendment was rejected.

Mr. CARMACK. I should like to have the other amendment which I sent to the desk voted on.

The PRESIDING OFFICER. The Senator from Tennessee offers an amendment to come in at the end of paragraph——

Mr. HALE. Let us go on and finish the reading of the bill.

The PRESIDING OFFICER. The amendment was offered by the Senator from Tennessee, but was sent out of the Chamber. It has been sent for.

Mr. HALE. Let the Secretary continue the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Naval Affairs was, on page 69, line 20, after the word "dollars," to insert the following proviso:

Provided, That the limit of cost, exclusive of armor and armament, of the two sailing training vessels authorized by act of Congress approved March 3, 1903, be increased to $410,000 each.

The amendment was agreed to.

The next amendment was, on page 69, after line 24, to insert:

The Secretary of the Navy is hereby authorized and required to bring suitable action in a Federal court for the purpose of obtaining, as soon as practicable, judicial determination of the question as to the validity of certain United States patents covering a process of treating armor plate known as the Harvey process. Pending such determination no royalty shall be paid for the use of the aforesaid process of treating armor, excepting such as the Secretary of the Navy has, in contracts recently awarded for armor for battle ship No. 25 and armored cruisers Nos. 12 and 13, obligated the Government to pay in accordance with license by contract of April 12, 1893, for the use of said process, and the doctrine of estoppel shall not apply to proceedings instituted by the Secretary of the Navy, as herein authorized.

Mr. KEAN. I make the point of order on that amendment that it is general legislation.

The PRESIDING OFFICER (Mr. LODGE in the chair). The Chair thinks the point of order well taken, and the amendment is ruled out.

Mr. HALE. There are one or two small amendments which I desire to offer in behalf of the committee. I offer the amendment which I send to the desk, to come in on page 16, at the end of line 11.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 16, at the end of line 11, after the word "dollars," it is proposed to insert:

Provided, That of the above a sum not exceeding $1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands.

The amendment was agreed to.

Mr. HALE. I submit another amendment. The two go together.

The PRESIDING OFFICER. The amendment submitted by the Senator from Maine will be stated.

The SECRETARY. One page 23, at the end of line 18, it is proposed to insert:

One master of tugs, $1,200; one electrician, $1,200.

The amendment was agreed to.

Mr. HALE. Let the totals be changed.

The PRESIDING OFFICER. The total will be changed.

Mr. HALE. On page 56, lines 5 and 6, by mistake an amendment was agreed to which was not reported by the committee. I ask that the vote by which the amendment was agreed to be reconsidered.

The motion was agreed to.

Mr. HALE. I hope the amendment will be disagreed to.

The amendment was rejected.

Mr. HALE. Let the total be changed. That is all from the committee.

Mr. CARMACK. Have the committee amendments been disposed of?

The PRESIDING OFFICER. The committee amendments have all been disposed of.

Mr. CARMACK. What has become of the committee amendment on pages 69 and 70?

The PRESIDING OFFICER. It went out on a point of order.

Mr. CARMACK. I wish to offer the amendment I send to the desk, to follow the word "dollars" in line 20.

Mr. BLACKBURN. On what page?

Mr. CARMACK. Page 69.

The SECRETARY. After the word "dollars," on page 69——

The PRESIDING OFFICER. The first amendment was agreed to.

Mr. CARMACK. What amendment?

The PRESIDING OFFICER. The amendment on page 69, increasing the cost of training vessels, was agreed to. The amendment that went out was the following amendment in relation to the suit.

The SECRETARY. On page 69, at the end of line 24, after the word "each," it is proposed to insert:

And provided further, That the contract for armor plate for vessels herein authorized shall be awarded by the Secretary of the Navy to the lowest responsible bidder and that no contract shall be awarded to any persons, firms, or corporations or the agents thereof should it reasonably appear that such persons, firms, or corporations have entered into any combination, agreement, or understanding the effect or purpose of which is to deprive the Government of fair, open, and unrestricted competition in bids for said armor plate.

Mr. HALE. I raise the point of order that that is legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PLATT of Connecticut. I offer an amendment to come in on page 54, after the amendment already adopted in line 15. I trust the chairman of the committee will allow the amendment to be adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. On page 54, after line 15, it is proposed to insert:

That the President be authorized, by and with the advice and consent of the Senate, to appoint the professor of mathematics at the Naval Academy to be a professor of mathematics in the Navy, to be an extra number in the list of professors of mathematics in the Navy, with the rank of captain and the pay of a professor of mathematics in the Navy after fifteen years from date of appointment.

Mr. HALE. I am constrained to make the point of order that that is legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PETTUS. I desire to offer an amendment, to come in after line 11, on page 39.

Mr. President, this is in reference to dental surgeons. It has been recommended by the Secretary of the Navy, and it has been recommended as often as ten times by the Army, and this is especially recommended by the Secretary of the Navy now. I desire to say that there is not a body of learned professional men who have been treated so badly as the dental surgeons in the Army and Navy have been. They have no rank, and they are treated without rank and without consideration, and always will be until they are on a proper footing. I offer the amendment, and hope the Senator from Maine, in charge of the bill, will not make any objection to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 39, after line 11, it is proposed to insert:

For the pay of not exceeding thirty dental surgeons, which the President is hereby authorized to appoint to the rank of acting assistant surgeons in the Navy, the sum of $51,000.

Mr. HALE. I make the point of order. There is not a corps or a rank in the Navy that does not seek some change, some advance, some extension of numbers or increase of pay. The committees of the two Houses at the next session will have to consider all these cases. The dental surgeons are only one of a dozen classes, and we ought not to provide for one without going into the whole question. For that reason I am obliged to make the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PETTUS. Mr. President, I will say that a bill to this effect was especially recommended by the Secretary of the Navy, and a bill to this effect was especially reported by the committee, and it has been pending for some years in one shape or another. And now, a similar bill having been recommended by the House committee, it seems to me that this amendment ought to be adopted. These people have been treated without any regard to their professional character long enough. If the Senate desires to do justice to them at all it is time it commenced.

Mr. NEWLANDS. I offer the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 69, after the word "dollars," in line 20, it is proposed to insert:

Provided, That the Secretary of the Navy shall cause a thorough inquiry to be made as to the cost of armor plate, the report of which shall be made to Congress, and that if such inquiry shall demonstrate that such armor plate can be made at a cost not exceeding $300 per ton the Secretary of the Navy is hereby authorized to purchase or build an armor plant at a cost not exceeding $2,000,000, which is hereby appropriated for that purpose.

Mr. HALE. Let the Senator from Nevada strike out all of the amendment except about the investigation and I will accept it. But the other is legislation, and I shall be obliged to raise

the point against the whole. I do not object to the investigation.

Mr. NEWLANDS. Mr. President, I should like to be heard for a moment on the question.

My attention was attracted to this very large item in the naval bill of $18,000,000 for armor and armament. As I am rather unfamiliar with naval affairs, I questioned the chairman of the committee regarding this item. I found he was disposed to satirize my ignorance upon the subject, and to indicate that this whole question had been relegated to the limbo of obscurity.

Mr. HALE. I hope the Senator will permit me to say that on so large a subject I do not satirize.

Mr. NEWLANDS. I do not understand the Senator.

Mr. HALE. The Senator says I am attempting to satirize his ignorance. I hope the Senator will bear in mind that on so large a subject I do not attempt to satirize.

Mr. NEWLANDS. Attempt what?

Mr. HALE. To satirize.

Mr. NEWLANDS. I assume from that that the Senator refers to the extent of my ignorance and not to the extent of the item. In the first place I supposed he was referring to the item itself, involving the large sum of $18,000,000.

I must say there is some reason for my ignorance and there is some reason for the ignorance of the entire Senate upon this question when the chairman of the committee, who is in charge of the bill, who is charged with the duty of enlightening us upon this subject, has failed to give us any information whatever in his report upon a subject-matter embracing appropriations of over a hundred million dollars. The chairman of the Committee on Naval Affairs presents a report, which I have before me, embracing about twelve lines, and stating only what the amount of the estimates for 1906 were, what the amount of the House bill is, and what is the increase recommended by the Senate committee, and in this casual way he disposes of a hundred million dollars. So if my ignorance is colossal, I can only say that the chairman of the committee charged with the duty of enlightening me and enlightening the Senate has failed to discharge his duty.

The Senator says this matter was thrashed out years ago. If so, it has not been thrashed out to the satisfaction of the American people. It is true that the Congress of the United States has submitted to these extortionate charges year afer year, but it has submitted to them under protest and only under the pressure of immediate action—the immediate necessity of finishing vessels in the course of construction. So far as the investigation was concerned, it showed conclusively that the cost of armor plate did not exceed $200 per ton, and that with proper interest and profit added—the enormous profit of 25 or 30 per cent—its cost should not exceed $250 a ton. That was the finding, I believe, of Secretary Herbert. That was the finding of naval officers charged with the duty of inquiring into this matter; and, so far as the record shows, the cost of armor plate should not be in excess of $250 per ton.

Now, the Senate of the United States and the House of Representatives under pressure have made these appropriations, and these appropriations have been increasing year by year. What do they amount to up to to-day? I have just looked over the appropriations for the four years past, and I find that the total of these appropriations, assuming that only two-thirds of the appropriation under this item would apply to armor plate, amounts to $34,000,000; and if we could have saved one-half of the price paid, which is a sum Senator Chandler and Secretary Herbert said we could save, our saving on $34,000,000 would have been $17,000,000. Possibly we shall have appropriations in the future equaling as much.

The Senator informs us that the appropriation next year will be as much as this, and the year after not quite as much, but he does not tell us what will be the appropriation in the succeeding years; but the assumption is that the appropriation for the next four years will be as large as the appropriation for the past four years. It is fair to infer that it will be even larger, with these great and magnificent plans for the extension of our Navy. So we will have a total of at least $68,000,000 paid for armor plate in the course of eight years, and, according to the statements of the Secretary of the Navy and the naval officers who have investigated this matter, we would have been able, had we established an armor plant of our own at a cost of $2,000,000, to save $34,000,000.

Now, then, what does my amendment call for? It calls for an inquiry, first, as to the cost of armor plate—a thorough inquiry—by the Secretary of the Navy, with a report to Congress, and the authority to the Secretary of the Navy, if he finds the cost of armor plate does not exceed $300 per ton, to construct an armor plant at a cost not exceeding $2,000,000, or to purchase one. There are three armor-plate plants in the country to-day. He may be able to purchase one and thus save $6,000,000 out of the pending appropriation of over twelve million, a saving that will pay for the armor plant three times over. If he can not purchase he can build at a cost of $2,000,000. Whilst we may not be able to save the appropriation for next year, we will be able to save the appropriations for succeeding years.

It is said that this is entering into business. Is not the Government already in business in this matter? This very item, covers not only armor, but armament. Two items as distinct, the Senator says, as a pocket pistol from my waistcoat, were embraced in the same clause. If they are so distinct, why, I ask the chairman of the committee, are they embraced in the same clause? Why should you put these two items together—armor and armament? Was it for the purpose of strengthening the armor appropriation by putting with it the armament appropriation, which nobody questions?

We find, as to this armament, which the Senator informs us consists of guns, etc., on ships, embraced in an appropriation under this bill and consuming possibly $6,000,000 out of $18,000,000, that the Government is already in the business of making armament, making these guns, and that years ago when the Government entered upon that business the same objection was urged then as is raised now to the construction of an armor plant. It is a part of the legitimate business of the Navy, if this Government is to be held up year after year, four years consecutively in the past and eight or ten years consecutively in the future, by organizations known to be combined in restraint of trade and commerce, organizations that every day are offending against the law.

I ask how can we stand before the American people with our responsibility to them upon this question? Here we have a prospect of saving, out of this one item of $12,000,000, $6,000,000 through the expenditure of $2,000,000 for an armor plant, and we have a chance of saving within the next four years $17,000,000 out of a possible and probable appropriation of $34,000,000.

The Senator proposes to make a point of order and to claim that this is new legislation. He wants simply a thorough inquiry and a report to Congress. This amendment provides for more. It provides not only for an inquiry and a report, but it provides for action, and that action is just as legitimate as any appropriation under this bill.

Does the Senator mean to say that I could not move an amendment to increase the appropriation from $18,000,000 to $20,000,000? If the very purpose of this appropriation is to get armor plate, can we not increase it $2,000,000 by building a plant for the purpose of obtaining it?

So I insist upon it that this amendment is in order, and it is an amendment that ought to be put upon the bill, and under our responsibility as Senators we owe it to the American people to see to it that this hold-up process is not longer continued.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PATTERSON. Although the hour is late, I wish to say a few words upon the necessity of the investigation that is suggested by the Senator from Nevada in the matter of armor plate for battle ships and armored cruisers.

Mr. HALE. The Senator understands that I did not object to the part of the amendment providing for an investigation?

Mr. PATTERSON. I know, but I wish to say a few words about it.

The PRESIDING OFFICER. Does the Senator from Nevada modify his amendment?

Mr. NEWLANDS. I will ask for a ruling upon it.

The PRESIDING OFFICER. It is clearly out of order.

Mr. NEWLANDS. I appeal from that decision.

Mr. HALE. I move to lay the appeal on the table.

Mr. NEWLANDS. Very well; then I will offer an amendment——

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine to lay the appeal on the table.

Mr. CLAY. I understood the Senator from Nevada to withdraw his appeal.

The PRESIDING OFFICER. The Chair did not hear him.

Mr. HALE. Then I withdraw the motion.

The PRESIDING OFFICER. The appeal is withdrawn.

Mr. NEWLANDS. I now offer the following amendment.

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

Mr. PATTERSON. Yes, sir.

Mr. NEWLANDS. I will state that this amendment contains only the part of the previous amendment that is acceptable to the Senator from Maine.

Mr. HALE. It is the first clause of the Senator's amendment?

Mr. NEWLANDS. The first clause.

Mr. HALE. I do not object to that; in fact, I rather court it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nevada will be read.

The SECRETARY. After the word "dollars," in line 20, page 69, it is proposed to insert:

Provided, That the Secretary of the Navy shall cause a thorough inquiry to be made as to the cost of armor plate and of an armor plant, the report of which shall be made to Congress.

Mr. BAILEY. Would the Senator from Maine object to a further addition directing an inquiry into the fact as to whether or not these armor-plate establishments have been combining against the Government?

Mr. HALE. I think the general investigation will disclose just what the condition is, as the Senator from Nevada has phrased it, without adding anything?

Mr. BAILEY. I should like, if the Senator from Colorado will permit me, just to add that I think the Government ought not to engage in the business of manufacturing to protect itself against combinations to raise prices against it, but it ought to protect itself by a statute making that kind of procedure a crime. Then you reach the point desired without going into another and objectionable process.

Mr. PATTERSON. Mr. President, some time before January of this year the Secretary of the Navy advertised for bids for armor plate, some 8,000 tons, for the *North Carolina*, the *New Hampshire*, and the *Montana*. There were three bidders, the Carnegie Company, the Bethlehem Company, and the Midvale Company. The bids of the two first companies were identical, $452 a ton. The bid of the Midvale Company was $398 a ton. Yet the award was made to the two companies whose bids were identical and whose bids were $50 a ton more than that of the Midvale Company.

Mr. HALE. If the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. PATTERSON. Certainly.

Mr. HALE. Was the Senator present when I explained how that arose? I do not know that I need do it, because the investigation under the amendment modified by the Senator from Nevada will bring out all those facts.

Mr. PATTERSON. I shall not occupy the floor of the Senate long. I recognize the anxiety of the Senator from Maine to get through with the bill. It is a very laudable one. But I have not interrupted the Senator on the bill.

Mr. HALE. I do not complain of the Senator at all.

Mr. PATTERSON. It is a known fact that the Bethlehem Company and the Carnegie Company do constitute a trust, operating under separate names. Ostensibly bidding against each other, in bidding for armor plate since 1900 and before, they have been making identically the same bid, and except in 1903 the contracts have been awarded to them.

When the Senator from Maine was on the floor this afternoon he was asked something about this matter, and he stated that an investigation had been made, and it was found that the company whose bid was the lowest was not in a condition to comply with the contract if the contract had been given to it, and that for that reason the construction of the vessels must necessarily have been hung up for a considerable length of time, growing out of the alleged inability of the Midvale Company to comply with its contract if the contract had been awarded to it.

Mr. President, the armor that was bid in the contract which was let will not be needed for somewhere in the neighborhood of three years. These three vessels will not be ready for armor plate for a period in the neighborhood of three years. Experience, it seems to me, has shown, as that experience is recorded in the records of Congress, the proper course to pursue. I will not say the Senator from Maine, but the committee who made the report, certainly did not make an accurate report with reference to the capacity of the Midvale Company to meet the requirements of the contract if it had been awarded it, as it should have been if it was the lowest, as it was the lowest bidder, and if it was a responsible bidder. Commencing with 1900 some 66,000 tons of armor plate have been contracted for. The Midvale Company commenced bidding in 1900. In 1903 it was awarded a contract for 6,000 tons, and it filled that contract to the approval of the Government. It only got the construction for part of the armor for which the contract was let, but the amount contracted for and which it supplied under its contract was less than 2,000 tons of the contract that was let sometime, I think, in December.

Mr. President, so far as this Midvale Company is concerned it is known to be a responsible company. I am told that within the past year or eighteen months nearly $2,000,000 have been invested by that company in the perfection of its works for the construction of armor plate and for the construction of other things essential in the making of armored vessels. The chief of the Bureau of Construction in his report for 1900 said about this company 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."

It seems to me that that is pretty straightforward, direct, official testimony as to the capacity of this company and its ability to comply with any contract that it might enter into with the Government.

Then, again, as to the character of the armor plate that this Midvale Company produces. 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.

Mr. President, with a company such as this, having demonstrated its ability in 1903 to comply with a contract for 6,000 tons, no fault being found with the character of the armor, the very latest tests applied to its armor by the Government under the stringent rules adopted by the Government showing the plate to be altogether satisfactory, is it not extraordinary that in a mere matter of 8,000 tons that will not be needed for nearly three years the two companies that combine—the trust—have been awarded the contract for nearly 8,000 tons of armor for $452 a ton and the same company of which I have been speaking, that proposed to supply the same armor for $398 a ton, is not awarded a pound of the material for which the Secretary of the Navy advertised for bids?

It is high time, Mr. President, that matters of this kind should be investigated, for at least to the uninitiated, to those who are simply upon the outside and who must receive information of governmental transactions from official records, it looks very much like a scandal, and that some full and complete explanation should be made to Congress and to the people, if not by the committee at least by the Department, of the reason for transactions of this character.

The PRESIDING OFFICER. The Chair understands the Senator from Maine to accept the last amendment proposed by the Senator from Nevada [Mr. NEWLANDS].

Mr. HALE. Yes.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

HOUR OF MEETING TO-MORROW.

Mr. STEWART. Mr. President——

Mr. ALLISON. I ask the Senator from Nevada to yield to me that I may make a motion. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of 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.

ANACOSTIA, ETC., ELECTRIC RAILWAY COMPANY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia.

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint conferees on the part of the Senate, and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN were appointed.

COURTS IN SOUTH CAROLINA.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to 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, and asking a conferenee with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint conferees on the part of the Senate, and Mr. NELSON, Mr. CLARK of Wyoming, and Mr. BACON were appointed.

EXTENSION OF M STREET.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1635) for the extension of M street east of Bladensburg road, and for other purposes.

The amendment of the House was to strike out all after the enacting clause and insert:

That within twenty days after the dedication to the District of Columbia of at least two-thirds of the land necessary for the extension of M street as hereinafter described the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of M street, with a width of 90 feet, from Bladensburg road east to Twenty-eighth street.

SEC. 2. That the entire amount found to be due and awarded as damages for and in respect of the land condemned for the extension of M street as herein provided shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and the verdict of said jury shall also be for a sufficient sum to cover all the costs of the condemnation proceedings herein provided for: *Provided*, That the remaining portion of any parcel of land of any party dedicating shall be exempt from any assessment in respect to the cost of condemning any portion of said street that may not be dedicated or from any assessment for benefits of the extension of M street.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia or his deputies upon such owners of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same, including its proportionate share of the cost of the condemnation proceedings herein provided for.

SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

SEC. 8. That when confirmed by the court, the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in two equal annual installments, with interest at the rate of 10 per cent per annum from and after sixty days after the confirmation of the verdict and award. In all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

SEC. 9. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested.

SEC. 10. That each juror shall receive as compensation the sum of $5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

SEC. 11. That the sum of $300 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from said assessments for benefits when the same are collected as herein provided.

SEC. 12. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the opening of such street: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

Mr. GALLINGER. I have examined the amendment made by the House of Representatives, and I am prepared to move that the Senate agree to the amendment.

The motion was agreed to.

CONTINUANCE OF COMMITTEES.

Mr. ALLISON. I offer the resolution which I send to the desk, and ask for its present consideration.

The PRESIDING OFFICER. The resolution offered by the Senator from Iowa will be read.

The Secretary read as follows:

Resolved, That the standing and select committees of the Senate as constituted at the end of this session be, and they are hereby, continued until the next regular session of Congress, or until their successors are elected.

The PRESIDING OFFICER. The Senator from Iowa asks for the present consideration of the resolution. Is there objection?

Mr. GORMAN. Let the resolution be again read, Mr. President.

The PRESIDING OFFICER. The resolution will be again read.

The Secretary again read the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. GORMAN. Mr. President——

Mr. PLATT of Connecticut. It is the usual resolution which is passed at the end of every session of Congress, I think.

Mr. GORMAN. Yes; but Mr. President——

Mr. ALLISON. This resolution is the usual resolution passed at the end of a Congress. It simply continues the committees of the Senate until the next regular session, or until other committees are appointed.

Mr. GORMAN. Well, Mr. President, I should like to inquire—because the question came up, as I remember, at the last session—whether the vacancies which occur on the committees on either side of the Chamber are to be filled?

Mr. ALLISON. Undoubtedly.

Mr. GORMAN. As they would be at the coming extraordinary session?

Mr. PLATT of Connecticut. We have never done that.

Mr. ALLISON. What I mean is, this is the usual resolution—it does not settle that question—for continuing the committees until they are provided for; but if there be objection, I will withdraw the resolution.

Mr. GORMAN. No; I only wanted to see how far the resolution went.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FORAKER. If there is no objection, I should like to have the resolution again read.

The PRESIDING OFFICER. It will be again read.

The Secretary again read the resolution.

Mr. ALLISON. I ask leave to withdraw the resolution if there is any objection to it.

Mr. FORAKER. I have no objection to the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. DANIEL submitted an amendment proposing to appropriate $30,000 for establishing a light and fog-signal station at Ragged Point, on the Potomac River, 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. PETTUS submitted an amendment proposing to appropriate $6,000 for completing the public building at Montgomery, Ala., 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.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 18809) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with amendments, and I submit a report thereon. I also desire now to give notice that at the earliest opportunity this bill will be called up for consideration.

IMPORTATION OF TEA.

Mr. STONE. Mr. President, I desire, if it be in order—I have just come in——

The PRESIDING OFFICER. The Chair does not know whether it is in order or not, as the Senator has not stated his request.

Mr. STONE. I am going to state it, Mr. President. I desire to submit a report from the Committee on Commerce.

The PRESIDING OFFICER. Without objection, the report will be received out of order.

Mr. STONE. Is it out of order, Mr. President?

The PRESIDING OFFICER. It is at this time, but if there be no objection the Chair will receive the report.

Mr. STONE. I desire also to ask for the present consideration of the report. Is that out of order?

The PRESIDING OFFICER. It is not out of order if no Senator objects.

Mr. LODGE. The Indian appropriation bill is before the Senate.

Mr. STONE. This is a very short bill, and I hope my friend from Nevada will not object to it.

Mr. STEWART. I must object to everything until we can get started on the Indian appropriation bill. I have been very good-natured about it, and have waited for seven days. I want now to get ahead with the bill.

Mr. STONE. I repeat that this is a very short bill.

Mr. STEWART. Let the bill be stated. I want to hear it.

Mr. STONE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5600) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, to report it without amendment and to submit a report thereon; and I ask for the immediate consideration of the bill.

Mr. HALE. What bill is this, Mr. President?

The PRESIDING OFFICER. A bill reported from the Committee on Commerce by the Senator from Missouri [Mr. STONE], for which he asks present consideration.

Mr. HALE. I object, Mr. President.

The PRESIDING OFFICER. Being objected to, the bill will go to the Calendar.

Mr. STONE. Is there objection, Mr. President?

The PRESIDING OFFICER. Objection has been made.

Mr. STONE. Who objects?

Mr. HALE. I object, Mr. President. That bill can not be passed without debate.

Mr. STEWART. I insist on the regular order, Mr. President.

INDIAN APPROPRIATION BILL.

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

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 30, after line 3, to insert:

For the purpose of carrying into effect the agreement entered into on the 17th day of June, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and the Yahooskin band of Snake Indians, belonging to the Klamath Agency in the State of Oregon, set forth in the report of the Secretary of the Interior reporting the same to Congress and printed in House of Representatives Document No. 79, Fifty-seventh Congress, first session, the sum of $537,007.20 is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said agreement is hereby ratified and confirmed. Of the said sum so appropriated $350,000 shall be deposited in the Treasury of the United States to the credit of said Indians and the remainder shall be expended as provided in the third article of said agreement.

Mr. LODGE. Mr. President, it seems to me that that amendment, although in the first line apparently it is within the provision of the rule, is not in order, because the agreement which it is to carry out is to be ratified and confirmed by the terms of this very amendment itself. I think, therefore, the amendment is in the nature of a private claim, and I make the point of order on it.

The PRESIDING OFFICER. That it is a claim against the Government?

Mr. LODGE. I also make the point of order that it is general legislation.

The PRESIDING OFFICER. Is this money to be taken from the Treasury or from the Indian funds?

Mr. LODGE. Taken from the Treasury.

The PRESIDING OFFICER. If the amendment proposes to take the money from the Treasury, the Chair believes that it is subject to a point of order.

Mr. LODGE. It is also in the nature of a private claim, as I have stated.

The PRESIDING OFFICER. The Chair sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 30, line 24, to increase the appropriation for general incidental expenses of the Indian service in South Dakota from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, at the top of page 31, to insert:

For clerical work and stationery in the office of the United States surveyor-general required on surveys within the Pine Ridge Indian Reservation, S. Dak., $3,200.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 31, after line 22, to insert:

For pay of confidential clerk in office of Commissioner of Indian Affairs, at the rate of $150 per month, $1,800, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to insert:

To pay all expenses incident to completion of the survey, platting, and appraisement of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, under the provisions of an act of June 28, 1898, and all acts amendatory thereof or supplemental thereto, $10,000, the same to be immediately available: *Provided*, That the several town-site commissions in the Choctaw, Chickasaw, Creek, and Cherokee nations shall, upon the completion of the appraisement of the town lots in their respective nations, be abolished by the Secretary of the Interior at such time as, in his judgment, it is considered proper; and all unfinished work of such commissions, the sale of town lots at public auctions, disposition of contests, the determination of the rights of claimants, and the closing up of all other minor matters appertaining thereto shall be performed by the Secretary of the Interior under such rules and regulations as he may prescribe: *Provided further*, That all unsold lots, the disposition of which is required by public auction, shall be offered for sale and disposed of from time to time by the Secretary of the Interior for the best obtainable price as will, in his judgment, best subserve the interests of the several tribes; and the various provisions of law in conflict herewith are modified accordingly.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to insert:

That hereafter no act, ordinance, or resolution of the Choctaw council or Chickasaw legislature, the Creek council or Seminole legislature, except resolutions for adjournment, shall be of any validity until approved by the President of the United States. When any such act, ordinance, or resolution shall be approved by the governor of the Chickasaw Nation or the principal chief of the Choctaw Nation or Seminole Nation, respectively, it shall be the duty of the national secretary of such nation to forward it, duly certified and sealed, to the Secretary of the Interior for submission to the President of the United States, who shall, within thirty days after the receipt by him of any such act, ordinance, or resolution, approve or disapprove the same. Said acts, ordinances, or resolutions when so approved or disapproved shall be returned to the nation enacting the same.

The amendment was agreed to.

The next amendment was, on page 33, after line 17, to insert:

Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of

their allotments, to be expended under the direction of the Secretary of the Interior, $25,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 22, to insert:

For clerical work and labor connected with the sale and leasing of Creek and the leasing of Cherokee lands, $25,000.

The amendment was agreed to.

Mr. STONE. Mr. President, at this point I desire to ask the Senator who has charge of the bill if he would be willing to go back to the amendment on page 23, relating to the appropriation or use of Indian trust funds for educational purposes? I desire to make a point of order against that amendment.

The PRESIDING OFFICER. By agreement that amendment has already been passed over until the rest of the bill is read.

Mr. STONE. I desire to make a point of order against the amendment, if the Chair will hear me just a moment without impatience.

The PRESIDING OFFICER. Unanimous consent was given that that amendment should be passed over, and it is so marked. The Chair does not think the Senator could very well make his point of order at the present moment.

Mr. STONE. I suppose I can make the point of order at another time. What I desire to say is that if the point of order should be sustained, then I shall desire to offer an amendment at another point in the bill which would be inconsistent with the amendment on page 23.

The PRESIDING OFFICER. The Senator has that right. The Secretary will resume the reading of the bill.

Mr. FULTON. I desire to make an injuiry concerning the amendment on page 30, making an appropriation to carry into effect an agreement with the Klamath and Modoc tribes of Indians. I understand the Chair sustained the point of order made against that amendment?

The PRESIDING OFFICER. The amendment has been ruled out on a point of order.

Mr. FULTON. I wish to know whether or not the amendment can be reserved, so that it may be brought up again in the Senate?

Mr. STEWART. Certainly it can be brought up again when the bill gets to the Senate.

Mr. FULTON. I wish to be heard on that amendment.

The PRESIDING OFFICER. The Chair understands the amendment has gone out on a point of order. He does not know how it can now be reserved.

Mr. GALLINGER. It can not be done if the amendment has been ruled out.

Mr. LODGE. It can not be done.

Mr. FULTON. Mr. President, can I not move to restore it in the Senate?

The PRESIDING OFFICER. The Chair thinks there is no doubt of the Senator's right to do that.

Mr. PENROSE. It will be subject again to the point of order, I suppose?

The PRESIDING OFFICER. It will be.

Mr. PENROSE. And to the same ruling, if the same gentleman is then in the chair.

The PRESIDING OFFICER. Doubtless.

The reading of the bill was resumed. The next amendment was, on page 34, after line 2, to insert:

Town-site commissioners, Indian Territory: To complete the town-site appraisement and surveys in the Indian Territory under the provisions of the act of June 28, 1898, $10,000.

Mr. BERRY. I move to amend the amendment now under consideration in line 4, page 34, by adding the words "and sales" after the word "surveys," and striking out the word "and" before the word "surveys."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the amendment of the committee, on page 34, line 4, after the word "appraisement," it is proposed to strike out "and," and in the same line, after the word "surveys," it is proposed to insert "and sales;" so as to read:

Town-site commissioners, Indian Territory: To complete the town-site appraisement, surveys, and sales in the Indian Territory under the provisions of the act of June 28, 1898, $10,000.

Mr. STEWART. There is no objection to that amendment.

Mr. BERRY. I think the amendment is right.

The amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 34, line 10, before the word "thousand," to strike out "sixty" and insert "three hundred;" so as to read:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, exclusive of salaries and expenses of Commissioners, $300,000.

Mr. STEWART. After the word "Commissioners," in line 9, page 34, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 34, line 9, after the word "Commissioners," it is proposed to insert "and the provisions for investigations herein contained;" so as to read:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, exclusive of salaries and expenses of Commissioners and the provisions for investigations herein contained, $300,000.

Mr. GALLINGER. I desire to make an inquiry about the amendment. The bill as it came to the Senate appropriated $60,000 for this purpose. I do not pretend to know very much about it, but $60,000 is stricken out and $300,000 is inserted. I would ask the Senator from Nevada to give at least a few words of explanation of the amendment.

Mr. STEWART. The Commissioner of Indian Affairs reports that the provisions in the bill which we have already inserted will require $305,000 to carry them into effect. The amendment does not increase the amount beyond $300,000. We have already provided in the bill for enrolling the children up to the present time, which will involve a good deal of labor. We have also provided for various investigations that may require some expense.

The Commissioner, in a letter I have from him, estimates this expense at $305,000. If any of the provisions requiring expenses are left out in conference, of course we will diminish the amount to correspond. We will only take what is estimated by the Department to be essential to carry out the provisions of the bill. As it now stands, $300,000 will be necessary.

Mr. GALLINGER. I will ask the Senator if the letter from the Commissioner is a very lengthy one, and would the Senator be willing to have it inserted in the RECORD for my convenience? If the Senator would kindly have the letter inserted in the RECORD it would quite satisfy me, and then I could look at it at my leisure.

Mr. STEWART. The Senator does not care about having it read?

Mr. GALLINGER. Not at all.

Mr. STEWART. Then I ask that the letter from the Commissioner of Indian Affairs be inserted in the RECORD without reading.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, February 21, 1905.

Hon. WILLIAM M. STEWART,
Chairman Senate Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR STEWART: I make haste to furnish you with the data you asked me informally to supply explanatory of the necessity for the appropriation of $300,000 for carrying through the next fiscal year the work which would have devolved upon the Dawes Commission had that body been continued in existence past the 30th of June. The Indian appropriation act for the current fiscal year, approved April 21, 1904, carried appropriations of $265,295 for the work under the jurisdiction of the Dawes Commission, and yet we were obliged to estimate for a deficiency appropriation of $40,000 in addition, making in all $305,295 for the fiscal year ending June 30 next.

The pending Indian appropriation bill calls for an amount of work from the Commission's successor next year quite as great as that required of the Commission this year. The original estimate by the Department of $60,000 was based upon the assumption that some such legislation was to be adopted for the Indian Territory as was the subject of discussion in the earlier part of the present session. If, with the provisions now in the bill, we were confined to $60,000 we should undoubtedly have to suspend work before the next regular session of Congress. For example, there are practically 200,000 deeds to be issued, recorded, and delivered, and this alone would consume the larger part of the appropriation now in the bill. The settling of contests and the closing up of the citizenship work, especially in view of the amendments directing the enrollment and allotment of an indefinite number of new-born children, is a task of great magnitude, and the expense involved would run up somewhere between $100,000 and $200,000, in view of the necessarily restricted period within which it must be accomplished.

Trusting that this informal memorandum will furnish the information you wished me to give you, I am,

Very respectfully,

F. E. LEUPP,
Commissioner.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCUMBER. At this time I desire to submit an amendment, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The reading of the bill was resumed, and continued to the end of line 17, on page 34, as follows:

Said appropriation to be disbursed under the direction of the Secretary of the Interior: *Provided,* That the work of completing the un-

finished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the 1st of July, 1905.

Mr. BAILEY. Mr. President, I ask the chairman of the committee if he would not think it wiser to devolve these duties upon the present chairman of the Commission or some member of that Commission? They are thoroughly familiar with conditions there. I do not mean to say that the Secretary of the Interior is not, but I do mean to say that gentlemen who have had no other duties to perform for several years than duties in this very line are apt to know more about the unfinished part of the work than the Secretary of the Interior, who has had so many other things to do.

Speaking for myself and speaking without any very full information, I prefer to continue the entire Commission, or if that should be considered a waste of money, then I would prefer to continue, we will say, the chairman of the Commission as the executitve officer to deal with this matter. I merely make the suggestion without any intention to offer an amendment.

Mr. CLAPP. Following the suggestion of the Senator from Texas, it does seem to me that some such policy ought to be pursued, and I offer the amendment I send to the desk.

The PRESIDING OFFICER. The Chair understands that committee amendments are first to be considered.

Mr. BAILEY. I beg the Chair's pardon. That was my mistake.

Mr. CLAPP. Mine, too.

Mr. BAILEY. The clause was being read, and I supposed it was being read for amendment.

Mr. PLATT of Connecticut. Since this paragraph of the bill has been read and has been somewhat under discussion and it is proposed when the proper time comes to submit an amendment, I should like to know what is the purpose of this provision of the bill as it came from the House. Is it to legislate the Commission to the Five Civilized Tribes out of office on the 1st day of July, 1905, or has that been done?

Mr. STEWART. They are already out. That is the law. This devolves the duty on the Secretary of the Interior.

Mr. PLATT of Connecticut. It is already provided that they are to go on the 1st of July.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 34, in line 17, after the word "five," to strike out:

And it is further provided, That all the restrictions upon the alienation of lands of all allottees of either of the Five Civilized Tribes of Indians who do not appear upon the rolls as full-blood Indians, except minors, are, except as to homesteads, hereby removed.

Mr. STONE. I ask the chairman of the committee to pass this provision by for the present. I wish to be heard upon it. There are not a great many members of the Senate present. I desire to take the sense of the Senate upon that proposition.

The PRESIDING OFFICER. Does the Senator from Missouri ask to have it passed over for the present?

Mr. STONE. I do.

The PRESIDING OFFICER. It will be passed over then.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 34, after line 22, to insert:

It shall be the duty of the Secretary of the Interior to investigate, or cause to be investigated, any lease of allotted land in the Indian Territory which he has reason to believe has been obtained by fraud or for a grossly inadequate consideration, and, in his discretion, he may bring suit in the proper United States court to cancel the same, and in all cases where it may appear to the court that any lease was obtained by fraud, or for a grossly inadequate consideration, judgment shall be rendered canceling the same upon such terms and conditions as equity may prescribe; and it shall be allowable in cases where all parties consent thereto to modify any lease and to continue the same as modified: *Provided,* No lease made by any administrator, executor, guardian, or curator which has received the approval of the United States court having jurisdiction of the proceeding shall be subject to suit or proceeding by the Secretary of the Interior: *Provided further,* No lease made by any administrator, executor, guardian, or curator shall be valid or enforceable without the approval of the court having jurisdiction of the proceeding, and the subleasing of the estates of minors is hereby prohibited.

To enable the Secretary of the Interior to execute these provisions the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, the same to be immediately available.

Mr. BAILEY. Mr. President, I have seen this provision before, and I think it, all things considered, the best the committee could have adopted. But I express very grave doubt about the power of a court to set aside a lease upon merely a grossly inadequate consideration. Under the law generally a grossly inadequate consideration is a badge of fraud, but not a fraud, and yet if I had been on the committee I think I would have reported this, because I believe it will be found that there are a number of such leases in the Territory.

Mr. STEWART. If the Senator will look at the law under which the authority to make leases is granted, he will observe that the Indians can only make leases for a reasonable consideration. They have no authority to make a lease for a grossly inadequate consideration.

Mr. BAILEY. I was going to say further that I believe also under the law as it now exists the action could be taken which it is proposed here to take, except that under the present law it is a little indefinite as to who will take it and where the money would be received from in order to meet the expenses of it.

Mr. McCUMBER. I wish to ask the Senator if he does not believe that a consideration may be so grossly inadequate that it will in law amount to a fraud and be regarded as such?

Mr. BAILEY. I will say that the authorities generally are that a gross inadequacy of price, even at a sheriff's sale, coupled with the slightest irregularity, will invalidate, and a gross inadequacy of price, where the position of the parties is not equal—and they are not equal here, of course, as the court would judicially know—would be sufficient to set it aside; but I am not prepared to say that courts have ever held that purely and only a gross inadequacy in price invalidates a contract.

Mr. STEWART. I think it would in this case.

Mr. BAILEY. I hope it will in this case, because I think a man who would take advantage of an Indian, to rent his property for a grossly inadequate price——

Mr. McCUMBER. I think the Senator will find there are a great many authorities which hold that a grossly inadequate consideration standing alone may be regarded as a fraud.

Mr. BAILEY. I have no doubt the Senator from North Dakota has examined the question, and I will take his statement upon that subject. But speaking from my own recollection of the law I was not able to recall that in any case it had ever been held that a contract could be invalidated purely upon the inadequacy of the price, however gross. But when that inadequacy of price was gross and coupled with the slightest circumstance of irregularity a contract or even a sale under judicial process would be set aside.

Mr. STEWART. These leases are made by Indians who are under restrictions. They have no natural authority to make them. The statute authorizes them to make them for a reasonable consideration, and if the leases are made for a grossly inadequate consideration the Indians have violated the statute.

Mr. BAILEY. I agree with that view, and I am inclined to go further and say if they would go into the court and establish the fact that the leases were made for less than a reasonable price, even under the law as it now stands they might be set aside.

Mr. McLAURIN. I make the point of order on the amendment that it is general legislation.

Mr. CLAPP. I hope the Senator will withdraw the point of order. Some legislation is necessary.

Mr. McLAURIN. I can not withdraw the point of order. I think it is well taken. I do not think this legislation ought to go on an appropriation bill. If it is proper legislation it ought to be on a bill introduced and enacted for that purpose.

Mr. BERRY. Mr. President, I submit that the amendment is in order. All the legislation that has been had, or the greater part of it, in reference to the Five Civilized Tribes has been on appropriation bills. This is simply legislating upon a subject which has always been carried in such bills. It seems to me it is of the utmost importance that there should be some power to set aside leases which have been granted there through fraud or for a grossly inadequate consideration. It is not just to the Indians that these leases, where they have been made in violation of the present law, should stand, and I believe we have a right on the pending appropriation bill, dealing with these Indians as wards of the nation and with the money that is to be expended for them, to insert this legislation.

Mr. LONG. I have an amendment to this paragraph.

Mr. McLAURIN. What was done with my point of order?

Mr. LONG. I hope the Senator will withhold the point of order until I can submit my amendment.

Mr. STEWART. I wish to say a word before the point of order is decided.

All legislation in regard to the Indian Territory, including the Dawes Commission, has been on the Indian appropriation bill. If this is stricken out, nothing can be done. You can not pass special bills for the management of affairs in the Indian Territory in detail. It can not be done except on the Indian appropriation bill. This is essential, and the precedents for it are numerous. Take up every Indian appropriation bill for the last twenty years, and you will find similar legislation for the protection of the Indians.

Mr. McLAURIN. On the point of order which I have raised and with reference to the precedents I desire to say a word.

In any number of instances since I have been a member of the Senate, and, in fact, in the consideration of the Indian appropriation bill, such points of order have been sustained. There can not be any doubt about it that this is general legislation; and if a point of order against the amendment should be sustained in one instance I do not see why it should not in another. I do not think the rule can be changed or ought to be changed simply because Senators desire that in one specific case the amendment shall be adopted. I make the point of order and submit it to the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Will the Senator kindly withhold his point of order for a moment?

Mr. McLAURIN. Certainly.

The PRESIDING OFFICER. The Chair will recognize the Senator from Mississippi later on.

Mr. McCUMBER. Mr. President, I wish to say a word on the point of order. The provision from lines 19 to 23 makes a direct appropriation for a specific purpose. It provides that $50,000 shall be appropriated for the purpose of making a certain investigation. It does not seem to me that a point of order can be raised upon the right to appropriate a specific sum of money for a specific purpose. If that be true, then there is no new legislation in directing how the appropriation is to be expended and how the investigation shall be made. It is not new legislation, but legislating the method by which the appropriation of $50,000 shall be used. I can not possibly see how the point of order can be sustained that it is new or purely legislation.

Mr. LONG. I ask the chairman of the committee to allow this to be passed over until to-morrow.

The PRESIDING OFFICER. Is there objection?

Mr. McLAURIN. I do not object.

Mr. STEWART. We have already adopted an amendment, on page 34, line 9, increasing the amount to $300,000 for the purpose of carrying on the work of the Dawes Commission and for the investigation herein authorized. I was going to move to strike out the last appropriation of $50,000. We have already adopted an appropriation to carry out this investigation, and I think they clearly can determine what should be done.

The PRESIDING OFFICER. Then the Chair understands the Senator from Nevada to ask that the committee amendment be amended by striking out so much thereof as is embraced between lines 19 and 23, on page 35?

Mr. STEWART. Yes.

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to, and the amendment as amended will be passed over.

Mr. McLAURIN. It is to be passed over until to-morrow?

Mr. CLAPP. We object to that.

Mr. McLAURIN. I understand the amendment is to go over until to-morrow.

The PRESIDING OFFICER. The Chair so understands.

Mr. McLAURIN. And the point of order, it is understood, has been made against the amendment which is passed over.

The PRESIDING OFFICER. The Chair understands that the point of order has been made.

Mr. LONG. I desire to offer an amendment.

The PRESIDING OFFICER. The amendment will be printed, and lie on the table.

Mr. STEWART. I have a right to accept the amendment. Let it be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 35, line 2, it is proposed to strike out the words "in his discretion he may bring," and insert "he shall in any such case where, in his opinion, the evidence warrants it, refer the matter to the Attorney-General for;" and after the word "Interior," in line 13, page 35, to insert "or Attorney-General."

Mr. STEWART. There is no objection to that. Let it be so modified, and then let it go over.

Mr. PLATT of Connecticut. How will it then read?

The Secretary read as follows:

It shall be the duty of the Secretary of the Interior to investigate, or cause to be investigated, any lease of allotted land in the Indian Territory which he has reason to believe has been obtained by fraud or for a grossly inadequate consideration, and he shall in any such case where in his opinion the evidence warrants it refer the matter to the Attorney-General for suit in the proper United States court, etc.

The PRESIDING OFFICER. The amendment as modified will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 36, line 22, after the word "manner," to insert the following proviso:

And provided further, That all Indians holding lands not within any Indian reservation, under a trust or other patent containing restrictions upon alienation, shall, upon the certificate of the Commissioner of Indian Affairs, be exempt for such time as said Commissioner may determine from the payment of charges on lands so held that may be included in any irrigation project under the provisions of the act of Congress approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works in the reclamation of arid lands," and such Indians shall be entitled to all the rights and privileges of other persons holding lands in private ownership; but such exemption shall not increase the cost of reclamation to other private owners.

The amendment was agreed to.

The next amendment was, on page 37, line 21, after the word "made," to insert the following proviso:

Provided, That any allotments which may be made of the Osage Reservation in Oklahoma Territory shall be made subject to the terms and conditions of a certain lease dated March 16, 1896, given by the Osage Nation of Indians to Edwin B. Foster and approved by the Secretary of the Interior and now owned by the Indian Territory Illuminating Oil Company under assignments approved by the Secretary of the Interior, which said lease and all subleases thereof duly executed on or before December 31, 1904, or executed after that date based upon contracts made prior thereto, and which have been or shall be approved by the Secretary of the Interior, to the extent of 680,000 acres in the aggregrate, are hereby extended for the period of ten years from the 16th day of March, 1906, with all the conditions of said original lease except that from and after the 16th day of March, 1906, the royalty to be paid on gas shall be $100 per annum on each gas well, instead of $50, as now provided in said lease.

Mr. HALE. I make the point of order that this amendment is full of general legislation, the extension of time and everything provided in it, whereas it should be in a separate bill.

Mr. PENROSE. Unless the Senator from Maine has some particular reason for making this point I hope he will withdraw it. There are thousands of men engaged in the development of the oil territory who are interested in this proposition. As I understand it, they have come to an agreement with the Interior Department, so that the lease is acceptable to the Department, and I believe the amendment was recommended to the Committee on Indian Affairs by the Department of the Interior.

Mr. HALE. Protest is made from the Indians themselves that all the recitals in the amendment are incorrect. But I do not base my objection upon that. It is clearly a matter of legislation in extending the time. The extension can not be given unless there is new legislation. I am constrained to make a point of order against the amendment.

Mr. STEWART. I ask the Senator to withhold it for a moment.

Mr. HALE. I will withhold it.

Mr. STEWART. This question came before the committee. Originally it was a lease for fifteen hundred thousand acres. At that time no oil had been discovered there. The Secretary of the Interior, who has the power to lease this land now under existing law, objected to so large a lease. The parties had a hearing before the committee, a large number, some twenty or thirty prominent men, who had spent, as was represented, from forty to fifty million dollars in making improvements on this land. After they had been heard, and after the Secretary of the Interior had been heard, the chairman suggested to them that they had better go to the Interior Department and settle the question. They did so, and the result of their settlement was sent to us by the Secretary of the Interior, which reduced the amount so as to cover the land that had been leased and on which improvements had been made.

I think the Senator from Maine would not object to the amendment if he knew all the facts and knew how carefully the matter had been attended to and knew the action of the Secretary of the Interior and all the lessees and the sublessees and the general lease. The Secretary suggested that he would make a lease to the sublessees and take care of them in any event. The sublessees came before the committee, and they all desired the general lease to be continued for ten years. That would take care of them. This is satisfactory to the original lessees, the sublessees, and the Secretary of the Interior. The original lease provided for a renewal for the term of ten years. Not to renew this lease would be a gross inequity after so much money has been expended, because the original lease provided for a renewal.

Mr. DEPEW. Mr. President, the difficulty with this question, if the Senator from Maine insists upon the point of order, is that the ten years' lease expires within a short time, in which case these people would lose the money which they have invested and the labor which they have given to this property. There are quite a number of citizens of New York of moderate means who have every penny they have in the world invested

in these wells and who have given their time for years to the development of what is now their property, which is worth something if the lease can be extended and which will be confiscated in case the term ends, and therefore their property disappears.

Mr. STEWART. If the Senator will excuse me one moment I will give the language. The lease is made "with the privilege of renewal for a term of ten years more at the expiration thereof, if the results of said lease prove satisfactory, and upon the approval of the agent in charge, subject to the approval of the Commissioner of Indian Affairs."

I will say that it has proved most eminently satisfactory. About $50,000,000 of money has been invested. The agent approves it and the Secretary of the Interior approves it. The Secretary was before the committee and made this arrangement, reducing the extent of the lease more than one-half. It was approved by him and he drew the amendment which has been read.

Mr. HALE. If this is so complete a case it ought to have been reported in a separate bill, where it could be submitted to the scrutiny of the two Houses, properly debated, and then a just conclusion reached. But there is no reason why, upon an appropriation bill at this late day, when we are crowded and can give but little time to anything, that this matter should be disposed of now. The lease does not expire for three or four years, I understand.

Mr. STEWART. In one year.

Mr. PLATT of Connecticut. In one year; in 1906.

Mr. DEPEW. It expires next spring.

Mr. HALE. There is no reason in the world why it should be urged here. I know nothing about it except that representations have been made to me by the authorities of the tribes that this is a most unjust measure, and I must insist upon the point of order that it ought not to be upon an appropriation bill.

Mr. TELLER. I wish to call the attention of the Senator to the fact that this lease expires in April.

Mr. HALE. Next year?

Mr. TELLER. Yes.

Mr. PLATT of Connecticut. March 6, 1906.

Mr. TELLER. We gave it as careful attention, I think, as any committee ever did, and the Department has given it attention. When you consider, Mr. President, that the people who went in there to open up that country went in where there had been no oil found and spent a large amount of money before they did find any, and then they had to get the pipe lines and railroad communication, and all that, established, they make a very strong case.

I regret that the Senator insists upon his point of order, because I do not believe myself, after careful investigation, that any injustice is done to the Indians in that Territory. We heard from only a part of the Indians. I do not know how they are divided up, but those we heard from are in favor of this lease. It is a matter where you can not determine what the right is by referring it to the Indians.

Mr. HALE. I suppose that is true, that the Indians are divided, and a portion, a large portion, object to this amendment and say that it is unjust. Another part of them are in favor of it. Under these conditions, under the stress that we are in on appropriation bills, of these last few days we ought not to pass anything of this kind that meets with a real objection from parties who are interested.

If the case is as good as it is said to be, there is ample opportunity in the next session of the next Congress to report a bill from the committee and have it considered in each House and passed. But clearly in this case, where the Indians are divided, as admitted, it ought not to be put through at this stage. Therefore I must insist on my point of order.

Mr. TELLER. The Senator says they will get relief at the next session. Before that time the Indians will probably take possession. These men paid in their money and never got any money out of it—no compensation, in fact, to amount to anything.

Now, I know something about the oil business. I live in a country where oil is produced. The payments these people made when they went in there were equal to those now made in any section of the country where we have railroads and refineries within a reasonable distance. The payments are as much as is paid, I think, in any section of the country. There is no fraud on the Indians.

Mr. QUARLES. Mr. President, I wish to appeal to the Senator from Maine. I feel very sure he would not insist upon his technical proposition if he were thoroughly advised of the facts in the case.

Mr. HALE. Mr. President, my objection is not technical. I do not believe in this amendment. I am persuaded that a large portion of the Indians interested in this matter are opposed to the whole thing, and I believe it is wrong. I make the objection in order to maintain their rights. My objection is not technical.

Mr. DEPEW. I ask that this matter may go over until to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. STEWART. If the Senator from Maine does not object I do not object.

Mr. HALE. Of course I do not object. I have no belief that I would withdraw my objection, but I am entirely willing that it shall go over.

Mr. QUARLES. I am satisfied the Senator will withdraw his objection if he understands the facts; I am sure he will.

Mr. HALE. I suppose I do not understand it. I take it that I am making an unreasonable objection and that I ought not to make it because Senators appeal to me. I take it that is undoubtedly true. I must still continue in that position, Mr. President.

The PRESIDING OFFICER. The Chair hears no objection, and the amendment will go over until to-morrow.

Mr. PLATT of Connecticut. If it is going over I wish to call the attention of the chairman of the committee to the language of the amendment, so that between now and to-morrow morning he may consider whether the language does not extend the whole lease as well as the subleasing.

Mr. STEWART. The intention is to extend the whole lease, so far as the reduced amount is concerned.

Mr. PLATT of Connecticut. I do not think that ought to be the case.

Mr. STEWART. That was discussed in full.

Mr. PLATT of Connecticut. It ought not to extend the lease over the whole Territory.

Mr. STEWART. No; not over the whole Territory.

Mr. PLATT of Connecticut. I wish the Chairman would give me his attention—

Provided, That any allotments which may be made of the Osage Reservation in Oklahoma Territory shall be made subject to the terms and conditions of a certain lease dated March 16, 1896.

That refers to the whole lease over the whole Territory.

Mr. STEWART. That ought to be modified.

Mr. PLATT of Connecticut. And it says that the allotments which are made there shall be made subject to the conditions of that lease, that blanket lease, over the whole Territory.

Mr. STEWART. The Senator's suggestion is well taken.

Mr. PLATT of Connecticut. The language tries to correct it on the next page, but whether it does or not I wish the chairman would look at it. Line 4 provides "which said lease," referring to the whole lease again, "and all subleases thereof duly executed on or before December 31, 1904, * * * to the extent of 680,000 acres in the aggregate, are hereby extended for the period of ten years." I think that language ought to be made certain that it does not extend the whole lease over the whole Territory.

Mr. STEWART. I did not draw it. It was drawn by the Secretary of the Interior. I will look at that, that is the——

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

Mr. BERRY. Inasmuch as two amendments have gone over on points of order, as I can not very well remain until the close of the reading of the bill, I wish, if the Senate will permit me, to make a point of order now on section 7, page 94, so that it will not be passed to-night and we can have it in the morning. It is the amendment relating to electric railway, light, or power company, section 7—the entire section—on page 94.

The PRESIDING OFFICER. It is the section in regard to electric railways?

Mr. BERRY. Yes, sir; I want to make a point of order on that amendment, so that it may not be disposed of to-night, but may go over with the others.

The PRESIDING OFFICER. That amendment will, without objection, be passed over if reached to-night.

Mr. STEWART. Yes; it can go over by unanimous consent.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Indian Affairs was, on page 38, after line 16, to insert:

That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to reserve from allotment for town sites in the Osage Nation, Okla., 640 acres at Pawhuska; 160 acres each at the towns of Hominy and Fairfax; and two town sites on the line of the Midland Valley Railroad Company of 160 acres each, which shall be not less than 10 miles from Pawhuska, which shall be surveyed, appraised, and sold under such rules and regulations as the Secretary of the Interior may prescribe; and for such purpose a town-

site commission shall be created, composed of three members, one of whom shall be the Indian agent at the Osage Agency, one to be appointed by the Secretary of the Interior, and the other by the principal chief of the Osage tribe, who shall receive such compensation as the Secretary of the Interior may prescribe, to be paid out of the proceeds of the sale of town lots sold under the provisions of this bill.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to insert:

That the disbursing clerk of the Department of Justice be, and he hereby is, authorized and directed to pay, out of the unexpended balances of the appropriations for "Salaries and expenses, Choctaw and Chickasaw citizenship court," such expenses as were incurred by the bailiff, reporter, and stenographers of the said court for subsistence while in the performance of their duties at the headquarters of the said court, and which remain unpaid by reason of a decision of the Comptroller of the Treasury, whether such expenses were actually paid by the disbursing clerk and disallowed by the accounting officers of the Treasury or payment refused by the disbursing clerk in the first instance.

The amendment was agreed to.

The next amendment was, on page 40, after line 6, to insert:

To maintain at the city of San Francisco, Cal., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 40, after line 11, to insert:

For salary, traveling and other miscellaneous and emergency expenses, including a per diem in lieu of subsistence, not exceeding $4 per day, of special-service agents for the Indian Bureau appointed by the Secretary of the Interior to make investigations and examinations in special cases, to be expended at his discretion and under his authority and approval, to be immediately available, $10,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 5, to strike out:

For the payment to settlers on Turtle Mountain Indian Reservation in North Dakota for their improvements, provided they shall upon payment relinquish all claim to the lands they are occupying and remove from the reservation at such time as may be prescribed by the Secretary of the Interior, $2,000.

And in lieu thereof to insert:

For payment of certain squatters on the Turtle Mountain Reservation for their improvements, namely, Francois Le Forte, $510; Corbet Bercier, $630; William Bercier, $358; and Joseph Bercier, $275; in all, $1,773: *Provided*, That they shall upon payment relinquish all claim to the lands they are occupying and remove from the reservation at such time as may be prescribed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 41, after line 21, to insert:

To pay Albert M. Anderson, formerly agent at the Colville Agency, State of Washington, for expenses incurred in bringing a delgation of Colville Indians from the Colville Agency to Washington and return in January, 1900, as approved by the Secretary of the Interior, $602.50.

The amendment was agreed to.

The next amendment was, on page 42, after line 22, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jarib L. Sanderson, of Boulder, Colo., surviving partner of the late firm of Barlow, Sanderson & Co., the sum of $7,740, being the amount found by the Secretary of the Interior and the Court of Claims to be the losses sustained by depredations of a band of Cheyenne Indians during hostilities in Kansas and Nebraska in the summer of 1864, the same to be deducted from annuities now due or hereafter to become due said tribe, this payment being in accordance with treaty stipulations.

The amendment was agreed to.

The next amendment was, on page 43, after line 9, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay S. W. Peel, of Bentonville, Ark., out of any money in the Treasury of the United States belonging to the Choctaw Nation of Indians in the Indian Territory, the sum of $4,000, in full for professional services rendered said Indians by the said Peel and money expended in behalf of said nation in certain suit against said nation in the United States Court of Claims, wherein the claimants were Yvon Pike, Lillian Pike, and Yvon Pike as administrator of the estate of Luther H. Pike, deceased, against the Choctaw Nation of Indians, for professional services rendered to said nation by their father, Albert Pike, in his lifetime, in what was known as the "net proceeds claims," as per written contract with the said nation.

Mr. PLATT of Connecticut. I should like to have an explanation of this item from the chairman of the committee.

Mr. STEWART. The only explanation there is to it that I know of is the testimony of the attorney himself before the committee that he did the service and that the tribe there approved of it. We have no evidence of the approval except his word. It stands on his word. The committee does not know anything about it.

Mr. SPOONER. It rests on his own confession.

Mr. STEWART. It rests on his own confession.

Mr. PLATT of Connecticut. I make a point of order on it that it is a private claim.

Mr. HALE. Undoubtedly.

Mr. CLAPP. I suggest that inasmuch as it is a claim against an Indian fund and not the Treasury of the United States it is not subject to a point of order. I call the attention of the Presiding Officer to the fact that at the last session it was so ruled upon a similar point.

Mr. STEWART. That was the ruling at the last session.

Mr. HALE. It is subject to the other general point that it is legislation.

Mr. GALLINGER. Certainly.

Mr. HALE. The objection is that you must have this legislation in order to make it efficacious. It is clearly subject to that point.

Mr. McCUMBER. I confess I fail to see the general legislation. It is no more legislation than it is a mere direction to pay that sum of money, as I understand it.

Mr. HALE. Which you can not pay unless you get this legislation in.

Mr. McCUMBER. We can not pay any bill unless we get the legislation here to pay it.

Mr. HALE. You can pay bills with appropriations that are in accordance with the existing law. Now, this is not in accordance with existing law. You make a law and provide for the payment.

Mr. McCUMBER. It seems to me the result of that would be that no payments could be made whatever unless the payment was under an existing law providing for it. I do not understand that the rule has ever been so construed.

Mr. HALE. Undoubtedly that is the rule.

Mr. McCUMBER. We pay year after year certain sums for the support of this tribe of Indians and for the support of another tribe of Indians, for their civilization. That is not based upon any existing law. It is a new law of itself each year.

Mr. HALE. A Senator suggests to me another point, that it is an increase of appropriation. I had not thought of that, and I make that point of order.

Mr. McCUMBER. I do not understand that point either. The Senator will kindly explain what he means by it.

Mr. PLATT of Connecticut. It is not estimated for.

Mr. GALLINGER. It is not estimated for.

Mr. HALE. It is an increase of appropriation that is not estimated for by the Secretary of the Treasury, and that is sufficient in itself. I am very glad the Senator suggested that. I had not thought of it before.

Mr. McCUMBER. I should like to ask the Senator how this estimate is to be made?

Mr. HALE. By the Secretary of the Treasury.

Mr. McCUMBER. Suppose the Secretary of the Treasury has estimated it officially? Must it be estimated in his general estimates, or can it be given by a letter sent up to the committee?

Mr. HALE. A letter does not do it. It must be a formal estimate from the Secretary of the Treasury, not by the Secretary of the Interior, who has charge of Indians affairs, but a formal estimate by the Secretary of the Treasury, and unless that is produced, of course it is subject to a point of order.

Mr. McCUMBER. Under what rule?

Mr. GALLINGER. Rule XVI.

Mr. McCUMBER. I have not examined that rule.

Mr. HALE. It is an old rule.

Mr. SPOONER. I should like to inquire of the Senator from North Dakota, who is familiar with this matter, if the appropriation is recommended by the Secretary of the Interior?

Mr. McCUMBER. I am not at all familiar with it.

Mr. HALE. That does not help it.

Mr. SPOONER. It will help it in the view which I take of it.

Mr. HALE. But it does not make it an estimate.

Mr. SPOONER. I did not rise for the purpose of discussing the question of order.

Mr. McCUMBER. I do not claim any familiarity with this particular item.

Mr. SPOONER. But I wish to say this, if I may—I do not wish to disturb the Senator from Connecticut——

Mr. PLATT of Connecticut. The Senator from Wisconsin has the floor, I think.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. SPOONER. It is stated that this is a trust fund.

Mr. PLATT of Connecticut. That is what I was going to say.

Mr. SPOONER. It is payable out of what was known as the "net proceeds claim." It is payable out of the Indian funds?

Mr. STEWART. Yes.

Mr. SPOONER. I have always understood that if there is anything sacred in the world it is a trust fund. In all the courts everywhere a claim against a trust fund is a claim to be scrutinized with the utmost care and to be paid only upon the strongest proof, and not without some representation on behalf of those for whose benefit the trust fund was created.

Mr. STEWART. If the Senator will allow me, the rule as construed by the Presiding Officer at the last session did not cover a claim paid out of a trust fund; in that case it did not come under the objection of being a private claim.

Mr. SPOONER. I do not think it is a claim that would be estimated for; but it is a private claim, and it had a great deal better be a private claim against the United States——

Mr. STEWART. That may be.

Mr. SPOONER. To be paid out of the money of the people in the Treasury of the United States, than to be a private claim against funds that do not belong to the United States, but which are simply held in trust by this Government for those people who can not take care of themselves.

Mr. STEWART. That is very true.

Mr. McCUMBER. I suppose the Senator from Wisconsin will probably concede that the matter did have consideration.

Mr. SPOONER. I do not mean that.

Mr. McCUMBER. The committee were actuated by the same sentiment, and I wish to say to the Senator that it is possible that not all the committee agreed upon this proposition.

Mr. SPOONER. I hope the Senator will not impute to me any purpose to reflect upon the committee.

Mr. McCUMBER. Not at all.

Mr. SPOONER. I think it was once so held in the Minnesota case, which is not parallel with this, in my judgment; and I think this should fairly be held to be a private claim. The Senator in charge of the bill——

Mr. TELLER. It could be no public claim against the Indian funds.

Mr. SPOONER. Not at all. The Senator in charge of this bill stated to the Senate that it is based solely upon the statement of the claimant. Am I right? Did I understand the Senator correctly?

Mr. STEWART. That is all the evidence I recollect. The agreement referred to is a written contract.

The PRESIDING OFFICER. The agreement stated it was a written contract.

Mr. SPOONER. A written contract. That was with Albert Pike. These services, I take it, were rendered in court by Mr. Peel to Albert Pike.

Mr. TELLER. No; in resisting his claim.

Mr. SPOONER. In what year?

Mr. STEWART. Mr. President——

Mr. TELLER. If the Senator will permit me, I can explain this matter.

Mr. SPOONER. I should like to have somebody explain it.

Mr. TELLER. The heirs of Albert Pike, who died some fifteen years since, brought suit for a large amount of money due Albert Pike for many years' services. The suit went to the Court of Claims and, I believe, they were awarded $75,000. The services lasted probably during forty years.

Mr. STEWART. The heirs were disposed to take $25,000 if Congress would appropriate that; and that was appropriated in the appropriation bill in 1901, I think.

Mr. TELLER. Mr. Peel was one of the attorneys who was called in to defend that case. The case was in court for some time.

Mr. President, I want to say a word about the funds of these Indians. All funds in the hands of the Government of the United States belonging to Indians are not within the rule of trust funds. We distinguish them sometimes by saying those that bear interest are more sacred than others, but they are not. They are simply trust funds.

Mr. SPOONER. The Senator is right.

Mr. TELLER. You can find any number of cases where the Government have exercised the right to pay such money whenever they thought the case was a proper one. There is not any such thing as a private claim against the Indians. We speak of a private claim against the Government when some individual citizen has a claim; but the term "private claim" under our rule does not apply to a case of this kind at all.

Mr. HALE. Why does it not apply?

Mr. TELLER. It is an individual case against the Indians. Our rule refers not to Indian claims, but to claims made against an Indian tribe which come here for adjudication. We have been doing it for years and years. We have passed innumerable claims in appropriation bills. I could recall since I have been in the Senate dozens of instances where we have paid attorneys. I will not say "dozens," but I think I might, where we have paid attorneys.

Mr. SPOONER. And some that we have had to pay back to the Indians sometimes.

Mr. TELLER. When?

Mr. SPOONER. The Senator from Iowa so says.

Mr. TELLER. I should like to have the Senator from Iowa or somebody else cite some case of that kind since I have been in the Senate.

Mr. CLAPP. Mr. President, I call the attention of the Senator from Wisconsin [Mr. SPOONER] to the fact that the case referred to by him was not the Minnesota case at all. It was the Sypher case. On that occasion the President of the Senate used this language:

The Chair is of opinion that the private claim under Rule XVI barred from appropriation bills must necessarily be a clain against the Government of the United States which would take money from the United States Treasury. This item is not such a claim. It is neither against the Government nor does it take Government money from the Treasury. In the opinion of the Chair the committee having jurisdiction of the subject had a right to report this item favorably and thus make it in order.

Mr. SPOONER. I remember that case, Mr. President, and in that Sypher case, in which I with others opposed the appropriation, the Senate agreed to send it to the Court of Claims, in order that it might be adjudicated in a tribunal where the cestui que trusts, the Indians, could have their day in court as to whether it had been paid or not, and whether or not it was a just claim.

Mr. TELLER. If the Senator will allow me to interrupt him, I hold a copy of the order sending the Sypher case to the Court of Claims. To-morrow morning I will introduce the judgment of the court in his favor, and I shall ask to have it put in this bill. I know of no other way that General Sypher will ever get the money due him.

Mr. SPOONER. What is the amount?

Mr. TELLER. Five thousand dollars.

Mr. SPOONER. Was not the appropriation larger?

Mr. TELLER. Oh, no. It was not so large as the Senator thinks. I think those who are familiar with General Sypher's services ought to be willing to allow him to receive his money. I want to have his claim put on the bill, though I am not prepared to present the opinion of the court to-night. To-morrow morning I expect to do that. I wish to say, Mr. President, that General Sypher is at this time in the hospital; and if he does not get this money pretty soon, he will never have any use of it.

Mr. HALE. I hope the Senator from Nevada in charge of this bill will reserve all contested matters, and let us go on and complete the portions of the bill that do not lead to controversy.

Mr. STEWART. Well, let this amendment be passed over.

The PRESIDING OFFICER. This item will be passed over. The next amendment will be stated.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 43, after line 23, to strike out:

That all actions against Indians or their property, whose affairs are under the supervision of Indian agents or bonded superintendents, shall be brought in the district court of the county in which the Indian resides.

The amendment was agreed to.

The next amendment was, on page 44, after line 2, to strike out:

To enable the Secretary of the Interior to reimburse, as heretofore approved by him, to Axel Jacobson, the sum of $243 actually expended by him in feeding, clothing, and caring for twenty-five Indian pupils at the Indian school, Wittemberg, Wis., from July 1 to August 24, 1895.

The amendment was agreed to.

The next amendment was, on page 44, after line 9, to strike out:

The President is hereby authorized and directed to issue a patent in fee to Ira M. Jones, an Ottawa allottee, for a part of the land heretofore allotted to him in the Indian Territory, to wit: The northwest quarter of the southeast quarter of section 30, township 28 north, range 23 east, of the Indian meridian, and all restrictions as to the sale, encumbrance, or taxation of said land are hereby removed.

The amendment was agreed to.

The next amendment was, on page 44, after line 17, to strike out:

That Joseph E. Milot, citizen Pottawatomie allottee No. 144, to whom a trust patent has been issued containing restrictions upon the alienation, may sell and convey the unsold portion of his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.

The amendment was agreed to.

The next amendment was, at the top of page 45, to strike out:

That the following-named allottees of lands in the Quapaw Agency, Ind. T., are authorized upon approval of the Secretary of Interior, to alienate certain portions of their allotments therein described, as follows: Henry Hicks, lot No. 3, containing 3 acres, more or less, and Philip R. Dawson, lot No. 4, containing 28 acres, all in section 30, township 27 north of range 24 east.

The amendment was agreed to.

The next amendment was, on page 45, after line 8, to insert:

That all restrictions on lands of adopted full-blood adult white allottees in the Quapaw Agency are hereby removed.

The amendment was agreed to.

The next amendment was, on page 45, after line 11, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized and directed to set apart a tract of land not exceeding 120 acres in

extent, immediately adjacent to the lands now owned by the Keller and Indiana Consolidated Smelting Company, in the south half of the Colville Indian Reservation, in the State of Washington, suitable in its location for a town site, and that he cause the same to be conveyed to such person as may be designated by said company to receive title thereto, upon payment by said company of such price as may be fixed by him, and that the money received therefrom shall be deposited in the Treasury of the United States to the credit of the Colville Indians.

The amendment was agreed to.

The next amendment was, on page 45, after line 23, to strike out:

That the President be, and he is hereby, authorized to issue a fee simple patent to Henry Guitar, an Omaha Indian, for lands heretofore allotted to him in Nebraska, to wit: The northeast quarter of the southwest quarter, and lot 4, section 15, township 25 north, range 6 east of the sixth principal meridian, Nebraska, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Susan E. Hines, a member of the Sisseton and Wahpeton tribe of Indians, for the land heretofore allotted to her in Roberts County, in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said land is hereby removed.

The amendment was agreed to.

The next amendment was, on page 46, after line 13, to strike out:

That the Secretary of the Interior be, and hereby is, authorized and directed to issue a patent in fee to Long Jim for the lands heretofore allotted to him by the Secretary of the Interior on April 11, 1894, as modified and changed by Department order of April 20, 1894, under and by virtue of the agreement concluded July 7, 1883, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the "Moses agreement," accepted, ratified, and confirmed by the act of Congress approved July 4, 1884 (23 Stats., pp. 79 and 80), and under the decision of the General Land Office of July 9, 1892, affirmed by the Department of the Interior January 6, 1893, to wit: the northeast quarter, northeast quarter of the southeast quarter, and lot 1 of section 11; the northwest quarter and southwest quarter of the southwest quarter of section 12; lot 1 of section 14, and lots 1 and 2 of section 13, township 27 north, range 22 east, Willamette meridian, Washington, free of all restrictions as to sale, incumbrance, or taxation.

The amendment was agreed to.

The next amendment was, on page 47, after line 12, to strike out:

That Cornelius Doxtater, Oneida allottee No. 390, to whom trust patent has been issued containing restrictions upon alienation, may sell and convey any portion of his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser of the same as if a final patent without restrictions had been issued to the allottee.

The amendment was agreed to.

The next amendment was, on page 47, after line 20, to strike out:

That Paith-tite, Kiowa allottee No. 2687, to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey not exceeding 10 acres of his allotment, and that Otto Wells, Comanche allottee No. 102, to whom a similar patent has been issued, may sell and convey not exceeding 80 acres of his allotment, but that such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchasers the same as if a final patent, without restrictions, had been issued to the respective allottees.

The amendment was agreed to.

The next amendment was, on page 48, after line 6, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to William Lyons, a Chippewa Indian, for the lands heretofore allotted to him on the Fond du Lac Reservation, in the State of Minnesota, to wit: The southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of section 21, township 49 north, range 17 west of the fourth principal meridian, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 48, after line 16, to strike out:

That the President be, and he is hereby, authorized and directed to issue a patent in fee to Theresa Anderson, allottee, of allotment of the lands of the Ponca Indian Reservation, in Boyd County, Nebr., No. 12, being the southeast quarter and the north one-half of the southwest quarter and the south one-half of the northwest quarter of section 8 in township 33 north of range 11 west of the sixth principal meridian, in the county of Boyd, in the State of Nebraska; and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 49, after line 2, to strike out:

That hereafter the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee simple to any adult mixed-blood Indian, to whom a trust or other patent has been issued, containing restrictions upon alienation, and upon the issuance of such patent in fee simple, all restrictions as to sale, incumbrance, or taxation of the land so patented, are hereby removed: *Provided*, That such patent shall not be issued until after the said Secretary has carefully considered the application and is fully satisfied that the applicant is competent to transact his own business, and that it will be for his best interest to have the patent issued.

The amendment was agreed to.

The next amendment was, on page 49, after line 13, to insert:

That the Secretary of the Interior is hereby authorized to issue patents in fee simple for allotments within the White Earth and Red Lake Indian Reservations, in the State of Minnesota, held by adult Indians when he is satisfied that such adult Indians are competent to manage their own business; and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Mr. SPOONER. Mr. President, I notice a large number of provisions in this bill for the removal of the restrictions upon the alienation by Indians of lands which they hold under patents from the United States, some provisions applying to women, some to men, and some to tribes. I want to ask the Senator in charge of the bill whether these provisions are based upon recommendations of the Interior Department or upon the application of the Indians themselves?

Mr. STEWART. They are based upon the recommendations of the Interior Department, except a few, which are based on the statements of Senators who know the Indians personally and have vouched for the provisions. I think that is about as good a recommendation as we can get.

Mr. SPOONER. It will not be long before all restrictions upon the alienation of lands held by Indians in the United States will be removed, and it will not be long after that, as my friend, I think, knows, that the ownership of the Indians in the land will be also removed.

Mr. ALLISON. I desire to ask what has become of the amendment proposed on page 45. Was that passed over or agreed to?

The PRESIDING OFFICER. It has been agreed to, but if the Senator so wishes, it will be considered as an open question.

Mr. ALLISON. I only wish to make an inquiry with respect to it.

The PRESIDING OFFICER. The amendment will be regarded as an open question for that purpose.

Mr. ALLISON. In view of what the Senator from Wisconsin [Mr. SPOONER] has just stated, and because that amendment removes all restrictions on lands of adopted full-blood adult white allottees in the Quapaw Agency——

Mr. STEWART. That, I think, is a provision found in the House bill.

Mr. ALLISON. No.

Mr. McCUMBER. I can explain that to the Senator from Iowa in just a moment.

Mr. ALLISON. I hope the Senator will do so.

Mr. McCUMBER. There were quite a number, say fifteen or twenty, perhaps a hundred, white men who were adopted as a part of the tribe of those Indians some years ago, missionaries and others.

Mr. ALLISON. I withdraw my inquiry, Mr. President.

Mr. McCUMBER. They have no Indian blood in them.

Mr. ALLISON. Very well. I withdraw my inquiry. Let them take care of themselves.

Mr. McCUMBER. This gives them the right to sell their lands.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee, which has heretofore been stated.

The amendment was agreed to.

Mr. TELLER. Mr. President, I want to say a word about the matter just referred to by the Senator from Wisconsin [Mr. SPOONER]. So far as I am concerned, I have never been in favor of the policy adopted some years ago, under the pressure of a few people who had never seen an Indian, but took great interest in Indians, and who had created a very large sentiment in the eastern section of the country, that the way to civilize an Indian was to give him a patent to a piece of land. They were firmly of the opinion that he had remained for several centuries a savage, a barbarian, and then a semicivilized creature because he had not had the ownership of land. Upon that theory, a few years ago we took measures to give land to every Indian in the country whose tribe was entitled to land. But before that furore arose, away back in 1851 or 1852, we had issued a large number of patents to Indians in the State of Michigan with a reservation of five years. It was firmly believed at that time by those who thought they knew all about the Indians that in five years the Indian holding a patent from the United States would become qualified to take care of his property. At the close of five years the Indians commenced selling the land, and I am credibly informed by those who kept watch years ago that in a year there was not one of them who had an acre.

Mr. SPOONER. Or the proceeds from the sales, either?

Mr. TELLER. The proceeds, of course, did them more harm than good. Later, perhaps twenty years ago or thereabouts, this furore again arose. I have the satisfaction, Mr. President, when I look over the present conditions of Indian affairs in this country to remember that I have never voted for the allotment of an acre of Indian land; and I think upon all occasions, when a reasonable opportunity presented itself, and sometimes when it was not reasonable, I have protested against such action.

There is a great deal of land in that region to which the Indians have patents. On some of it there is a restriction of five years, and in some few cases there is a restriction of twenty-one years. Whenever the Department, after an investigation, say an Indian is capable of managing his affairs, they have allowed him to occupy the position of a citizen and sell his land. In a few instances, when Senators who are familiar with the Indians of that country or with the Indians in the northern section of the country have said that they knew the Indians personally, we have allowed alienation restrictions to be removed, but the practice of the committee has been to maintain those restrictions.

We went to work, Mr. President, and thought, if we could, that we would extend the restrictions in the Indian Territory. We were met, of course, with the first proposition that it would be difficult to change the law there, the land being held under patent. The question might have been discussed whether it was a limitation upon title or a limitation upon the individual, but before we reached the heart of that discussion we were struck with the statement—of which I never knew, and I blame myself for my gross ignorance in regard to it—that every Indian in the Indian Territory—full blood, half blood, and quarter blood—was a citizen of the United States. My legal training convinced me that whenever a man is a citizen of the United States, no matter what his color, no matter what his race may be, he has all the rights of a citizen; so that we have ceased to be the guardians of those people and they have ceased to be our wards.

I opposed in the beginning the admission of the Indian Territory as a State, because I was ignorant of the fact that the act of 1891 had made citizens of the Indians there. No one, Mr. President, in this Senate, no matter how careful he may be, can keep up with all the legislation that is enacted. While I had been positively opposed to making citizens of the Indians until they passed some system of examination, by a law that went through here—I do not know whether it was on an Indian appropriation bill, but it was on an appropriation bill, I believe—they were made by one fell stroke citizens of the United States.

Mr. President, our relation to the Indians in the Indian Territory has ceased. There is nothing that we can do for them now, but there is proposed legislation in this bill by which we have endeavored to do something, hoping that it might be done, and yet I know, as a lawyer, if it shall be attacked, that it will be the end of our efforts.

I want to say a word or two more, Mr. President. I regret the fact that the Indians have been made citizens more than I am able to express, for I know about this matter. I have lived in a country where I have been more or less brought in contact with Indians. I have known something about them all my life. I know that the Indian in his present condition is not qualified—there are rare exceptions, of course, where they may be qualified, and, perhaps, there are a good many exceptions—to contest with the white men in this country. The conditions now in the Indian Territory are disgraceful, and it is true that the Indian when brought in contact with the white man and left to contest with him, will get the worst of it in ninety-nine cases out of a hundred.

I do not want, however, to delay the Senate by any discussion on my part of a matter which is absolutely beyond our reach.

Mr. STEWART. I wish to say a word. I do not agree with the view that was entertained by the committee as to the fact that the Government of the United States has lost control of this matter. It was decided by the Supreme Court, and conceded all around, that the Government of the United States has power to dissolve the tribal relations and distribute the land of the Indians. It has not been denied at all. It has been expressly decided that the Government has that power in connection with the distribution of their land. It made them citizens. But until the distribution is carried into full effect and the restrictions as to the power of alienation are removed I think the Government of the United States has power to make any laws that are necessary, the same as a chancellor would have until the property under his control had been finally disposed of and distributed. I think a chancellor in administering an estate usually has authority to make further orders.

Others differ with me in regard to this Indian question. The majority of the committee differ with me entirely upon the subject and agree with my friend from Colorado [Mr. TELLER]. He may be right; but my opinion is the same as it has been, that, until the restrictions are finally removed, the land finally distributed, and full patent given, the United States may retain control of these matters.

Mr. McCUMBER. Mr. President, the question of the status of the Indians under a previous law granting them citizenship in the United States, that has been suggested by the learned Senator from Colorado [Mr. TELLER], was under consideration in the committee. On the first proposition, that the Indian is not yet qualified to take care of his own property, I agree most heartily with the Senator from Colorado. Not only that, but I am somewhat doubtful if he ever will be able to do so. I have seen no evidence of it in the history of the Indians in this country. The natural inclination of the Indian is to get rid of his property. He is improvident. He may ask a price for what he may have to sell four or five times its value in the first instance, but, like a child, if he does not get that he will finally give it away and take whatever may be given him.

I do not believe that any of the land that will be granted in a case of this kind by patent in fee will be held by the Indian any length of time. I am aware, Mr. President, that the Secretary of the Interior, I believe, has practically the same opinion that the majority of the Committee on Indian Affairs have in respect to this matter, but I think the cases he has recommended are some extreme cases where the law will be proper and applicable. I know the proposition of taking away the protection which the law has given to the Indian in prohibiting him from selling his land within a given length of time is not generally favored.

But, Mr. President, when we come to the next proposition, the status of the citizenship of the Indians, we are, I admit, met with many obstacles. I contend, however, that in a Territory—and in this I evidently differ somewhat from the learned Senator from Colorado—I believe that in a Territory the mere grant of citizenship to a class of people who have heretofore been our wards does not necessarily relieve them from that condition. They may still be citizens of the United States in a Territory and at the same time be wards of the United States. They may have some of the privileges that would be accorded to citizenship, and yet the Government may surround them with certain restrictions which would be inconsistent with their citizenship of a State and which, possibly, could not be enforced if they were citizens of a State. Let us take an example of this kind. We to-day have laws prohibiting the sale of liquor to the Indians, we will say, in the Indian Territory. Will Senators claim that the moment we granted them citizenship this law was of no further effect? We are dealing not with a citizen, but with a class of citizens. A citizen with certain color——

Mr. CARMACK. Mr. President——

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

Mr. McCUMBER. With pleasure.

Mr. CARMACK. I ask the Senator how did the relationship of guardian and ward between the Government of the United States and the Indians originate?

Mr. McCUMBER. It originated because of the helpless condition of the Indians. We assumed the relationship from the necessities of the case. We assumed it, and that has been the policy of the Government.

Mr. CARMACK. Does it arise from any provision in the Constitution?

Mr. McCUMBER. I do not understand that the relation of wardship or guardian and ward is founded at all upon the Constitution. It is simply founded upon the necessities of the case. I believe we can make a law to-day in the Indian Territory which I believe will still be enforced by the Government and will be sustained by the courts, that while intoxicating liquor may be sold to white people there, its sale to a certain class of our citizens may be prohibited. The colored man has the right of citizenship in all the States of the South. What does that carry with it? Not absolute rights than can not be controlled by the States themselves; for instance, there may be a law prohibiting intermarriage between a colored person and a white person. No matter how little of the colored blood there may be in one of the individuals, and notwithstanding the fact that there may be white persons who are darker than the black person, yet the State has the absolute right to determine questions of that kind. So I believe the nation has the corresponding right in the Territories to recognize a distinction between the classes of its own citizens.

Mr. CARMACK. The reason for asking the question that I did was that I had understood that the relationship of guardian and ward, as it is termed, between the Government of the United

States and the Indians is derived from that provision of the Constitution which gives the Government the right to regulate commerce with the Indian tribes. If so, the relationship ends whenever the tribal relations cease to exist.

Mr. McCUMBER. I do not understand, Mr. President, that the right to regulate commerce with the Indian tribes has any relation whatever to the right to consider them as wards.

Mr. PATTERSON. I ask the Senator whether or not the principle he is contending for is not akin to that under which State laws prohibit the sale of liquor to women?

Mr. McCUMBER. And to minors.

Mr. PATTERSON. The Supreme Court of the United States has held that such a State law—it was so decided in a case in Colorado, I think—is not amenable to the constitutional provision. It is a proper exercise of the police power.

Mr. McCUMBER. That is all I claim, Mr. President.

We have a right to determine that a child shall cease to become a ward after it reaches the age of 18. We may increase it to 25 if we see fit. We may determine that a person after he is 80 years old possibly may go back into a wardship.

Mr. SPOONER. Or be chloroformed. [Laughter.]

Mr. McCUMBER. Or be chloroformed. In other words, the National Legislature I think has entire police control over the citizens of the Territories. I certainly would consider that we were in very bad straits if the courts should hold that the Indians in the Indian Territory, by reason of the act of 1901, I think it is, were placed entirely beyond the protecting arm of the Government and would be subject entirely to the desire of the white population to take possession practically of their entire property.

I believe if that should be held to be the law, in five years the entire Indian population in that Territory would be paupers and would have to be supported entirely by the Government of the United States. So I am inclined to the position that we may still exercise this right over certain classes of our citizens in the Indian Territory.

Mr. SPOONER. Mr. President, I am reluctant to trespass for a moment on the Senate at this time of the session or this hour of the day. But the subject is a very large one and to me it is a very interesting one. I will take but a few moments.

I agree in the main with what the Senator from Colorado has said as to the utterly improvident and, I think, cruel policy, in some of its phases, adopted by Congress within the last few years as to the Indians. I am not sure that I can agree with the Senator from Colorado as to the effect upon the restrictions contained in the patent from the Government issued to the Indians, who afterwards become, by operation of law, citizens. Undoubtedly what the Senator from North Dakota says is true, that Congress may deal quite fully with the Indians in the Territories. That is because the power of Congress over the Territories is very plenary. But soon there will be no Territories left between the oceans.

A great many years ago I had an opportunity to study at close range Indian character. I served as an officer among the Sioux Indians for nearly a year in North Dakota—Dakota as it was then called—long before my friend the Senator from North Dakota and my friend the Senator from South Dakota ever thought of becoming citizens of that region; and I have had opportunity in my life to know something of Indian character.

You can not change an Indian by making him a citizen. The Indian never ceases to need a certain degree of paternalistic interest and protection. I think the system of allotments without restriction was a great mistake; the severing of tribal relations, the surveying of Indian lands, and the apportionment of those lands to individual Indians with a right, under authority of the Secretary of the Interior, to dispose of their timber, which, in my State, constituted in several regions or sections the principal value of the lands.

I have known in the case of great tracts of splendid pine timber upon an Indian's allotment which, properly cared for, disposed of at fair value, and the fund put at interest, would have provided for the Indian and his wife and educated his children, the proceeds turned over to the Indian to be squandered, and in a month he had a tract of untillable land covered with pine stumps.

One Indian I read of received $1,800, the proceeds of the sale of some of his timber, and he took his wife and children to St. Paul, in the State of my friend the Senator from Minnesota. He saw the town. In a couple of weeks he came back to Ashland with his family in a freight train, and they unloaded a pair of beautiful horses, then came a beautiful set of double harness, then came the squaw and the children, and then came the handsomest hearse that ever had been seen in that region. The horses were harnessed to the hearse, the Indian mounted the driver's seat, his family went into the hearse, and he drove them as proudly as any king through the streets of Ashland. It is a fair illustration of the improvidence of the Indian.

That has been to a considerable extent the history of allotments in those regions of country where the chief value of the Indian land lay in the timber which grew upon it; and to-day, in one section of my State, hundreds of thousands of dollars are being held in trust for Indians, the proceeds of their allotments. The money is being well invested, and the Indians are drawing the interest. If the proceeds were turned over to the Indians in six months it would all be gone.

Take the situation in the Indian Territory. Under the act we passed some years ago the Indian, the moment he became an allottee of land, became under operation of law a citizen of the United States, with all the rights of a citizen of the United States, the same rights that my friend the Senator from Maine has as a citizen before the law, and that I have.

In 1906, as I understand, there will not be left an Indian reservation in the Indian Territory, and there will not be left an Indian a ward of the Government in the Indian Territory, when the Territory comes into the Union as a State. They will all be citizens; the tribal relation will be gone; and the right of the United States to treat them as wards, I think, with due deference to my friend, the Senator from Nevada, will be gone. What is the result of it?

Mr. STEWART. Let me ask you a question. Suppose that an allotment is made and restrictions——

Mr. SPOONER. I am coming to that.

Mr. STEWART. Can the Government make any changes in those restrictions?

Mr. SPOONER. If before the Indians are clothed with citizenship, while the tribal relation is still sustained, they receive from the Government patents for lands containing restrictions upon their power of alienation, I do not think the admission of the State into the Union or their becoming citizens of the United States by operation of law would operate——

Mr. TELLER. I did not assert any position of that kind.

Mr. SPOONER. I know.

Mr. TELLER. I should not like to do that.

Mr. SPOONER. This brings me to the point I am after. I have seen some good Indians; Indians who were good friends.

Mr. CARMACK. Dead Indians?

Mr. SPOONER. No; not dead. I remember more than one humane and kindly and generous act by a full-blooded Indian on the far frontier.

The last act performed by Senator Quay in this Chamber, as I remember, was to secure an amendment to the Indian appropriation bill, giving something, a little money, to a band of Indians up in that region who, at the risk of their lives, had taken from another band of Indians white captives who had been brought there from the State of Minnesota. It was a generous thing. They fought their own kind for the white man and the white woman. I remember that as I read the letter from the old chaplain of my regiment the facts all came to me, and I did what I could to help Senator Quay pass the bill.

If the Government deals fairly by these Indians now, all these patents will contain restrictions upon the power of alienation, and they ought not to be five-year restrictions. They ought to be the old-time restrictions.

I remember the ancient restriction upon the power of alienation. It was only to be released by the consent of the President of the United States.

Mr. McCUMBER. May I ask the Senator a question right here? I am entirely in sympathy with what the Senator has said about increasing the restriction rather than relieving the Indians from it.

Mr. SPOONER. Yes.

Mr. McCUMBER. But, as I understand, we passed a law for allotments. The very law itself provides that the restriction against alienation shall last for five years after the issue of the patent. The Indians then went on and took their allotments. At this point there was a division of opinion among Senators on the committee as to the authority of Congress, after they had ceased their tribal relations and had become, not citizens of a State, but simply citizens of the United States, to put a further restriction upon the property.

Mr. SPOONER. A grave question——

Mr. McCUMBER. I think it is a grave question.

Mr. SPOONER. It is a grave question.

Mr. McCUMBER. What I wanted to know is this: My own opinion is that while they are in that State, and while we may still treat them as our wards, we have the right to extend the restriction. I should like myself to see it extended, and I should like to have the opinion of the Senator.

Mr. SPOONER. I doubt it. I doubt the power of the Government——

Mr. STEWART. There is one consideration which you have not taken into account. The tribal relations still exist.

Mr. SPOONER. They do now.

Mr. STEWART. They do now; and my position is that while the tribal relations exist Congress may deal with these restrictions.

Mr. SPOONER. But the tribal relations will not exist in the Indian Territory after 1906.

Mr. STEWART. No.

Mr. SPOONER. The tribal relations will all be dissevered. There will not be an Indian reservation in that Territory. It will all be free territory, using that word as applied to Indians, and the Indians will become citizens of the United States as much as we are.

Mr. TELLER. They are now.

Mr. SPOONER. Not yet.

Mr. TELLER. Yes.

Mr. SPOONER. Not until their allotments are completed.

Mr. TELLER. I am speaking of those who have their allotments. The lands are practically allotted now.

Mr. SPOONER. A large amount of land is yet to be allotted.

Mr. TELLER. Not a great deal.

Mr. SPOONER. The Congress might as well have put no restriction upon alienation at all as a five-year restriction.

Mr. CLAPP. I should like to ask the Senator from Wisconsin a question?

Mr. SPOONER. Certainly.

Mr. CLAPP. I am in full sympathy with the line of argument advanced by the Senator. The committee has been met with this propostion: While the tribal relations still exist there an allotment has been made, and a specific piece of land has been allotted to an Indian, and a certificate issued showing he is entitled to that specific piece, subject to the process of administration working ultimately to a patent.

Does the Senator think under those conditions we can enlarge the restriction? I am arguing now not in a combative spirit——

Mr. SPOONER. I am inclined to think——

Mr. CLAPP. It seemed to me we could not.

Mr. SPOONER. I am not so certain about that; but I think it should be carefully examined, and if Congress has the power to impose in the patent restrictions upon alienation, in the interest of the Indian and his wife and his posterity Congress ought to do it.

Mr. CLAPP. I quite agree with you there.

Mr. SPOONER. It ought to do it; and where there are restrictions upon alienation——

Mr. BAILEY. The Senator from Wisconsin is proceeding upon the theory that these Indians are not citizens of the United States until they have their allotments. My recollection is that that was the provision of the Curtis bill.

Mr. SPOONER. Yes.

Mr. BAILEY. But my recollection also is that in a subsequent act they were made citizens of the United States without waiting.

Mr. SPOONER. Independent of allotment?

Mr. BAILEY. Yes. That is my impression, and while I ought to know exactly about it, I would not like to say precisely that that is true. However, I think it is.

Mr. SPOONER. If they have became citizens of the United States and have received their allotments and own the beneficial interest, so that nothing remains except to convey to them the legal title, I doubt the power of the Government to impose restrictions upon alienation.

But where there are restrictions upon alienation—and that there are a great many such cases this bill bears evidence—I should like some one to tell me why in the interest of the Indians they should be removed.

I put this question to the Senator from Nevada last year. The bill was then full of such provisions. There was a provision to allow the restriction upon alienation to be removed upon the consent of the Indian agent, and the Senator told me then he did not believe it was justice to the Indian. Now, why is this bill full of such provisions?

Mr. STONE. Will the Senator from Wisconsin allow me?

Mr. SPOONER. Certainly.

Mr. STONE. The Senator says that the tribal relations are to be dissolved in about a year. There is a provision of a statute, the result of an agreement between the Seminoles and the Government, providing that the tribal relations of that tribe are to be dissolved on the 4th of March next year.

Mr. SPOONER. 1906?

Mr. STONE. 1906.

Mr. SPOONER. Yes.

Mr. STONE. But I know of no other provision, and I do not think there is any provision of that kind relative to other tribes. That provision is confined to the Seminoles.

The Creek Indians have not only had their allotments made, but practically all their deeds have been delivered.

Mr. SPOONER. Without restriction?

Mr. STONE. Yes; without restriction. The deeds have not been delivered in the case of the other tribes for the most part, not altogether; as to the other tribes many deeds have been delivered. But for the most part they have not. Yet the allotments have been made and what are called "certificates of allotment" have been issued.

Mr. SPOONER. That vests the beneficial interest in the Indian?

Mr. STONE. That vests the beneficial interest in the Indian.

Mr. SPOONER. And nothing remains to be done but to issue to him the deed?

Mr. STONE. As I understand the law, and as the Senator from Texas has stated the law to be, they have been declared to be citizens of the United States, and they have as much right to sit in this body to-day, if they were elected, as any gentleman here.

Mr. STEWART. If the Senator will allow me, I will answer the question asked by the Senator from Texas and also the Senator from Wisconsin. It was not in the appropriation bill. It was the law on the statute book, passed by both Houses in 1901—

CHAPTER 868.—An act to amend section 6, chapter 119, United States Statutes at Large, No. 24.

Be it enacted, etc., That section 6 of chapter 119 of the United States Statutes at Large, No. 24, page 390, is hereby amended as follows, to wit: After the words "civilized life," in line 13 of said section 6, insert the words "and every Indian in Indian Territory." (March 3, 1901.)

Now, previous to that time there was a bill passed for those outside of the Indian Territory.

Mr. SPOONER. "And every Indian in the Indian Territory" shall be what?

Mr. STEWART. Shall be a citizen. As amended the statute reads as follows:

And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, and every Indian in Indian Territory, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

Mr. BAILEY. The Senator from Wisconsin will permit me one other question?

Mr. SPOONER. Certainly.

Mr. BAILEY. Does not the Senator think if the Interior Department would insert this limitation in the deed or patent to the Indian it would be a limitation running with the land, and it would secure the Indian against an improvident trade, because a greedy white man would fear a failure of title for a condition broken? That, in my opinion, is the only hope.

Mr. SPOONER. It is possible that if Congress should so enact and the restriction or condition were contained in the patent and accepted, as it would be, of course, it might be held operative. I am not sure.

Mr. BAILEY. I mean that that condition should be expressly inserted in the deed in accordance with the law now. For instance, there is what is called the "homestead," varying in acreage according to the different tribes. There is a limitation in the law as it stands now upon the power to alienate that land, I think running to twenty-one years. My opinion is if, in accordance with the present law, the Government would insert in the deed when it delivers the deed the stipulation that the grantee should not be permitted to alienate it for twenty-one years it would at least raise the question whether a purchaser from the Indian who held under that deed, with knowledge, of course, of its contents, would not take a title subject to be defeated for a condition broken.

Mr. SPOONER. I think it is well worth while——

Mr. STONE. Right here, although I do not want to interrupt the Senator——

Mr. SPOONER. It is a pleasure. The only point is I do not want to take time.

Mr. STONE. Suppose such a restriction as the Senator from Texas indicates should be put into the patent, assuming we have a right to do it, about which I have some doubt, it

would be a restriction in the interest presumably of the patentee—the Indian——

Mr. SPOONER. Yes.

Mr. STONE. Who in this case is a full-fledged citizen. Now, suppose, having received such a patent, he sees proper to waive this restriction and for a valuable consideration conveys the land by ordinary deed. Who can take advantage——

Mr. SPOONER. That is petitio principii. If the condition be a valid condition, the owner of an estate, upon condition, can not waive it. It is wrought into his title.

Mr. STONE. How would he take advantage of it?

Mr. BAILEY. The Government would——

Mr. STONE. Would the Government intervene?

Mr. SPOONER. The Government, which imposed the condition, could intervene. The man who bought it would buy it without right.

Mr. STONE. Would the title go back to the Government?

Mr. SPOONER. Not at all.

Mr. TELLER. The Government never had it.

Mr. BAILEY. The Senator from Colorado is slightly mistaken about that. The Government of the United States has had the title. The Government of the United States first conveyed the title to the Indians, I will say, with the permission of the Senator from Wisconsin.

Mr. SPOONER. Certainly.

Mr. BAILEY. It conveyed not a fee simple, but conveyed a base fee. Now, under an agreement between the Government and the Indians that base fee in the whole tribe is to be converted into a fee simple in the individual Indian; but a part of that contract converting the base fee in the whole tribe into a fee simple in the individual Indian was that it should be conveyed to the Indian subject to this restricted alienation. Assuming, as we do not ask for any new legislation, that the Government wrote into the deed the provision of the statute that it could not be alienated in twenty years, and that an alienation contrary to that provision in the deed would defeat the title, then undoubtedly the original and superior owner of the title would regain possession.

Mr. TELLER. If the Senator will allow me for just a moment—I am not questioning that case. I am questioning the case where the suggestion is that in the interest of the Indians without any law we shall incorporate that provision to keep some fellow from buying the land.

Mr. BAILEY. I make no suggestion of that kind. I wish to say, with the permission of the Senator from Wisconsin, that I am not so much concerned as respects the alienability of the land. On the contrary, I would resist any effort to render any part of that Territory inalienable, except the homestead of the Indian. The Senator from Wisconsin and other Senators who feel as I do, have a peculiar regard for the Indian, his traditions, and his vanishing race. But I would not permit the interest of 10,000 Indians to hamper the progress of 700,000 white American citizens.

It is a most serious question that we should render inalienable the splendid land of a great country in the vague hope of reclaiming the Indians in the Indian Territory who have not been reclaimed, and many of them have, from a state of savagery. There are full-bloods there who are men of intelligence and accomplishment. There are full-bloods in the Indian Territory speaking their own language as well as any of the tribes and speaking our language as well as any Senator on this floor, and entirely competent to manage their own affairs.

Of course the restriction of any kind upon an Indian like that is an unnecessary precaution, but that even could well rest under a restriction in order to protect his weaker and less enlightened brother. I myself would love to see it written in their deed which this Government executes to an Indian that he should not be permitted to sell his homestead for twenty-one years. But I would not want to go further than that.

Mr. SPOONER. Mr. President, I have taken much more time than I intended to take in this discusion. I wish to have the thought of the Senate focused on the one point with which my friend from Texas closed his observations, and that is the conservation of the homestead. If only that is done it will be the most humane, kindly guardianship the Indian has ever received from the United States.

Mr. BAILEY. We owe it to them.

Mr. SPOONER. I know that the Indian while cunning in many ways is very weak in many others. He is easily beguiled by the white man whom he likes, and by the aid of drink is brought to an easy dicker of the roof which covers his wife and his family. It is a cruel thing for the Government, if we still have the power, which I have not examined, to turn loose into the broad field of citizenship without restriction these Indians and leave them in this day and generation to the ancient rule of spoliation.

Mr. HALE. Is there anything in this bill that does that?

Mr. SPOONER. There are many things in this bill that provide for removing restrictions long ago created upon the Indian's power of alienation.

Mr. HALE. That covers the salient point the Senator has just referred to?

Mr. SPOONER. Certainly.

Mr. DUBOIS. Before the Senator from Wisconsin sits down, I wish to say I am very much interested in his remarks, and I am in entire accord with him. I was one of the subcommittee that helped to frame this bill, and I know the committee desired to prevent the Indians from alienating their land. Now, take the Indians in my State——

Mr. SPOONER. Will the Senator pardon me a moment? I have just been informed from the committee that in most of these instances they have letters from the Indians.

Mr. HALE. That does not help.

Mr. STEWART. That does not help, but all the Indians want it. We do not rely on that, but the Secretary of the Interior has investigated all these cases except four or five and there the settlers came in and they were acquainted with the Indians. They were in business and they knew it would be right. Those we put in. We did not put in a name unless it was reported by the Secretary of the Interior or by some one who knew the Indian; and most of the Indians from whom the restriction is removed are Indians in business who understand how to take care of themselves.

Mr. SPOONER. The white man will have the land and the white man will have the money, and the Indian will have the experience.

Mr. STEWART. Some of them engage in various kinds of business, and are as likely to have the white man's land as the white man is to have theirs. I am as much opposed to removing the restrictions as anyone can be.

Mr. DUBOIS. I wish to offer this thought to the Senator from Wisconsin. The Indians of the Nez Perces Reservation, in Idaho, for instance, have taken their lands in severalty and are citizens and can vote. Yet there is a national law which restricts the sale of liquor to those Indians. Apparently, to me, the Government maintains some control over those Indians.

Of course a great question now is whether we can keep a control over the alienation of the land of those Indians after they become citizens. What confronted the committee was that proposition. Senators discussed it more or less.

The committee put in their bill almost unanimously a provision that they should not alienate their lands for twenty-one years. We could not decide it in the committee. In this case the Senator from Wisconsin was entirely agreeable to the lines which we were following, and if the lawyers here could in some way frame something and put it in this bill by which we could prevent the alienation of these lands, I am sure there would be an agreement to accomplish what we all want to do. In consideration of the fact that we do legislate in regard to Indian citizens, I should think that something of that sort would be done.

Mr. HEYBURN. Mr. President——

Mr. STEWART. I hope we will pass over this disputed point and that the reading of the bill may be concluded.

Mr. HEYBURN. If the Senate will bear with me a moment, I should like to make a suggestion in the line of that just made by my colleague. The title to the land held by the Indians in the Nez Perces Reservation is limited. It is not a limitation on the individual; it is a limitation on the estate.

I am entirely in sympathy with the principle which has been suggested by the Senator from Wisconsin. I naturally have had a good bit to do with the Indians. We are surrounded by them, and we have much to do with them and in the way of advising them. I regret that the attempt is made in an appropriation bill to legislate upon this subject. It ought to be taken up as an independent measure that will not be subject to the limitations or the rules under which these legislative provisions can be restrained or stricken out. The Senator in charge of the bill has suggested that it go over until to-morrow, but I desire——

Mr. STEWART. The Senator is laboring under a false impression. The Senator from Wisconsin intimates that something unusual has been done by the committee. The committee has offered an amendment limiting the action of the House in removing the restrictions. There was a general provision removing restrictions in the House bill which the committee amended and confined it to cases where there had been investigation. It has been done at every session, more or less, in an

appropriation bill in cases where the Department had investigated the case or where some Senator knew that the Indian was capable of taking care of himself. We may have made mistakes in that respect, but the idea is not correct that the committee is guilty of any attempt to remove restrictions generally, when the committee was opposed to removing the restrictions, and discussed for days the power to enlarge the restrictions and to prevent the sale.

The majority of the committee would have done it if they had had the power. I thought we had the power, but the majority thought not, and consequently we did not change the limitation already on; but we disagreed with the House where they had removed the general restrictions and confined ourselves to the few cases reported by the Department which had been investigated under the authority the Secretary of the Interior has to investigate cases of that kind. They are reported here. We would be glad to have some other system adopted than to do it in an appropriation bill, but that has been the system, and we have adhered to the system. The Secretary was authorized to make this investigation.

Mr. HEYBURN. I was not criticising the committee for the manner in which it proceeded. I was expressing regret that the conditions were such that the Indian legislation naturally came up in connection with the Indian appropriation bill. That has been the custom, and I was rather expressing regret that such is the practice.

Mr. CLAPP. Will the Senator bear with me a moment?

Mr. HEYBURN. Certainly.

Mr. CLAPP. In order to clear this situation a little I wish to state that there is already a law in existence applicable, I think, to all the Indians of the Indian Territory by which the restrictions upon alienation as to any Indian can be removed by the Secretary of the Interior. This bill does not touch that subject.

Mr. HEYBURN. I regret that there is such a law upon the statute books.

Mr. CLAPP. But that law is there, and it should not be confounded with the legislation suggested by this bill.

Mr. HEYBURN. I do not confound it with the legislation suggested by this bill, but I should like to see every provision in every Indian appropriation bill that attempts to remove the restrictions stricken out. Those of us who live in a community with these Indians know it is often very easy for them to secure favorable recommendations that they be granted these special privileges. They can always get it from the man who wants to buy their land; then they can get it from his friends; and then they can get it on through the various ramifications until it comes here apparently very well recommended. I have never known of a single case in more than twenty years of close contact with the Indians in which the sale proved to be wise, in which the Indian did not dissipate the proceeds of the property and become either a public charge or a vagrant on the street corners.

Mr. CLAPP. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. There have been two plans suggested in regard to the removal of the restrictions from the Indians. The Department thought that it would be better, although the committee rejected the suggestion, to make the law which now applies to the Indians in the Indian Territory applicable to all the Indians as against whom any restrictions were imposed. The committee felt, and I am rather inclined to think that perhaps that is the wiser plan outside of the Territory, that instead of a general law the restriction should only be removed in those individual cases where it was known to some one—either a Member of the House or a Senator—that the individual Indian had reached that degree of civilization, that progress in the management of his affairs, that as to him it would advance him rather than retard him, and as to him individually to remove the restrictions. So it is that in this bill there are a number of cases—not very many—where the individual Indians are known, and in addition to the knowledge which the Member of the House or Senator has there is the recommendation of the Department.

Mr. HEYBURN. Mr. President, I have seen enough of the business ability of Indians to know that I would not feel myself safe in arriving at a conclusion which would permit the Indian to alienate his land. I have known sometimes when for a long peried they would seem capable of attending to their own affairs, and then do some foolish, childish thing which would convince you that they ought never to have that right. I would keep the homestead for the Indian. If he belongs to the class suggested by the Senator from Minnesota, that would enable him to accumulate other property and alienate it. If he is able, let him devote his business ability or energies in that direction or to that purpose, but make him keep the homestead forever.

There is an urgent need for legislation relative to his right to dispose of it by will, relative to the laws of inheritance that shall divide it up, and other customs of that kind. There should be a bill brought into the Congress for the purpose of providing for those contingencies.

I have now in my correspondence a letter from an Indian who writes a fairly good letter who wants to know the extent of his ability to devise, by will, to provide for some dependents who have no homesteads, and I am as yet unable to determine what his rights are. They are not clearly defined by any existing law. The Indian has no children. The estate would die with with him. He desires that it shall go to his relatives. Those are questions of importance that ought to be provided for.

Then, again, the family of the Indian oftentimes grow so that the original homestead is soon absorbed or divided up into little tracts, so that none of them can earn a living.

Now, I do not believe in vesting in the Secretary of the Interior or in an Indian agent or in any other single person the right to say that the original estate shall pass from the head of the family, whoever it may be. I do believe in conserving the estate proper for those who are dependent upon that family or members of it.

There is no occasion for giving these Indians the right to sell their property. There is no public interest that demands it. It is always a demand coming from the selfishness of somebody who wants to buy the Indian's property. Of course there are a few exceptions, where a railroad runs through an Indian reservation and there is a necessity for providing depot grounds and such matters as that, but the Government has already adopted rules and regulations under the authority of a statute which covers that point.

I was interested to hear the senior Senator from Colorado [Mr. TELLER], who has had so much experience, not only in his daily life, but in his management of the affairs of the Interior Department, that enables him to know how dependent these Indians are.

A five-years' limitation is an absurdity. A twenty-five-years' limitation does not accomplish the purpose at all. It should be a perpetual limitation, and a perpetual limitation does not prevent the Indian from developing business traits, entering into trade, if you please, acquiring other property, buying and selling other land. Those who will do this are very rare exceptions. We are educating them in palaces and sending them back to live in hovels. I intend at the proper place in this bill to discuss that question, but I mention it now because it is pertinent to this consideration of the bill.

In our State within the last few years the Government has erected a $75,000 school, lighted with electric lights, provided with porcelain baths, heated with heating process. The children come there during the school hours of the day and are surrounded with modern luxuries and comfort, and they go home to the tepee and the wigwam.

It is high time that this system was changed. I shall favor at the proper time in this bill a provision that the money which is proposed to be appropriated for the building of these expensive modern institutions of learning shall be devoted to the establishment of country schools, which are the foundation of the people who have made this country, the substantial people, and providing that the Indian child shall go to the public common school, and that the schoolhouses shall be built. If you are going to appropriate hundreds of thousands of dollars (and there has been about $3,000,000,000 appropriated for Indian schools within a recent period) I would appropriate it for the purpose of having the Indian agent construct log cabins for those Indians, or buildings that will be appropriate for their homes and teach them how to live in a home on their own responsibility, and to maintain it and be respectable in it, and get their education in the neighboring schoolhouse, and let the money be expended in that way instead of constructing these modern palaces which only spoil them for their home life to which they must return at the end of each day.

Mr. STEWART. Now let the bill be read through.

Mr. CLAPP. Mr. President, before the bill is read through I wish to say just a word on this subject.

I quite agree with a great deal that the Senator has said, but the whole trouble with the Indian problem in this country has been that the Indian has been regarded purely as a class to be dealt with as a whole. Instead of the theory of allowing alienation here under the direction of the Secretary, I believe the wise policy is to treat each case by itself as we have sought to treat it in this bill.

The best and most thorough advancement that can be made in the United States for the Indian, in my judgment, has been shown in the State of Wisconsin, where the agents have treated each Indian as an individual instead of dealing with them as a class. That is the difference between the idea and the theory of the Department and the theory of this committee in regard to the pending bill.

Mr. BAILEY. Mr. President, the trouble in legislation for the Indian Territory is that Senators and Members of the House are inclined to legislate with reference to conditions which they think ought to exist rather than with reference to conditions which actually do exist in that country.

If we had kept the white men out we could have preserved that splendid inheritance to the Indians, but all the power of the Federal Government could not keep the white men from that country. Senators will remember when the Territory of Oklahoma was first invaded by the white men. The Federal Government called out its Army and drove some enterprising American citizens, whom we then called boomers, out of that forbidden land, but as often as they were driven out they returned, and their perseverance finally triumphed over the Army of the United States, until Congress, despairing of being able to keep them out with the sword, allowed them to go in under the law.

Much the same happened with reference to the Indian country. There were 200,000 white men in the Indian Territory before a single one of them had the lawful right to go there. But it is the dream of an enthusiast that a white man in this country can ever be kept out of any place which is worth going to or living in. They went there first against the law and now remain there according to the law; and we might as well expect to reverse the decrees of fate as to ever drive them from it. Indeed, nobody now desires to do it, but impractical statesmen seem to forget that there are 700,000 white men whose rights and whose progress must be respected and conserved and appear to think that the 10,000 or 15,000 full blood Indians are the only ones whose welfare must be consulted.

Mr. President, it seems a cruel thing to say, and Senators who know it as well as I do hesitate to say it, because it does no honor to our race and country, but the days of the full-blood Indian in the Indian Territory are numbered, and any legislation of the American Congress predicated upon any other theory must result in disappointment and failure. As the great army of progress and civilization marches over that land it will crush beneath its unfeeling and remorseless tread the unhappy original inhabitants of that land. I know, and any Senator who lives near them as I do knows, as does the distinguished Senator from Kansas [Mr. LONG], that the only wise law which may be written on the statute book to-day is a law that preserves the Indian so far as in mercy we can preserve him, and yet recognizes the inexorable law that that country belongs henceforth and forever to the American citizens of white skin.

I would preserve his homestead, and, when at last he falls before the advancing column of civilization and progress, I would have him borne to the Indian burial ground from a homestead which he might call his own. But while I would preserve that and surround it with every safeguard of the law, protect it in every way the wisdom of Congress can devise, I would not be so blind as to legislate for that country with reference only to the happiness, or the welfare, or even the preservation of the small number of full-blood Indians there. Out of the 70,000 who are still described as Indians, three-fourths of them have as much or more white blood in their veins as Indian blood, and one-half are quite as capable of taking care of themselves and their property as the same number of men of equal intelligence in any State or city in this Republic. That many of them can be overreached is true, and still not more true than the same statement would be of the same kind of people in the State of Kansas, or Wisconsin, or Texas.

Mr. HEYBURN. Will the Senator permit me?

Mr. BAILEY. Certainly.

Mr. HEYBURN. I was speaking of Indians where 98 per cent of the tribe are full-blood Indians. That is the class I was speaking of.

Mr. BAILEY. And therefore a different rule would be wisely applied to them.

Mr. STEWART. Half of the Indians of that Territory have got less than a fourth of Indian blood in their veins.

Mr. BAILEY. The Senator from Nevada, who is chairman of the Committee on Indian Affairs, says over a half of the Indians in that Territory have less than a fourth of Indian blood in their veins. There are, I am sure, not more than 20 per cent of them who could be called full-bloods.

Mr. STEWART. About 15,000.

Mr. BAILEY. About 15,000 full-blood Indians, 700,000 American citizens of our race and blood, and it is not a wise, indeed it is not a benevolent legislation, that forgets the 700,000 to spare the 15,000 from a fate that is as certain as the coming of to-morrow.

Now, Mr. President, it is not agreeable to speak so plainly upon a matter that is no small regret to every American citizen. But as surely as they have been driven from place to place whenever the necessity or the greed of the white man craved their land, just that certainly they are to be driven still further and their numbers are still further to be diminished. The only wise thing for the Congress of the United States to do is to protect them so far as we can without neglecting the interest—the superior interest, if you please—of the American Anglo-Saxon who in that Territory outnumbers his Indian kinsman fifty to one.

More than that, Mr. President, every law calculated to so far protect the Indian as to retard the progress and development of that Territory creates a spirit of resentment and irritation among the white men there, and makes the Indians' lot a still harder one to bear. The present relation between the Indians of the Indian Territory and their white neighbors, I undertake to say, is more friendly than exists between the Indians and their neighbors in any State within the Union. There is a feeling among the white men who respect themselves, or who hope to be respected by their neighbors, that the Indian must be dealt with fairly.

Mr. President, I was raised in a Southern State, and when a child, just after the end of that unhappy conflict which had culminated in the emancipation of the slave, the meanest thing that could be said about a white man in Mississippi was to say that he would cheat a negro. That feeling was not more intense in the days immediately following the slave's emancipation in the Southern States than is the feeling in the Indian Territory to-day among the respectable white people that no respectable or self-respecting white man will cheat an ignorant Indian. I regret to say that all the men who are there are neither respectable nor self-respecting; I regret to say that from every quarter of the Union soldiers of fortune and adventurers have gathered there and are ready to prey upon ignorance or misfortune. Let us make laws that will protect both white and red from the rapacity and rascality of men like those; but let us try to pass no law that prevents the white man's progress in order to preserve the stupid men of a vanishing race.

The PRESIDING OFFICER. The question is on agreeing to the amendment, on page 49, after line 13, to insert the clause from line 14 to line 20, inclusive.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 49, after line 20, to insert:

That the President be, and he hereby is, authorized to issue a patent in fee to Jennie M. Brown, a member of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to her in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 50, after line 2, to insert:

That Louisa Morgan and Mrs. Mandan (Wanyagwankewin), Yankton Sioux allottees, to whom trust patents have been issued containing restrictions upon alienation, may sell and convey all, or any part of their allotments, but that such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved, shall convey full title to the purchaser, the same as if final patent, without restrictions, had been issued to said allottees.

The amendment was agreed to.

The next amendment was, on page 50, after line 10, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to Abraham Elm, an Oneida Indian, for the lands heretofore allotted to him in the State of Wisconsin, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 50, after line 16, to insert:

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to issue a patent in fee simple to Simon Antone, an Oneida Indian, for the lands heretofore allotted to him in the State of Wisconsin, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 50, after line 22, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Henry G. White, Annie B. White, and Mary White, members of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to them in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to insert:

That William T. Selwyn, a Yankton Sioux Indian, may purchase, upon such terms and conditions as the Secretary of the Interior may prescribe, a tract of not exceeding 38.61 acres from the lands reserved for the Yankton Agency, S. Dak., including the land upon which the improvements of the said Selwyn are located, described as follows: Northeast quarter (lot 5) of southwest quarter of section 27, township 94, of range 64, and the Secretary of the Interior is authorized to convey said tract to the said Selwyn by patent in fee.

The amendment was agreed to.

The next amendment was, on page 51, after line 15, to insert:

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to issue a patent in fee to Frank Meecham, a Yakima Indian, whose allotment is No. 1134, for the east half of the northeast quarter of section 15, township 11 north, range 19 east, of the Willamette meridian, and all restrictions as to sale, incumbrances, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 51, after line 23, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and empowered to issue patents in fee simple to the following-named persons for the following tracts of land, respectively, the same being allottees on the Sisseton Indian Reservation of South Dakota, to wit, To Samuel J. Brown, jr., lot 5, section 24, township 125 north, range 50 west, fifth principal meridian; the south half of the southwest quarter of section 29, and the northwest quarter of the northwest quarter of section 32, township 126 north, range 50 west. To Phoebe S. Lowe, formerly Phoebe S. Brown, the southwest quarter of the southwest quarter of section 24, township 125 north, range 50 west; the northeast quarter of the northwest quarter, the northwest quarter of the northeast quarter of section 32, and the southwest quarter of the southeast quarter of section 29, township 126 north, range 50 west. To Lillian S. Clay, formerly Lillian S. Brown, lot 1, section 25, township 125 north, range 50 west; the southwest quarter of the northeast quarter, the northwest quarter of the southeast quarter of section 32, and the southeast quarter of the southeast quarter of section 29, township 126 north, range 50 west. And all provisions restricting or limiting the issue of patent or alienation of said lands by said allottees are hereby repealed so far as they conflict with this act.

The amendment was agreed to.

The next amendment was, at the top of page 53, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, at his discretion, to issue patents in fee to Henry Meagher, a Cheyenne and Arapaho Indian, for the lands heretofore allotted to him in the Territory of Oklahoma, to wit: The southwest quarter of section 32, township 11 north, of range 7 west, of the Indian meridian; and all restrictions as to sale, incumbrances, or taxation of said land are hereby removed.

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Jennet Jackson, formerly Jennie Meagher, a Cheyenne and Arapaho Indian, for the lands heretofore allotted to her in the Territory of Oklahoma, to wit: The northeast quarter of section 31, township 11 north, of range 7 west, of the Indian meridian; and all restrictions as to sale, incumbrances, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 53, after line 16, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Maggie Meagher, a Cheyenne and Arapaho Indian, for the lands heretofore allotted to her in the Territory of Oklahoma, to wit: The southeast quarter of section 31, township 11 north, of range 7 west, of the Indian meridian; and all restrictions as to the sale, incumbrances, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 53, after line 24, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple to Jefferson Goulette, for the lands heretofore allotted to him in the State of South Dakota, to wit: The northwest quarter of the southwest quarter, or lots Nos. 3, 4, and 5 of section 31, township 97 north, range 64 west, of the fifth principal meridian, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 54, after line 8, to insert:

That Josephine Lillie is hereby given and granted the absolute, unqualified fee-simple title to the west half of the northwest quarter of section 10, in township 10 north, range 20 east, of the Willamette meridian, in the Yakima Indian Reservation in the State of Washington, under patent heretofore issued to her by the United States of America, bearing date July 10, 1897, which patent is recorded in volume 52, page 235, in the records of the General Land Office, free and clear from any trust or reservation, and with full power in her to sell and convey the same, free from any trust or reservation, and that a patent in due form of law shall be issued to her, her heirs and assigns, by the United States of America, giving, granting, and conveying to her absolute fee-simple title thereto, free and clear from any trusts or reservations, and with full power in her to dispose of the same without restriction. And the provisions of the act of Congress approved February 8, 1887 (24 Stats., p. 388), as amended by the act of February 28, 1891 (24 Stats., p. 794), shall not hereafter apply to or affect the said real property, and the patent hereto issued to her, bearing date July 10, 1897, and recorded in volume 52 page 235, in the records of the General Land Office, be, and the same is hereby, canceled and held for naught.

The amendment was agreed to.

The next amendment was, on page 55, after line 11, to insert:

That the President be, and he is hereby, authorized, in his discretion, to issue a patent in fee to Mrs. Kiva C. Lewis, Rosebud allottee No. 3986, for the lands heretofore allotted to her, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 55, after line 17, to insert:

That all restrictions as to the sale, incumbrance, or taxation of the lands heretofore allotted or that may hereafter be allotted to Mrs. Jennie O. Morton, of Ramona, Ind. T., or to Fred. A. Kerr, of Hereford, Ind. T., both citizens of the Cherokee Nation, and duly enrolled as such, be, and the same hereby are, removed.

The amendment was agreed to.

The next amendment was, on page 55, after line 23, to insert:

That the Secretary of the Interior is hereby authorized and empowered to issue a patent to Henry A. Quinn for the east half of the northwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter of section 32, township 125 north, range 50 west of the principal meridian, South Dakota.

The amendment was agreed to.

The next amendment was, on page 56, after line 5, to insert:

That the Secretary of the Interior be, and he is hereby, authorized in his discretion, to issue a patent in fee to Benjamin McBride, Yankton Sioux allottee, for the lands heretofore allotted to him in South Dakota, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 56, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Louisa Quinn Miller, a member of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to her in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 56, after line 17, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and empowered to set apart a tract of land not exceeding twenty acres in extent on the land reserved for agency purposes on the Yankton Indian Reservation, in the State of South Dakota, for the perpetual use of the Yankton tribe of Sioux Indians for a park and site for a monument or monuments to the memory of deceased Yankton Sioux chiefs and eminent members of their said tribe whose memory they may desire to perpetuate.

The amendment was agreed to.

The next amendment was, on page 57, after line 2, to insert:

That the resolutions of the Seminole council, passed and approved on April 18, 1900, accepting and ratifying the contract and sale made by the Seminole town-site commissioners to John F. Brown, of the unsold lots in the town of Wewoka, Ind. T., for the sum of $12,000, and also providing for the distribution of the said money among the Seminole people per capita, be, and the same is hereby, ratified and confirmed.

The amendment was agreed to.

The next amendment was, on page 57, after line 10, to insert:

That the Secretary of the Interior is hereby authorized to sell and convey a patent to the diocese of Duluth for 160 acres of land in the Chippewa Reservation of Minnesota, within the county of Cass, in said State, to be used as a site for a mission church to be established and maintained by said diocese of Duluth, said land to be selected by the Secretary of the Interior: *Provided*, That such sale does not conflict with any prior claim to such land. Such land to be sold for $1.25 per acre, and the timber, if any, on said land to be sold at such price as may be determined by the Secretary of the Interior, the proceeds of said land and timber to be placed to the credit of the Chippewas of Mississippi.

The amendment was agreed to.

The next amendment was, on page 58, after line 10, to strike out:

That the unexpended balance of the funds arising from the judgment of the Court of Claims of November 22, 1898, in favor of the New York Indians, for which an appropriation was made in the deficiency act of February 9, 1900 (31 Stat., p. 27), shall be divided in proportion to the number of Indians of each tribe or band entitled to share in said judgment, as set forth in schedule A to the treaty of Buffalo Creek of January 15, 1838, and in the judgment of the Court of Claims, and the Secretary of the Treasury shall carry upon the books of the Treasury the share to which each of the tribes or bands is entitled, separate and distinct from each other, and the amount so set aside for each such band or tribe shall belong to and be paid out only to those members of such tribes or bands as shall be found to be entitled to the same by the Secretary of the Interior. That the shares of all minors shall remain in the Treasury of the United States to the credit of the separate tribe or band to which they belong, and shall draw interest at the rate of 3½ per cent per annum until said minors arrive at the age of 21 years, when the principal and interest due each shall be paid to them. That the shares due incompetents shall be paid under the direction of the Secretary of the Interior to the legal guardians of such incompetents and be expended by them for their care and support under the laws of the State or Territory in which they reside. That the amount found due each person enrolled, who has died since the enrollment, shall be paid to his or her heirs under the laws of the State or Territory in which such person resided at his or her death; and the shares of deceased minors shall be paid to their parents, if living, or, if dead, to the next of kin.

The amendment was agreed to.

The next amendment was, on page 60, line 2, after the word "provide," to insert:

And the Secretary of the Interior is hereby authorized to negotiate with each of the Indian pueblos in the Territory of New Mexico for the conveyance to the United States of the lands that have been heretofore

confirmed and patented to such pueblo, to be held in trust for the sole use and benefit of the pueblo for a period of twenty-five years, under such terms and conditions as may appear to the said Secretary to be reasonable and just: *Provided*, That any agreement negotiated hereunder shall be of full force and effect when approved and proclaimed by the President.

The amendment was agreed to.

The next amendment was, on page 60, line 20, after the date "1889," to insert "as amended by act of June 27, 1902;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized to return to the several purchasers of the pine timber from the lands of the ceded Chippewa Indian reservations, in the State of Minnesota, all or such parts of the moneys heretofore or hereafter severally deposited with their sealed bids, being 20 per cent of the amount of such bids, at sales held, or to be held, under the act of January 14, 1889, as amended by act of June 27, 1902, as the Secretary of the Interior may determine such purchasers entitled to after the completion of their contracts of purchase.

The amendment was agreed to.

The next amendment was, on page 61, after line 5, to strike out:

That the time for opening the unallotted lands to public entry on the Uintah Reservation in Utah, as provided by the acts of May 27, 1902, and March 3, 1903, and April 21, 1904, be, and the same is hereby, extended to September 1, 1905, unless the President shall determine that the same may be opened at an earlier date: *Provided*, That so much of said lands as will be under the provisions of said acts restored to the public domain shall be open to settlement and entry by proclamation of the President of the United States, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons intending to make entry thereon, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars or Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided*, That nothing herein contained shall be construed to extend beyond the time fixed by existing law the time within which any person or persons to locate 640 acres of contiguous mineral lands in lieu of rights under mineral leases as provided in the act of May 27, 1902.

The amendment was agreed to.

The next amendment was, on page 62, after line 9, to insert:

That the time for opening to public entry the unallotted lands on the Uintah Reservation in Utah having been fixed by law as the 10th day of March, 1905, it is hereby provided that the time for opening said reservation shall be extended to the 1st of September, 1905, and that the manner of opening such lands for settlement and entry, and for disposing of the same, shall be as follows: That the said unallotted lands, excepting such tracts as may have been set aside as national forest reserve, shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in said proclamation, until after the expiration of sixty days from the time when the same are thereby opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish war or Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *And provided further*, That all lands opened to settlement and entry under this act remaining undisposed of at the expiration of five years from the taking effect of this act shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior, not more than 640 acres to any one person. The proceeds of the sale of such lands shall be applied as provided in the act of Congress of May 27, 1902, and the acts amendatory thereof and supplemental thereto.

The amendment was agreed to.

The next amendment was, on page 63, after line 18, to insert:

That before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart and reserve as an addition to the Uintah Forest Reserve, subject to the laws, rules, and regulations governing forest reserves, such portion of the lands within the Uintah Indian Reservation as he considers necessary, and he may also set apart and reserve any reservoir site or other lands necessary to conserve and protect the water supply for the Indians or for general agricultural development, and may confirm such rights to water thereon as have already accrued: *Provided*, That the proceeds from any timber on such addition as may with safety be sold prior to June 30, 1920, shall be paid to said Indians in accordance with the provisions of the act opening the reservation.

The amendment was agreed to.

The next amendment was, on page 64, line 18, after the word "hearing," to insert the following proviso:

Provided, That the Court of Claims is hereby authorized, upon final determination of such case, to ascertain and determine the amount to be paid the attorney and counsel of record for the Cherokee Indians by blood in said case, in reimbursement of necessary expenses incurred, and as reasonable compensation for services rendered in such proceedings, such determination to be made without regard to any contract or alleged contract relative to such services, and said court shall further designate the persons or class of persons liable for such payment and the fund or funds held by the United States, if there be any belonging to such persons, out of which the same shall be paid. But no person shall be required to contribute unless he has heretofore or hereafter assents in writing to the commencement or maintenance of said suit either personally or through the head of the family or through an organization of which he is a member.

The amendment was agreed to.

The next amendment was, on page 65, after line 9, to insert:

That claimants to citizenship in the Five Civilized Tribes who are of Indian blood and whose names are on any tribal rolls as citizens, even though such rolls may have subsequently been held to be invalid, and whose claims have been rejected, or may hereafter be rejected by the Commission to the Five Civilized Tribes, shall have the right for ninety days from the approval of this act, or for ninety days from the approval of such rejection by the Secretary of the Interior, to sell their improvements upon the lands which they have occupied as their homes and upon such other lands as they have held for allotments for their minor children, to other citizens of such tribe having lawful right to acquire the same; but in no case shall this privilege extend to an area of more than a standard allotment for each person.

Mr. GALLINGER. Mr. President, I was requested by the Senator from Connecticut [Mr. PLATT] to ask that that amendment be passed over.

The PRESIDING OFFICER. In the absence of objection, the amendment will be passed over.

Mr. BAILEY. Mr. President, at this point I desire to offer an amendment to come in after the word "person," in line 23 on page 65. I will not occupy the time of the Senate now with it, but, with the consent of the Senate, I ask that it may be considered as pending.

The PRESIDING OFFICER. It will be printed and lie on the table.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 65, after line 23, to insert:

That Delaware-Cherokee citizens who owned improvements upon lands in the Cherokee Nation on April 21, 1904, to which there is no valid adverse claim, shall have the right, within six months from the date of the approval of this act, to dispose of such improvements to other citizens of the Cherokee Nation entitled to select allotments, at a valuation to be approved by an officer designated by the President for that purpose, and the amount for which said improvements are sold shall be a lien upon the rents and profits of the land until paid, and such lien may be enforced by the vendor in any court of competent jurisdiction: *Provided*, That the right of any Delaware-Cherokee citizen to dispose of such improvements shall, before the valuation at which the improvements may be sold, be determined under such regulations as the Secretary of the Interior may prescribe.

Mr. BAILEY. Mr. President, in regard to the amendment just read in reference to the Delaware-Cherokee citizens, I desire to ask the chairman of the committee if it is not a fact that those people have already been given one six-month period in which to dispose of these allotments, and if they have not failed to do so?

Mr. STEWART. They have not been able to make their settlements. The provision here is recommended by the Department.

Mr. BAILEY. I am satisfied that the Department knows more about this matter than I do, but some gentlemen who seem to know about it—and they are very reputable gentlemen—tell me that these people have now been something like seven years and nine months disposing of this land.

Mr. STEWART. If the Senator will allow the amendment to be passed over and not discuss it now, we will inquire into it.

Mr. BAILEY. Very well. I ask that the amendment beginning in line 24, on page 65, and continuing down to and including line 14, on page 66, be passed over.

The PRESIDING OFFICER. The Chair will consider it an open question, and the amendment will be passed over.

The reading of the bill will be resumed. The next amendment of the Committee on Indian Affairs was, on page 66, after line 14, to insert:

That all children born to duly enrolled citizens by blood of the Choctaw or Chickasaw nations after September 25, 1902, and prior to March 4, 1905, shall be entitled to enrollment and to participation in the distribution of tribal property: *Provided*, That applications therefor shall be made to the Commission to the Five Civilized Tribes within sixty days after March 4, 1905.

That all children born to Creek citizens, enrolled for allotment since the 25th day of May, 1901, shall be entitled to an allotment as a Creek citizen, and the Secretary of the Interior is hereby authorized and directed to cause allotments of 160 acres to be made to such Creek citizens.

That the Secretary of the Interior is hereby authorized and directed to cause to be enrolled all children not heretofore enrolled, born prior to March 4, 1905, to Seminole citizens, whose names appear upon the approved Seminole rolls, and to cause to be allotted to such children all Seminole lands not heretofore allotted to other Seminoles or reserved from allotment for other purposes, giving to such children an equal number of acres each; and such children shall also share equally with other Seminoles in the distribution of all other tribal property and funds.

Mr. LONG. I ask that that amendment be passed over, beginning on page 66, line 15, and going down to the end of line 13 on page 67.

The PRESIDING OFFICER. In the absence of objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 67, after line 13, to insert:

That the sum of $300,000 be, and the same is hereby, appropriated from the trust or invested funds of the Chickasaw tribe now in the

Treasury of the United States belonging to said tribe, for the immediate payment of all the outstanding school warrants of said tribe, legally issued for the purpose of maintaining the public schools of said tribe, such payment to be made under the direction of the Secretary of the Interior: *Provided*, That any unexpended balance of said $300,000 shall be held by the Secretary of the Interior and be by him added to the interests of the Chickasaw tribe in the coal and asphaltum royalty fund, and used for the maintenance of public schools of said tribe during the existence of the tribal government.

Mr. GALLINGER. I ask that that amendment be passed over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. BAILEY. Do I understand that the amendment on page 67, beginning in line 14, has been passed over?

Mr. GALLINGER. That has been passed over.

The PRESIDING OFFICER. That has been passed over.

Mr. BAILEY. Why should that be passed over, might I inquire? I think I could satisfy the Senator from New Hampshire about it.

Mr. GALLINGER. I would say to the Senator, to be entirely frank about it, that the Senator from Connecticut [Mr. PLATT], who had to leave the Chamber, asked me to make that request.

Mr. BAILEY. Certainly, that is sufficient.

Mr. GALLINGER. I do not know anything about it myself.

Mr. BAILEY. That is all right.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 68, after line 2, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury belonging to the Creek Nation, to C. W. Turner, of Muscogee, Ind. T., Creek warrant No. 2671, drawn on the Creek treasurer on March 12, 1898, for $1,000, and now unpaid, which said warrant was drawn under an appropriation act of the Creek council, was presented to the Creek treasurer for payment, and is yet unpaid: *Provided*, That before any payment is made to said Turner he shall prove to the satisfaction of the Secretary of the Interior that he is an innocent holder of said warrant, and was a purchaser of the same in good faith.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any available funds of the Creek Nation of Indians in the Treasury of the United States, to the Turner Hardware Company, of Muscogee, Ind T., the sum of $1,249.05, in full payment of accounts for certain school supplies purchased by the superintendents for the use of various Creek boarding schools in the years 1899 and 1900, which accounts are approved by the superintendent of schools in Indian Territory.

That the Secretary of the Interior is hereby authorized to pay from the proceeds of the sales of the timber on ceded Chippewa lands in Minnesota, under the act of June 27, 1902, to the superintendent of logging appointed under said act and to his assistant superintendents $2.50 per diem, in lieu of subsistence while on duty, said allowances for subsistence to date from the date of appointment of such superintendents and assistants.

To reimburse Delos K. Lonewolf, a Kiowa Indian, for the value of the improvements owned by him and surrendered to the United States on the Kiowa, Comanche, and Apache Indian Reservation, in Oklahoma, the sum of $150, and the acceptance of said sum by said Lonewolf shall be a complete and absolute bar to any and all claims against the United States for said improvements.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to George Walker, a Pottawatomie Indian, of Michigan, whose name was omitted from Schedule A of the findings of the Court of Claims, his proportionate share of the sum of $78,329.25 appropriated for certain Pottawatomies of Michigan by the act approved April 21, 1904, amounting to $287.97.

Section 2117 of the Revised Statutes is hereby amended so as to read as follows: "Every person who drives or otherwise conveys any stock of horses, mules, or cattle to range or feed on any land belonging to an Indian or Indian tribe, without the consent of the individual Indian or tribe, is liable to a penalty of $1 for each animal of such stock."

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum of $200 each to Pretty Bear, Chief Martin Charger, Swift Bird, Strike the Fire, Kills and Comes, Four Bear, Sitting Bear, Charging Dog, and One Rib, of Cheyenne River Reservation, in South Dakota, and Fast Walker, Mdoka, Red Dog, Black Eagle, Don't Know How, Black War Club, Fool Dog, and Walking Crane, of Crow Creek Reservation, in South Dakota, and Mad Bear, of Standing Rock Reservation, in South Dakota and North Dakota, all Sioux Indians, or their heirs, to reward them for services and sacrifice of ponies in accomplishing the rescue of Mrs. Julia Wright, Mrs. Emma Duly, and six children, all white persons, captives in the custody of the White Lodge bands of the Sioux Indians, in November, 1862, near the mouth of Grand River, Dakota Territory. That the sum of $3,600 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

That the provision in the Indian appropriation bill for the fiscal year ending June 30, 1904, authorizing the Secretary of the Interior to sell the residue of the lands of the Creek Nation not taken as allotments is hereby repealed and the provision of the Creek agreement, Article III, ratified July 26, 1902, is hereby restored and reenacted.

That the Secretary of the Interior shall make an investigation and definitely ascertain what amount of land, if any, belonging to the Creek Nation, has been taken and allotted to the members of the Seminole tribe and arrange payment to the Creek Nation for such land if there be anything due by the Seminole Nation.

That the improvements of Seminole citizens upon Creek lands and the improvements of Creek citizens upon Seminole lands that are unpaid for by said allottees shall be investigated by the Secretary of the Interior and paid for by said nations, respectively; in cases of members of the Creek tribe allotting lands upon which members of the Seminole tribe have improvements, the assessed value of said improvements shall be charged to said Creek citizen and deducted from his remaining interest in Creek lands and moneys belonging to the tribe.

That all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation and have made full and final payment thereof in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the register and receiver at La Grande, Oreg., that the untimbered lands so purchased are not susceptible of cultivation or residence and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

To pay to the executor or administrator of the late C. N. Vann and William P. Adair, respectively, the balance due under the resolution of the national council of the Osage Indians, passed and approved on the 26th day of June, 1873, $180,000, to be paid out of the proceeds of the sales of the Osage lands in Kansas.

Mr. HALE. I ask that the amendment just stated, beginning in line 2, on page 68, and going to line 20, on page 72, be passed over.

Mr. FULTON. I call the attention of the Senator——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. FULTON. I simply want to call the attention of the Senator to the fact that on page 72 there is a provision entirely distinct from the others.

Mr. HALE. I have asked that the amendment, from line 2, on page 68, to line 20, on page 72, be passed over.

The PRESIDING OFFICER. In the absence of objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 72, after line 20, to insert:

That the Raven Mining Company shall, within sixty days from the passage of this act, file for record, in the office of the recorder of deeds of the county in which its claims are located, a proper certificate of each location; and it shall also, within the same time, file in the office of the Secretary of the Interior, in the city of Washington, said description and a map showing the locations made by it on the Uintah Reservation, Utah, under the act of Congress of May 27, 1902 (Stat. L., vol. 32, p. 263); and thereupon the Secretary of the Interior shall forthwith cause said locations to be inspected and report made as to the character of mineral contained in the claims so located upon, and as to whether each of said claims is of the size of a regular mining claim, to wit, 600 feet by 1,500 feet: *Provided further*, That the extension of time for opening the unallotted lands to public entry herein granted shall not extend the time to make locations to any person or company heretofore given a preferential right: *And provided further*, That any person or company entitled under the act of Congress approved May 27, 1902, to the preferential right to locate not to exceed 640 acres of mineral land in the Uintah Reservation, Utah, shall within sixty days from the passage of this act file in the office of the recorder of deeds of the county in which its location is made a proper description of its claim, and it shall within the same time file in the office of the Secretary of the Interior said description and a map showing the location made by it on the Uintah Reservation, Utah, and thereupon the Secretary of the Interior shall forthwith cause said location to be inspected and report thereon made.

Mr. STEWART. I ask that that amendment may be passed over. There are some Senators who desire to be heard in regard to it.

The PRESIDING OFFICER. The amendment beginning on line 21, on page 72, and extending to line 2, on page 74, will be passed over.

Mr. STEWART. That is right.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 74, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to individual Clatsop Indians of Oregon and Washington, Tillamook Indians of Oregon, Lower Band of Chinook Indians of Washington, and Kathlamet Band of Chinook Indians in the State of Oregon, who can be identified as belonging to said tribes at the time of executing certain agreements dated August 5, August 7, and August 9, in the year 1851, the sum of $100 each, in full of all claims and demands said Indians may have against the United States, and $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for that purpose.

Mr. SPOONER. Mr. President, I should like to have the Senator from Nevada make a brief explanation of that item.

Mr. STEWART. The different tribes of Indians named in the amendment had lands in Oregon, and an agreement to buy their lands was made with them, but was not ratified. Without taking any action on the subject, the Government offered the land for sale and altogether disregarded the rights of the Indians. The Government took the land from the Indians, but never compensated them.

Mr. SPOONER. Was it done by act of Congress?

Mr. STEWART. By act of Congress. The land was thrown open to settlement and the rights of the Indians were ignored. The Indians joined other tribes.

Mr. SPOONER. What were their rights? Was it an Indian reservation?

Mr. STEWART. They had possessory rights. The Government negotiated with them for the land. It did not consummate the negotiations, but took the land. The Indians then scattered, and no compensation was made to them. If this bill passes and if they can be found and identified they will be paid $100

apiece. If they were paid any reasonable price for the land, it would amount to a large sum of money.

Mr. FULTON. I suggest to the Senator that in line 8, after the word "Oregon," the word "who" be stricken out and the words "ancestors of whom" be inserted.

Mr. STEWART. That would involve too much of an investigation by the Department.

Mr. GALLINGER. Who makes the identification?

Mr. STEWART. The Department makes the identification. Let us try the provision as it is and see how it works. I do not think we shall find many of these Indians.

Mr. FULTON. We might just as well make no provision at all as not to provide for the descendants of the Indians, a treaty with whom was made in 1851. These treaties were made in 1851, and if it is intended simply to limit the compensation to $100 to each of the Indians then existing, there is certainly not much chance——

Mr. STEWART. There have been various attempts to indemnify these Indians, and the Senator had better take what he can get.

Mr. FULTON. I am not taking anything, let me say to the Senator, because I am not an Indian. I do not belong to the tribe. I speak for them. I want something that will be just and reasonable. The Government entered into treaties with these several tribes. One of the tribes it agreed to pay $20,000, another $15,000, and another $10,500. The treaties were signed by the Indians and signed by the agents of the Government, and were returned here, but were never acted on. In the treaties the Indians reserved certain lands. But the Government went ahead and sold the lands that it was supposed it had purchased and sold the lands that the Indians had reserved.

It was in 1851 when each of these treaties was made. The Indians have been incessantly before Congress asking some compensation. This proposes to give them a very small amount, $100 each. I ask that it be made $200 each. It says to the Indians "who can be identified as belonging to said tribes at the time." Of course it should go to the Indians who, or whose ancestors, can be identified as members of the tribe——

Mr. STEWART. How much do you propose?

Mr. FULTON. So that it will apply to the Indians belonging to the tribe at that time, and their descendants.

Mr. GALLINGER. The Senator does not propose to make the payment to each ancestor?

Mr. FULTON. No, I say to the Indians who or whose ancestors can be identified.

Mr. ALLISON. I hope the amendment will go over.

Mr. STEWART. Let it go over.

Mr. FULTON. In fact, I would rather it would go out.

The PRESIDING OFFICER. Without objection, the amendment will be passed.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Support of schools," on page 74, line 24, before the word "thousand," to insert "and fifty;" and in line 25, before the word "thousand," to insert "and fifty;" so as to make the clause read:

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply and lighting plants, and purchase of school sites and improvement of buildings and grounds, $350,000; in all, $1,650,000.

The amendment was agreed to.

The next amendment was, on page 75, line 24, after the word "dollars," to insert "for erection of hospital, $20,000;" and, on page 76, line 2, before the word "thousand," to strike out "fifty-one" and insert "seventy-one;" so as to make the clause read:

For support of Indian school at Carlisle, Pa., for transportation of pupils to and from said school, and for general repairs and improvements, $150,000; for erection of hospital, $20,000; for additional salary for superintendent in charge, $1,000; in all, $171,000.

The amendment was agreed to.

The next amendment was, on page 78, after line 11, to insert:

For new buildings, repairs, etc., for the Green Bay, Wis., Indian Boarding School, the principal portion of which was recently destroyed by fire, $60,000: *Provided*, That the Commissioner of Indian Affairs may, in his discretion, use the said amount, or any portion thereof, in the establishment of one or more day schools for these Indians.

The amendment was agreed to.

The next amendment was, on page 79, line 14, before the word "thousand," to strike out "thirty-five" and insert "twenty-five;" and in line 18, before the word "thousand," to strike out "forty-nine" and insert "thirty-nine;" so as to make the clause read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., for transportation of pupils to and from said school, $125,250; for pay of superintendent at said school, $2,500; for general repairs and improvements, $12,000; in all, $139,750.

The amendment was agreed to.

The next amendment was, on page 80, line 7, after the word "dollars," to insert "to be immediately available;" in line 9, after the word "dollars," to insert "to be immediately available;" in line 10, after the word "dollars," to insert "to be immediately available;" in line 11, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., $50,100; for pay of superintendent of said school, $1,700; for general repairs and improvements, $3,100, to be immediately available; for employees' quarters, $6,000, to be immediately available; for dairy building, $3,500, to be immediately available; for superintendent's cottage, $4,000, to be immediately available; in all, $68,400.

The amendment was agreed to.

The next amendment was, on page 81, line 1, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian industrial school at Pierre, S. Dak., $25,050; for new school building, $15,000; for pay of superintendent of said school, $1,500; for general repairs and improvements, $3,000, to be immediately available; for equipment for workshop and laundry, $3,500, to be immediately available; in all, $33,050.

The amendment was agreed to.

The next amendment was, on page 82, line 2, after the word "dollars," to insert "for purchase of reservoir site, $500, to be immediately available," and, in line 4, before the word "hundred," to strike out "one" and insert "six;" so as to read:

For support and education of 450 Indian pupils at the Sherman Institute, Riverside, Cal., $75,150; for pay of superintendent, $2,000; for additional water system, $3,000; for industrial building for boys, $10,000; for general repairs and improvements, $5,000; for purchase of reservoir site, $500, to be immediately available; in all, $95,650.

The amendment was agreed to.

The reading was continued to the end of line 16 on page 82.

Mr. FULTON. I ask the chairman of the committee if he will not consent to an amendment, on page 82, line 12, after the word "Oregon," to insert "including Indian pupils from Alaska;" so as to read:

For support and education of 600 Indian pupils at the Indian school, Salem, Oreg., including Indian pupils from Alaska, $100,200.

I suggest the amendment for this reason. There are at that school at the present time twenty Alaskan Indians.

The PRESIDING OFFICER. The Chair understood that committee amendments were first to be considered.

Mr. FULTON. At the present session of Congress a bill has passed permitting Alaskan children to be sent to these schools.

Mr. STEWART. Has it passed both Houses?

Mr. FULTON. Both Houses.

Mr. STEWART. It is the law?

Mr. FULTON. It is the law at the present time.

Mr. STEWART. Then I have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Oregon is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 84, after line 11, to insert:

For a superintendent in charge of agency and educational matters on the Coeur d'Alene Reservation in Idaho, $1,200; which reservation is hereby segregated from the Colville Agency in Washington.

The amendment was agreed to.

The next amendment was, on page 84, line 17, after the word "Choctaw," to insert "Chickasaw," so as to read:

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of non-citizens therein, and the establishment of new schools under the control of the tribal school boards and the Department of the Interior, the sum of $150,000, etc.

The amendment was agreed to.

The next amendment was, on page 87, line 24, after the words "Secretary of the Interior," to strike out "under the direction of the President;" so as to make the proviso read:

Provided further, That the Secretary of the Interior may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision.

Mr. ALLISON. I suggest to the Senator in charge of the bill that those words might as well be left in. I think they are rather important words.

The PRESIDING OFFICER. Does the Senator from Iowa ask that the amendment be disagreed to?

Mr. ALLISON. I do.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 88, line 19, after the word "the" where it occurs the second time, to strike

out "President" and insert "Secretary of the Interior;" so as to make the section read:

SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulations for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the Secretary of the Interior, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

The amendment was agreed to.

The next amendment was, on page 89, after line 13, to strike out section 6, in the following words:

SEC. 6. That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

Mr. GALLINGER. Concerning section 6, I should like to have the chairman of the committee state the significance or necessity for striking it out.

Mr. STEWART. A new section 6 is to be inserted.

Mr. GALLINGER. I do not think the substitute section relates to the same subject-matter.

Mr. STEWART. Let it be passed over.

Mr. GALLINGER. Let it go over.

The PRESIDING OFFICER. Without objection the amendment to strike out section 6 will be passed over.

The next amendment of the Committee on Indian Affairs was to insert as a new section the following:

SEC. 6. That the President is hereby authorized in his discretion, from time to time, to designate such Indian tribe or tribes whose members he may deem to be sufficiently advanced in civilization to be prepared to receive and manage their individual shares of the tribal funds then or thereafter on deposit in the Treasury of the United States to the credit of such tribe or tribes; and thereupon shall cause the money held in trust for such tribe or tribes in the Treasury to be allotted in severalty to the members thereof. That thereupon a roll of such individuals in such tribe or tribes shall be made by the Secretary of the Interior, and the funds apportioned and credited in severalty to the individuals entitled thereto and placed to the credit of such individuals upon the books of the United States Treasury.

That the President may, by Executive order, from time to time, order the distribution and payment of such funds or the interest accruing thereon to such of the individual members of any such tribe or tribes as, in his judgment, would be for the best interests of such individuals to have such distribution made: *Provided*, That no part of the principal of any tribal fund shall be given to any member of the tribe concerned, unless such member shall have received an allotment of land and had issued to him a patent in fee with an immediate right of alienation.

That the President shall, by Executive order, prescribe rules and regulations to carry out the purposes of this section. Such regulations may also provide the method and proceedings for the distribution of the share of any allottee who may die before payment and after such allotment on the books of the Treasury Department.

Mr. BARD. What has become of section 6?

The PRESIDING OFFICER. It has been passed over.

Mr. STEWART. It was stricken out because nobody knew what it meant.

Mr. CLAPP. I suggest that the amendment which has been offered take its place.

Mr. GALLINGER. That amendment may or may not go into the bill. I think we ought not to agree to take this out now. Let it go over.

Mr. STONE. I suggest that the new section 6 go over also.

Mr. ALLISON. Yes; let it go over.

The PRESIDING OFFICER. Without objection, it will go over, too.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 90, after line 23, to strike out:

SEC. 7. That the following agreement made and concluded on the 28th day of May, 1904, by James McLaughlin, United States Indian inspector, with the male adult Indians residing on the Port Madison Indian Reservation, in the State of Washington, is hereby accepted, ratified, and confirmed:

This agreement made and entered into on the 28th day of May, 1904, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Indians belonging on the Port Madison Indian Reservation, in the State of Washington, witnesseth:

ARTICLE I. The said Indians belonging on the Port Madison Reservation, in the State of Washington, for the consideration hereinafter named, do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have in and to that portion of the unallotted lands of the said Port Madison Indian Reservation, in the State of Washington, described by legal subdivision of Government survey as lots 4 and 5, in section 21, township 26 north, range 2 east, Willamette meridian, containing 48.75 acres, more or less.

ARTICLE II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to pay to the said Indians per capita in cash the sum of $3,900, share and share alike, to each man, woman, and child belonging on the said Port Madison Indian Reservation, within ninety days after the ratification of this agreement, and also to pay to certain of said Indians, within the said time limit, the sum of $3,628 for certain personal improvements, and $466.75 to the treasurer of the Port Madison Indian Improvement Club for floating wharf, and $355 to the treasurer of the board of trustees of the Port Madison Indian Church, as listed in schedule of appraisement of said improvements upon lands ceded by Article I of this agreement, a copy of which schedule of appraisement is hereunto attached. And it is further agreed that the disposition of the sum of $884, the appraisement of the Government schoolhouse and farmer's dwelling, and $200 for cable anchorages of two telegraph companies, as per attached schedule, is discretionary with the Secretary of the Interior, and may be expended, in his discretion, in the erection of a day school building upon the remaining 36 acres unallotted subdivision of the Port Madison Indian Reservation, described as lot 3, section 21, township 26 north, range 2 east, Willamette meridian, which unallotted subdivision adjoins lot 4 of the tract ceded by Article I of this agreement.

ART. III. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Port Madison Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this agreement.

ART. IV. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by a majority of the male adult Indians parties thereto, and when accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adult Indians belonging on the Port Madison Indian Reservation, in the State of Washington, have hereunto set their hands and seals at the Port Madison Subagency, Kitsap County, Wash., this 28th day of May, A. D. 1904.

The Claf wha George, Indian allottee No. 10, of the Port Madison Indian Reservation, in the State of Washington, to whom a trust patent was issued on November 4, 1886, for lot 1, in section 28, township 26 north, range 2 east, of the Willamette meridian, together with other lands, is hereby authorized to sell and convey to the United States of America the said lot 1, including improvements thereon.

That Qu dis kid Big John, Indian allottee No. 11, of the Port Madison Indian Reservation, in the State of Washington, to whom a trust patent was issued on November 4, 1886, for lot 2, in section 28, township 26 north, range 2 east, of the Willamette meridian, together with other lands, is hereby authorized to sell and convey to the United States of America the said lot 2, including improvements thereon.

Mr. STEWART. Let the amendment be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was to insert as section 7 the following:

SEC. 7. That any electric railway, light, or power company doing business within the limits of the Indian Territory in compliance with the laws of the United States that are now or may be in force therein, be, and the same are hereby, invested and empowered with the right of locating, constructing, owning, operating, using, and maintaining auxiliary steam works and a dam or dams across any stream, canals, and reservoirs, and within the limits of said Indian Territory, for the purpose of obtaining a sufficient supply of water to manufacture and generate water, electric, or other power, light, and heat, and to utilize and transmit and distribute such power, light, and heat to other places for its own use or the use of other individuals or corporations, and the right of locating, constructing, owning, operating, equipping, using, and maintaining the necessary pole lines and conduits for the purpose of transmitting and distributing such power, light, and heat to other places within the limits of said Indian Territory.

That the right to locate, construct, own, operate, use, and maintain such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through the Indian Territory, together with the right to acquire such land as may be necessary for the locating, constructing, owning, operating, using, and maintaining of such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through any lands held by any Indian tribe or nation, person, individual, corporation, or municipality in said Indian Territory, or in or through any lands in said Indian Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee with full power of alienation, is hereby granted to any company complying with these provisions and making adequate compensation therefor.

That before the grant of the rights and privileges herein conferred shall become effective with respect to lands occupied by any Indian or allotted under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, compensation shall be made to such occupant or allottee for all property to be taken or damage done by reason of the location of such dam or dams, canals, reservoirs, auxiliary works, pole lines, and conduits, subject to the approval of the Secretary of the Interior, and in such manner as he may prescribe. In case of failure to make amicable settlement for any right of way, crossings, lands, or improvements with any such occupant or allottee, or with any individual, owner, tribe, nation, corporation, or municipality, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by a judge of the United States court, or other court of jurisdiction in the district where such lands are situated, on application of the corporation or other person or party in interest, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to the clerk of the court by which they were appointed.

If the referees can not agree, then any two of them are authorized to make the award. Either party, being dissatisfied with the finding of the referees, shall have the right, within sixty days after the making of the award and notice of the same, to appeal by original petition to the United States court in the Indian Territory, sitting at the place nearest and most convenient to the property sought to be condemned, where the case shall be tried de novo, and the judgment for damages rendered by the court shall be final and conclusive. When proceedings are commenceed in court, as aforesaid, the company shall deposit the amount of the award made by the referees with the court, to abide the

judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with construction. Each of the referees shall receive for his compensation the sum of $4 per day while engaged in the hearing of any case submitted to them under this act. Witnesses shall receive the fees usually allowed by courts within the district where such land is located. Costs, including compensation of the referees, shall be made part of the award or judgment, and be paid by the company seeking to obtain the benefits of this act.

Whenever any of such dam or dams, canals, reservoirs, and auxiliary steam works, pole lines, and conduits are to be constructed within the limits of any incorporated city or town in the said Indian Territory, the municipal authorities of such city or town shall have the power to regulate the manner of construction therein.

Mr. LODGE. Against that section, to which my attention was called by the Senator from Arkansas [Mr. BERRY], who said he wished to have it go over, as he wanted to make a point of order, I make the point of order. It is general legislation.

Mr. LONG. I hope it will not be passed upon now.

Mr. LODGE. It has to be passed upon some time.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BERRY], before he left the Chamber——

Mr. LODGE. He told me he wanted to make a point of order against it.

The PRESIDING OFFICER. He so stated.

Mr. LODGE. I make the point of order simply to save time. We have a great deal on this bill to discuss.

Mr. GALLINGER. That includes the entire section?

Mr. LODGE. The entire section.

Mr. LONG. I hope the Senator will not insist upon the point of order now, inasmuch as the section was to go over.

Mr. LODGE. I shall insist on it. I do not see why we should delay it. However, if the Senator wants it to go over, I yield to his request.

The PRESIDING OFFICER. The section will go over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 97, after line 19, to insert as a new section the following:

SEC. 8. For payment to the Kansas or Kaw Indians in settlement of their claims against the United States, as established by the award of the Kaw Commission, under the provisions of the act of Congress of July 1, 1902 (32 Stat. L., p. 636), $155,976.88: *Provided*, That the amount herein appropriated is accepted by the said Kansas or Kaw Indians in full settlement for all claims of whatever nature which they may have or claim to have against the United States: *Provided further*, That out of the amount of $155,976.88, for payment of the claim of the Kaw or Kansas Indians, the Secretary of the Interior is hereby authorized and directed to pay the accounts of the twenty-two newspapers, aggregating the sum of $3,694.76, set out in the report of the Secretary of the Interior, printed in House of Representatives Executive Document No. 60, Forty-seventh Congress, first session, at not exceeding the commercial rates at the time the service was rendered, for advertising under previous authority of the Department of the Interior the sale of Kansas trust and diminished reserve Indian lands in 1874 and 1875.

Mr. ALLISON. Allow that to go over.

The PRESIDING OFFICER. It will go over without objection.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 98, after line 20, to insert as a new section the following:

SEC. 9. That the Secretary of the Interior shall make an investigation as to the practicability of providing a water supply for irrigation purposes to be used on a portion of the reservation of the Southern Utes in Colorado, and he is authorized to contract for and to expend from the funds of said Southern Utes in the purchase of perpetual water rights the contract for such water shall be for a specific number of inches sufficient to irrigate not exceeding 10,000 acres on the western part of the Southern Ute Reservation and for annual charges for maintenance of such water thereon such amount and upon such terms and conditions as to him may seem just and reasonable, not exceeding $150,000, for the purchase of such perpetual water rights and not exceeding a maximum of 50 cents per acre per annum for the maintenance of water upon the land to be irrigated: *Provided*, That after such an investigation he shall find all the essential conditions relative to the water supply and to the perpetuity of its availability for use upon said lands as will justify a contract for its perpetual use: *Provided*, That the Secretary of the Interior, upon making all such contracts, shall require from the company, person, or persons entering into such contract a bond of indemnity, to be approved by him, for the faithful and continuous execution of such contract as provided therein.

Mr. GALLINGER. Mr. President, I think the amendment ought to go over, but before doing so I call the attention of the Senator from Nevada to the language, commencing in line 24, page 98:

And he is authorized to contract for and to expend from the funds of said Southern Utes, in the purchase of perpetual water rights, the contract for such water shall be for a specific number—

It is manifestly a mistake.

Mr. STEWART. "Number of inches."

Mr. GALLINGER. Yes, but note the language:

And he is authorized to contract for and to expend from the funds of said Southern Utes, in the purchase of perpetual water rights, the contract for such water shall be for a specific number—

It is badly worded. I think the Senator will change that language when he comes to look it over.

Mr. STEWART. I think it might be passed over for that purpose.

The PRESIDING OFFICER. Section 9 will be passed over.

Mr. STEWART. It is the amendment of the Senator from Colorado [Mr. TELLER] and is very meritorious.

Mr. GALLINGER. But the language ought to be changed.

Mr. STEWART. Yes; the language ought to be changed.

The PRESIDING OFFICER. The section will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 99, after line 19, to insert as a new section the following:

SEC. 10. That to pay Lorenzo A. Bailey $6,155.22, out of any money in the Treasury of the United States belonging to the Osage Nation or tribe of Indians, for his retainer fee and his contingent fee in the Watson Stewart case, under his contract with said nation, bearing date February 29, 1904, and such further sum as the Court of Claims may hereafter determine to be a fair and reasonable fee to him under said contract.

Mr. ALLISON. I make the point of order on that section.

Mr. LODGE. It is a private claim.

Mr. ALLISON. It is a private claim to an attorney, and it does not settle it. It allows him $6,000 and such further sums as the Court of Claims may determine. I think it had better all stand over. I make the point of order.

The PRESIDING OFFICER. The amendment will go over.

Mr. LODGE. I will make the point of order, and not ask for it to go over.

The PRESIDING OFFICER. The Senator from Massachusetts makes the point of order. The Chair sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 100, after line 3, to insert as a new section the following:

SEC. 11. That to carry into effect the agreement bearing date May 9, 1891, entered into between the Indians residing on the Colville Reservation and commissioners appointed by the President of the United States under authority of the act of Congress approved August 19, 1890, to negotiate with the Colville and other bands of Indians on said Colville Reservation for the cession of such portion of said reservation as said Indians might be willing to dispose of, there is hereby set aside and held in the Treasury of the United States for the use and benefit of said Indians, which shall at all times be subject to the appropriation of Congress, in full payment for 1,500,000 acres of land opened to settlement by the act of Congress entitled "An act to provide for the opening of a part of the Colville Reservation, in the State of Washington, and for other purposes," approved July 1, 1892, the sum of $1,500,000: *Provided*, That if any money has been paid the said Indians out of the proceeds of sale of their lands such sum of money shall be deducted from the amount herein appropriated.

Mr. GALLINGER. Let section 11 go over for the present.

The PRESIDING OFFICER. Section 11 will go over also.

Mr. LONG. Has the Chair sustained the point of order to section 10, or has it simply been passed over?

The PRESIDING OFFICER. The point of order was made.

Mr. LONG. And sustained?

The PRESIDING OFFICER. Yes.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 100, after line 24, to insert as a new section the following:

SEC. 12. That to enable the Secretary of the Interior to negotiate with the Kiowa, Comanche, and Apache Indians for the extinguishment of their title to the lands in their reservation reserved for their use in common, and to appraise same, together with the land in said reservation reserved for military purposes in such tracts, in legal subdivisions as he may deem advisable, $6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 101, after line 7, to insert as a new section the following:

SEC. 13. That the agreement made and entered into on the 21st day of April, 1904, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Shoshone and Arapahoe tribes of Indians belonging on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, is hereby accepted, ratified, and confirmed, except as to Articles II, III, and IX, which are amended and modified as follows, and as amended and modified are accepted, ratified, and confirmed:

"ART. II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement, the United States stipulates and agrees to dispose of the same, as hereinafter provided, under the provisions of the homestead, town-site, coal, and mineral land laws, or by sale for cash, as hereinafter provided, at the following prices per acre: All lands entered under the homestead law within two years after the same shall be opened for entry shall be paid for at the rate of $1.50 per acre; after the expiration of this period, two years, all lands entered under the homestead law within three years therefrom shall be paid for at the rate of $1.25 per acre; that all homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay $1.50 per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of $1.25 per acre shall be paid; payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and 25 cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fuly paid; that lands entered under the town-site, coal, and mineral land laws shall be paid for in an amount

and manner as provided by said laws; and in case any entrymen fails to make the payments herein provided for, or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall at once cease and any payments therebefore made shall be forfeited and the entry shall be held for cancellation; and all lands, except mineral and coal lands, herein ceded remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash, at not less than $1 per acre, under rules and regulations to be prescribed by the Secretary of the Interior: *And provided*, That nothing herein contained shall impair the rights under the lease to Asmus Boysen, which has been approved by the Secretary of the Interior; but said lessee shall have for thirty days from date of the approval of the surveys of said land a preferential right to locate, following the Government surveys, not to exceed 640 acres of contiguous mineral or coal lands in said reservation; that said Boysen at the time of entry of such land shall pay cash therefor at the rate of $10 per acre and surrender said lease, and the same shall be canceled: *Provided*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price; that lands disposed of under the town-site, coal, and mineral land laws shall be paid for at the prices provided for by law, and the United States agrees to pay the said Indians the proceeds derived from the sales of said lands, the amount so realized to be paid to and expended for said Indians in the manner hereinafter provided.

"ARTICLE III. It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in Article II of this agreement, the sum of $85,000 shall be devoted to making a per capita payment to the said Indians of $50 each in cash within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available: *And provided further*, That upon the completion of the said $50 per capita payment any balance remaining in the said fund of $85,000 shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve:"

"ARTICLE IX. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the lands herein described or to dispose of said lands except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands and to expend for said Indians and pay over to them the proceeds received from the sale thereof only as received, as herein provided."

That the lands ceded to the United States under the said agreement shall be disposed of under the provisions of the homestead, town-site, coal, and mineral land laws of the United States, and shall be opened to settlement and entry by proclamation of the President of the United States on June 15, 1906, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter said lands except as prescribed in said proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry, and the rights of honorably discharged Union soldiers and sailors of the late civil and of the Spanish wars, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States as amended by the act of March 1, 1901, shall not be abridged.

All homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay $1.50 per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of $1.25 per acre shall be paid, payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and 25 cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid. Upon all entries the usual fees and commissions shall be paid as provided for in homestead entries on lands the price of which is $1.25 per acre. Lands entered under the town-site, coal, and mineral land laws shall be paid for in amount and manner as provided by said laws. Notice of location of all mineral entries shall be filed in the local land office of the district in which the lands covered by the location are situated, and unless entry and payment shall be made within three years from the date of location all rights thereunder shall cease; and in case any enrtyman fails to make the payments herein provided for, or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall cease, and any payments therebefore made shall be forfeited, and the entry shall be held for cancellation; that nothing in this act shall prevent homestead settlers from commuting their entries under section 2301 of the Revised Statutes of the United States by paying for the land entered the price fixed herein; that all lands, except mineral and coal lands, herein ceded remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash at not less than $1 per acre under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $85,000 to make the per capita payment provided in article 3 of the agreement herein ratified, the same to be reimbursed from the first money received from the sale of the lands herein ceded and relinquished. And the sum of $35,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the same to be reimbursed from the proceeds of the sale of said lands, for the survey and field and office examination of the unsurveyed portion of the ceded lands, and the survey and marking of the outboundaries of the diminished reservation, where the same is not a natural water boundary; and the sum of $25,000 is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, the same to be reimbursed from the proceeds of the sale of said lands, to be used in the construction and extension of an irrigation system on the diminished reserve, as provided in article 4 of the agreement.

The amendment was agreed to.

The next amendment was, on page 107, after line 24, to insert as a new section the following:

SEC. 14. That section 12, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be and the same is hereby, amended so as to read as follows:

"SEC. 12. That the President may reserve and except from said lands, not to exceed 320 acres, for Catholic mission schools, church, and hospital and such other eleemosynary institutions as may now be maintained by the Catholic Church on said reservation, which lands are hereby granted to those religious organizations of the Catholic Church now occupying the same, known as the Society of Jesus, the Sisters of Charity of Providence, and the Ursuline Nuns, the said lands to be granted in the following amounts, namely: To the Society of Jesus, 160 acres; to the Sisters of Charity of Providence, 80 acres, and to the Ursuline Nuns, 80 acres, such lands to be reserved and granted for the uses indicated only so long as the same are maintained, used, and occupied by said organizations for the purposes indicated, except that 40 acres of the 160 acres hereinbefore mentioned as granted to the Society of Jesus are hereby granted in fee simple to said Society of Jesus, its successors and assigns: *And be it further provided*, That the President shall further reserve and except from said lands for the use of the University of Montana for biological station purposes 160 acres, which land is hereby granted to the State of Montana for the use of the University of Montana. The governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to locate said last-mentioned lands.

"The President is also authorized to reserve lands upon the same conditions and for similar purposes for any other missionary or religious societies that may make application therefor within one year after the passage of this act in such quantity as he may deem proper. The President may also reserve such of said lands as may be convenient or necessary for the occupation and maintenance of any and all agency buildings, substations, mills, and other governmental institutions now in use on said reservation, or which may be used or occupied by the Government of the United States."

Mr. LODGE. I ask that section 14 may go over.

The PRESIDING OFFICER. Without objection, section 14 will be passed over.

The next amendment was, on page 109, after line 17, to insert as a new section the following:

SEC. 15. For the construction of an irrigation system necessary for developing and furnishing a water supply for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton on the Gila River Indian Reservation the sum of $150,000 to be expended under the direction of the Secretary of the Interior: *Provided*, That the total cost of the entire construction and installation of said irrigating system shall not exceed $540,000: *Provided further*, That when said irrigation system is in successful operation and the Indians have become self-supporting the cost of operating the said system shall be equitably apportioned upon the lands irrigated and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amounts received from disposal of lands which now form a part of the said reservation.

Mr. ALLISON. Let that amendment go over, Mr. President.

The PRESIDING OFFICER. Section 15 will be passed over.

The next amendment was, on page 110, after line 9, to insert as a new section the following:

SEC. 16. That jurisdiction is hereby conferred upon the district court of Noble County, Okla., to try all persons charged with the commission of offenses against the laws of the United States in what was formerly the Ponca, Oto, and Missouria Indian reservations, in said Territory, where the offense was committed prior to the 21st day of April, 1904; and all criminal actions pending in said district court on the said 21st day of April, 1904, shall be tried and determined the same as if the act approved on the 21st day of April, 1904, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes," had not been passed.

That townships 22 north of ranges 1 and 2 east of the Indian meridian, all in the Oto and Missouria Indian Reservation, shall be attached to and become a part of Noble County, Okla.

The amendment was agreed to.

The next amendment was, on page 111, after line 4, to insert as a new section the following:

SEC. 17. That the Auditor for the State and other Departments be, and he is hereby, authorized to examine all claims which may be presented in proper form by the different counties in Arizona Territory and to ascertain the amount due each of said counties on account of legal costs and expenses incurred from March 3, 1889, to June 30, 1904, in the prosecution of Indians under the act of March 2, 1885 (23 Stat., p. 385), for which the United States is liable under act of March 3, 1889 (Stat. L., vol. 25, p. 1004), and which have been paid by said counties, and to pay the amounts so found to be due.

Mr. ALLISON. I ask that that amendment may be passed over.

Mr. LODGE. Let it be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 111, after line 18, to insert as a new section the following:

SEC. 18. That the Court of Claims be, and hereby is, authorized to reinstate on the docket of said court the case of the Citizen band of Pottawatomie Indians against the United States, being numbered 17402 upon the docket of said court, and to proceed in said cause and render judgment therein as provided by the twelfth section of the act of Congress of March 3, 1891; and the said court is authorized to award to the attorneys who shall represent said band of Indians in said cause such per cent of any judgment that may be rendered in favor of said Indians as provided in contracts with them, duly executed and approved.

Mr. LODGE. I ask that section 18 may go over.

The PRESIDING OFFICER. Section 18 will be passed over.

The next amendment was, on page 112, after line 5, to insert as a new section the following:

SEC. 19. That hereafter all appeals from the United States courts in the Indian Territory to the United States court of appeals for the Indian Territory shall be taken in the same manner and under the same rules as appeals are now taken from the United States court of appeals of the Indian Territory to the United States circuit court of appeals of the eighth circuit.

Mr. LONG. I desire to offer a substitute for section 19.

The PRESIDING OFFICER. A committee amendment?

Mr. LONG. A committee amendment.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 112 strike out all of section 19 and insert in lieu thereof the following:

That hereafter all appeals and writs of error shall be taken from the United States courts in the Indian Territory to the United States court of appeals in the Indian Territory and from the United States court of appeals in the Indian Territory to the United States circuit court of appeals for the eighth circuit, in the same manner as is now provided for in cases taken by appeal or writ of error from the circuit courts of the United States to the circuit court of appeals of the United States for the eighth circuit.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 112, after line 12, to insert, as a new section, the following:

SEC. 20. That the Ottawa and Chippewa Indians of the State of Michigan are hereby authorized, within ninety days from the approval of this act, to file a petition in the Court of Claims of the United States for the purpose of settling the question as to the ownership of the stocks, Government bonds, or moneys held in trust by the Government at the date of the treaty of July, 1855, between the Ottawa and Chippewa Indians and the United States (11 Stat., p. 624), under the treaty of 1836 (7 Stat., p. 499), which was then deposited in the Treasury of the United States; and for the further purpose of ascertaining the amount, if any, due the Ottawa and Chippewa Indians, under a conversion made on March 9, 1885, as set forth in the report of the honorable Secretary of the Interior on Senate bill No. 6766, Fifty-seventh Congress, second session, bearing date January 17, 1903, and the report of the Commissioner of Indian Affairs, bearing date January 14, 1903, thereunto attached.

That said petition shall name the United States as defendant, and may be verified by attorney. That the Court of Claims is hereby granted jurisdiction in law and in equity to render judgment upon said petition, and to pass upon and find, as a matter of law, whether or not the conversion of said funds was authorized under the third article of the treaty of 1855 above referred to. That the Court of Claims shall advance said cause upon the docket, and, if judgment be rendered for the petitioner, shall award a proper attorney fee for the attorneys of record, to be paid on separate warrants from the amount recovered.

Mr. ALLISON. I ask that that section go over.

The PRESIDING OFFICER. Does the Senator ask to have it passed over, or does he make a point of order upon it?

Mr. ALLISON. I desire that it be passed over.

The PRESIDING OFFICER. Section 20 will be passed over.

The next amendment was, on page 113, after line 20, to insert as a new section the following:

SEC. 21. That the consent of Congress is hereby granted to Kirby Thomas, E. J. Swedback, and M. A. Spooner, their heirs, administrators, and assignees, to build a dam across the Mississippi River near the village of Bemidji, between the outlet of Lake Bemidji and Wolf Lake, Beltrami County, in said river, and near the village of Bemidji, Beltrami County, Minn., for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said Kirby Thomas, E. J. Swedback, and M. A. Spooner, their heirs, administrators, and assignees, shall not deviate from such plans after such approval, either before or after the completion of said structure, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

And provided further, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of such a dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by Kirby Thomas, E. J. Swedback, and M. A. Spooner, their heirs, administrators, and assignees.

The amendment was agreed to.

The next amendment was, on page 115, after line 15, to insert as a new section the following:

SEC. 22. That in case any litigation arises from the building of said dam or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota, and in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said structures from the operation of same.

Mr. STEWART. On page 114, line 16, I move to strike out the words "Sec. 22."

The amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 115, after line 24, to insert as a new section the following:

SEC. 23. That this act shall be null and void unless the dam herein authorized be commenced within three years and be completed within six years from the time of the passage of this act.

Mr. STEWART. On page 115, line 25, I move to strike out the words "Sec. 23."

The amendment to the amendment was agreed to.

Mr. STEWART. In the same line—line 25—I move to strike out the word "act" and insert "section."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 116, after line 3, to insert as a new section the following:

SEC. 24. That the right to amend or repeal this act is hereby expressly reserved.

Mr. STEWART. On page 116, line 4, I move to strike out the words "Sec. 24."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STEWART. That is the end of the bill. We will let the bill go over until to-morrow morning. Before I give way for a motion for executive session, I want to give notice that I shall call up the bill the first thing in the morning.

PHILIPPINE TARIFF BILL.

Mr. ALLISON. I wish to make a motion to go into executive session, but before doing so I ask, on behalf of the Senator from Massachusetts [Mr. LODGE], unanimous consent that, after the executive session, we may go into legislative session, in order that the formal reading of what is known as the "Philippine tariff bill," being the bill (H. R. 18965) to revise and amend the tariff laws of the Philippine Islands, and for other purposes, may be had, no other business to be done, and no amendments to be offered to the bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that after a brief executive session the Senate shall go back into legislative session, in order that the Senator from Massachusetts may have the Philippine tariff bill read, no amendments to be offered.

Mr. GALLINGER. And no other business to be transacted.

The PRESIDING OFFICER. And no other business to be transacted.

Mr. HEYBURN. Is that to be done to-night?

The PRESIDING OFFICER. To-night.

Mr. HEYBURN. The bill will not be laid before the Senate to the exclusion of the unfinished business?

Mr. LODGE. No; I merely want to get the formal reading; that is all. No action will be taken.

Mr. HEYBURN. It will not displace the unfinished business?

Mr. LODGE. The unfinished business will not be displaced.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

PHILIPPINE TARIFF BILL.

Mr. LODGE. Now, Mr. President, under the unanimous consent which was granted before we went into executive session I ask for the formal reading of the Philippine tariff bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18965) to revise and amend the tariff laws of the Philippine Islands, and for other purposes.

The Secretary proceeded to read the bill, which had been reported from the Committee on the Philippines with an amendment, on page 43, line 20, after the word "drug," to strike out:

But no license system shall be established with a view to the derivation of revenue from the traffic in said drug and no license fees or taxes, except duties on imports, shall in any event be higher than deemed necessary to cover the expenses of administration of any legislation licensing the traffic in said drug.

And insert:

And provided further, That after March 1, 1908, it shall be unlawful to import into the Philippine Islands opium, in whatever form, except by the Government and for medicinal purposes only, and at no time shall it be lawful to sell opium to any native of the Philippine Islands except for medicinal purposes.

Mr. LODGE. That is the only amendment to the bill, and I ask that it may be passed over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was concluded.

Mr. LODGE. Mr. President, I desire to give notice that I shall call up the bill at the earliest possible moment and hope the Senate will act upon it. The committee has reported only one amendment; there is no opposition to the bill; it has been reported unanimously by the committee, and it is extremely important that the measure should receive the approval of Congress at the present session.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 28, 1905, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 27, 1905.

UNITED STATES DISTRICT JUDGE.

Joseph V. Quarles, of Wisconsin, to be United States district judge for the eastern district of Wisconsin, vice William H. Seaman, nominated to be circuit judge for the seventh judicial circuit.

UNITED STATES CIRCUIT JUDGE.

William H. Seaman, of Wisconsin, now serving as United States district judge for the eastern district of Wisconsin, to be United States circuit judge for the seventh judicial circuit, vice James G. Jenkins, resigned.

COLLECTOR OF CUSTOMS.

William F. Tebbetts, of Alabama, to be collector of customs for the district of Mobile, in the State of Alabama. (Reappointment.)

PROMOTION IN THE NAVY.

Boatswain Hugh Sweeney to be a chief boatswain in the Navy, from the 8th day of June, 1904, after having completed six years service, in accordance with the provisions of an act of Congress approved April 27, 1904.

SECRETARY OF LEGATION.

Joseph W. J. Lee, of Maryland, now secretary of the legation at Panama, Panama, to be consul-general of the United States at Panama, Panama, vice Hezekiah A. Gudger, resigned.

Capt. Albert S. Snow to be a rear-admiral in the Navy from the 21st day of February, 1905, vice Rear-Admiral George F. F. Wilde, retired.

Lieut. Charles H. Hayes to be a lieutenant-commander in the Navy from the 21st day of February, 1905, vice Lieut. Commander Henry T. Mayo, promoted.

Lieut. (Junior Grade) Chauncey Shackford to be a lieutenant in the Navy from the 21st day of February, 1905, vice Lieut. Charles H. Hayes, promoted.

Lieut. (Junior Grade) Ralph E. Pope to be a lieutenant in the Navy from the 21st day of February, 1905, vice Lieut. Horace W. Jones, promoted.

APPOINTMENT IN THE ARMY—INFANTRY ARM.

William L. Patterson, of Maryland, now a lieutenant in the Porto Rico Provisional Regiment of Infantry, to be second lieutenant of infantry, with rank from February 25, 1905.

POSTMASTERS.

COLORADO.

Nellie R. Summers to be postmaster at Gunnison, in the county of Gunnison and State of Colorado, in place of George W. Summers, deceased.

CONNECTICUT.

James Graham to be postmaster at Taftville, in the county of New London and State of Connecticut. Office became Presidential July 1, 1904.

IDAHO.

Charles H. Grete to be postmaster at Silver City, in the county of Owyhee and State of Idaho, in place of Meserve M. Getchell. Incumbent's commission expired January 31, 1905.

George L. Morgan to be postmaster at Mackay, in the county of Custer and State of Idaho. Office became Presidential January 1, 1905.

ILLINOIS.

William O. Butler to be postmaster at La Harpe, in the county of Hancock and State of Illinois, in place of William O. Butler. Incumbent's commission expired December 10, 1904.

Edmund P. Denton to be postmaster at Hamilton, in the county of Hancock and State of Illinois, in place of Edmund P. Denton. Incumbent's commission expired January 22, 1905.

Wallace Diver to be postmaster at Dallas City, in the county of Hancock and State of Illinois, in place of John I. Heisler. Incumbent's commission expired January 31, 1905.

INDIAN TERRITORY.

Georgia Keeton to be postmaster at Marlow, in district 19, Indian Territory, in place of William M. Stolz, resigned.

George W. Mellish to be postmaster at Comanche, in district 20, Indian Territory, in place of John P. Yates, jr., removed.

IOWA.

Norman D. Anthony to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa, in place of Norman D. Anthony. Incumbent's commission expired February 11, 1905.

Roscoe C. Saunders to be postmaster at Manilla, in the county of Crawford and State of Iowa, in place of Will B. Barstow. Incumbent's commission expired December 13, 1903.

MARYLAND.

Leslie W. Gaver to be postmaster at Middletown, in the county of Frederick and State of Maryland, in place of George C. Gardner, resigned.

MASSACHUSETTS.

Charles F. Reed to be postmaster at Whitman, in the county of Plymouth and State of Massachusetts, in place of Charles F. Reed. Incumbent's commission expired January 17, 1904.

MICHIGAN.

Alfred S. Follansbee to be postmaster at Ontonagon, in the county of Ontonagon and State of Michigan, in place of Alfred S. Follansbee. Incumbent's commission expired February 4, 1905.

MINNESOTA.

Frederic M. Grinnell to be postmaster at Winnebago (late Winnebago City), in the county of Faribault and State of Minnesota, in place of Frederic M. Grinnell, to change name of office.

MISSOURI.

J. D. Bush to be postmaster at Marceline, in the county of Linn and State of Missouri, in place of Jackson Whiteman, deceased.

James R. Dyer to be postmaster at Ashgrove, in the county of Greene and State of Missouri, in place of James R. Dyer. Incumbent's commission expired December 20, 1904.

NEW JERSEY.

Elias B. Mott to be postmaster at Rockaway, in the county of Morris and State of New Jersey, in place of Noah Freeman. Incumbent's commission expired February 22, 1905.

NEW YORK.

Thomas B. Lowerre to be postmaster at Flushing, in the county of Queens and State of New York, in place of John D. Van Nostrand, deceased.

NORTH CAROLINA.

Frances J. Reed to be postmaster at Biltmore, in the county of Buncombe and State of North Carolina, in place of George W. Reed, deceased.

OHIO.

George D. Heisy to be postmaster at Newark, in the county of Licking and State of Ohio, in place of Joseph M. Ickes, removed.

PENNSYLVANIA.

Aaron Hostetter to be postmaster at Hanover, in the county of York and State of Pennsylvania, in place of Edwin G. Eckert. Incumbent's commission expired February 8, 1905.

William C. Smith to be postmaster at Dunbar, in the county of Fayette and State of Pennsylvania, in place of Clarence A. Wishart, removed.

Edward J. Stackpole to be postmaster at Harrisburg, in the county of Dauphin and State of Pennsylvania, in place of Edward J. Stackpole. Incumbent's commission expires March 1, 1905.

TEXAS.

Ernest E. Smith to be postmaster at Guffey, in the county of Jefferson and State of Texas, in place of Albert L. Gibson, resigned.

VIRGINIA.

Stanley E. Moore to be postmaster at Crewe, in the county of Nottoway and State of Virginia, in place of Stanley E. Moore. Incumbent's commission expired February 22, 1905.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27, 1905.

GOVERNOR OF ARIZONA.

Joseph H. Kibbey, of Phoenix, Ariz., to be governor of Arizona.

COLLECTOR OF CUSTOMS.

William F. Tebbetts, of Alabama, to be collector of customs for the district of Mobile.

COLLECTOR OF INTERNAL REVENUE.

Archibald C. Smith, of Iowa, to be collector of internal revenue for the third district of Iowa.

SURVEYOR OF CUSTOMS.

Fenton W. Gibson, of Louisiana, to be surveyor of customs for the port of New Orleans, in the State of Louisiana.

RECEIVER OF PUBLIC MONEYS.

Hugh Taylor, of Castle Rock, Colo., to be receiver of public moneys at Denver, Colo.

POSTMASTERS.

ALABAMA.

J. W. Clayton to be postmaster at Ensley, in the county of Jefferson and State of Alabama.

James L. Davis to be postmaster at Lafayette, in the county of Chambers and State of Alabama.

CALIFORNIA.

Frank H. Bangham to be postmaster at Susanville, in the county of Lassen and State of California.

COLORADO.

Ira L. Herron to be postmaster at Longmont, in the county of Boulder and State of Colorado.

IDAHO.

Joseph R. Collins to be postmaster at Moscow, in the county of Latah and State of Idaho.

INDIAN TERRITORY.

George S. Gray to be postmaster at Coalgate, in District 23, Ind. T.

KANSAS.

Pearl E. Frayer to be postmaster at Ness City, in the county of Ness and State of Kansas.

MISSOURI.

Clark Brown to be postmaster at Union, in the county of Franklin and State of Missouri.

E. S. Brown to be postmaster at Edina, in the county of Knox and State of Missouri.

Alexander T. Boothe to be postmaster at Pierce City, in the county of Lawrence and State of Missouri.

John H. Fisher to be postmaster at Sullivan, in the county of Franklin and State of Missouri.

Sebastian Netscher to be postmaster at Pacific, in the county of Franklin and State of Missouri.

Philip A. Thompson to be postmaster at Craig, in the county of Holt and State of Missouri.

NEVADA.

Amelia E. Roth to be postmaster at Virginia City, in the county of Storey and State of Nevada.

NEW JERSEY.

Harry Bacharach to be postmaster at Atlantic City, in the county of Atlantic and State of New Jersey.

Palmer H. Charlock to be postmaster at Elizabeth, in the county of Union and State of New Jersey.

Samuel L. Gillin to be postmaster at Belmar, in the county of Monmouth and State of New Jersey.

NEW YORK.

Ambrose C. Montross to be postmaster at Larchmont, in the county of Westchester and State of New York.

OHIO.

William H. Ray to be postmaster at Carrollton, in the county of Carroll and State of Ohio.

OKLAHOMA.

Burton S. Barnes to be postmaster at Ponca, in the county of Kay and Territory of Oklahoma.

PENNSYLVANIA.

Lehman E. Gantt to be postmaster at Newport, in the county of Perry and State of Pennsylvania.

Alexander B. Grosh to be postmaster at New Bloomfield, in the county of Perry and State of Pennsylvania.

Edwin S. Holcomb to be postmaster at Westfield, in the county of Tioga and State of Pennsylvania.

David I. Stadden to be postmaster at Glen Campbell, in the county of Indiana and State of Pennsylvania.

Edward Weir to be postmaster at Malvern, in the county of Chester and State of Pennsylvania.

TENNESSEE.

Joseph J. Losier to be postmaster at Jackson, in the county of Madison and State of Tennessee.

VIRGINIA.

Howard P. Dodge to be postmaster at Manassas, in the county of Prince William and State of Virginia.

WASHINGTON.

Alonzo W. Carner to be postmaster at Castlerock, in the county of Cowlitz and State of Washington.

Flora E. Cornforth to be postmaster at Hillyard, in the county of Spokane and State of Washington.

John C. Davis to be postmaster at Leavenworth, in the county of Chelan and State of Washington.

William H. Imus to be postmaster at Kalama, in the county of Cowlitz and State of Washington.

Rosseter I. Towle to be postmaster at Newport, in the county of Stevens and State of Washington.

WEST VIRGINIA.

James W. Hughes to be postmaster at Huntington, in the county of Cabell and State of West Virginia.

Jesse J. Flanigan to be postmaster at Salem, in the county of Harrison and State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 27, 1905.*

The House met at 11 o'clock a. m.

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

The Journal of the proceedings of yesterday was read and approved.

ANACOSTIA, SURRATTSVILLE AND BRANDYWINE ELECTRIC RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I ask for the regular order, which is the consideration of unfinished business in Committee of the Whole on the state of the Union, and I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3343.

Mr. BABCOCK. Mr. Chairman, section 18 was read during the last session of the committee and down to section 19, under the five-minute rule.

The CHAIRMAN. The reading of the bill will be continued under the five-minute rule.

The Clerk proceeded and completed the reading of the bill.

The amendments recommended by the committee were agreed to.

Mr. BABCOCK. Now, Mr. Chairman, I move that the committee rise and report the bill to the House with the recommendation that the amendments be agreed to and the bill be passed.

Mr. BARTLETT. Mr. Chairman, I understand that this is the Anacostia and Surrattsville and Brandywine Electric Railway Company bill that was undisposed of at the last session of the committee for the consideration of business from the Committee on the District of Columbia.

The CHAIRMAN. The Chair so understands it.

The question was then taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 23 and noes 20.

Mr. BARTLETT. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. BABCOCK and Mr. BARTLETT.

The committee again divided; and the tellers reported—ayes 22 and noes 30.

Mr. BABCOCK. I think we had better have a quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin makes the point of no quorum. The Chair will count. [After counting.] Evidently there is not a quorum. The second clause of Rule XXIII provides:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such a call a quorum shall appear, the committee shall thereupon resume its sittings without further order of the House.

Mr. BABCOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BABCOCK. Will an answer to the roll call constitute a vote on the bill?

The CHAIRMAN. It will not.

The Clerk called the roll.

The CHAIRMAN. Under the rules of the House the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that the House, being in Committee of the Whole House on the state of the Union considering the bill S. 3343, found itself without a quorum, that thereupon, under the second clause of Rule XXIII, the roll was called, and under that rule reports the names of the following absentees:

Acheson	Dinsmore	Kellher	Reid
Adams, Pa.	Dixon	Kennedy	Rhea
Adams, Wis.	Dougherty	Ketcham	Richardson, Tenn.
Aiken	Douglas	Kinkaid	Rider
Alexander	Dovener	Kitchin, Claude	Robb
Allen	Draper	Kline	Roberts
Ames	Dresser	Knowland	Robertson, La.
Badger	Driscoll	Lafean	Rodenberg
Bartholdt	Dunwell	Lamar, Fla.	Rucker
Beall, Tex.	Esch	Lamar, Mo.	Ruppert
Bede	Evans	Lamb	Ryan
Beidler	Fitzpatrick	Landis, Chas. B.	Scarborough
Bell, Cal.	Flack	Landis, Frederick	Scudder
Benny	Flood	Lester	Sheppard
Benton	Fordney	Lever	Sherley
Bingham	Foster, Ill.	Lewis	Shiras
Bishop	Fowler	Lilley	Shull
Bowersock	Fuller	Lindsay	Sibley
Bradley	Gaines, Tenn.	Littlefield	Slayden
Brandegee	Garber	Livernash	Slemp
Brantley	Gardner, Mass.	Lorimer	Small
Brick	Gardner, Mich.	Loud	Smith, Ky.
Brooks	Gardner, N. J.	Lovering	Smith, Samuel W.
Broussard	Garner	Lucking	Smith, Wm. Alden
Brown, Pa.	Gibson	McAndrews	Smith, Pa.
Brown, Wis.	Gilbert	McCall	Snook
Buckman	Gillespie	McCarthy	Southard
Burgess	Glass	McCreary, Pa.	Southwick
Burke	Goebel	McDermott	Sperry
Burleigh	Goldfogle	McLachlan	Stafford
Butler, Mo.	Goulden	McMorran	Stanley
Butler, Pa	Graff	McNary	Steenerson
Byrd	Granger	Mahon	Sullivan, Mass.
Calderhead	Greene	Marsh	Sullivan, N. Y.
Caldwell	Gregg	Marshall	Swanson
Campbell	Griffith	Maynard	Talbott
Capron	Griggs	Meyer, La.	Tate
Cassel	Grosvenor	Miller	Tawney
Cassingham	Gudger	Mondell	Taylor
Castor	Hamilton	Moon, Pa.	Thomas, Iowa
Clayton	Hardwick	Morgan	Thomas, Ohio
Cochran, Mo.	Harrison	Morrell	Townsend
Cockran, N. Y.	Haugen	Nevin	Trimble
Connell	Hearst	Norris	Van Duzer
Conner	Hedge	Olmsted	Van Voorhis
Cooper, Pa.	Hepburn	Otjen	Wachter
Cooper, Wis.	Hermann	Padgett	Wanger
Cousins	Hildebrant	Palmer	Warner
Cowherd	Hill, Conn.	Patterson, N. C.	Warnock
Croft	Hinshaw	Patterson, Pa.	Watson
Cromer	Hitchcock	Patterson, Tenn.	Webber
Crowley	Hitt	Pearre	Weems
Curtis	Holliday	Perkins	Weisse
Daniels	Howard	Pierce	Wiley, Ala.
Darragh	Huff	Pou	Wiley, N. J.
Davey, La.	Hughes, N. J.	Powers, Mass.	Williams, Ill.
Davidson	Humphrey, Wash.	Pujo	Williamson
Dayton	Hunt	Rainey	Wilson, Ill.
De Armond	Jackson, Md.	Randell, Tex.	Wilson, N. Y.
Denny	Jackson, Ohio	Ransdell, La.	Wood
Dickerman	Kehoe	Reeder	Wynn

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee found itself without a quorum, and reports the names of the absentees, which will be entered upon the Journal. The roll shows 139, a quorum, and the committee will resume its session.

Accordingly the committee resumed its session, with Mr. SHERMAN in the chair.

Mr. BENTON rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BENTON. Mr. Chairman, I rise to make an explanation. I suppose that I am in the list of the absentees. I desire to state that the Committee on Appropriations was in session considering the general deficiency bill, I being present there, and that therefore I did not get into the House in time to answer when my name was called.

The CHAIRMAN. The question now is on the motion made by the gentleman from Wisconsin [Mr. BABCOCK], that the committee do now rise and report the bill to the House with amendments, with a favorable recommendation.

Mr. BARTLETT. Mr. Chairman, I desire to offer a motion as a substitute for the motion of the gentleman from Wisconsin. I move that the committee rise and report the bill back to the House with the recommendation that it do lie on the table.

Mr. BABCOCK. Mr. Chairman, I make the point of order that the committee has already divided upon the motion that I made to rise with a favorable recommendation.

The CHAIRMAN. The committee was dividing on the motion of the gentleman from Wisconsin at the time the fact of no quorum was developed. The Chair is inclined to think that the motion of the gentleman from Georgia is too late.

Mr. BARTLETT. Then, if the committee was divided on the proposition then before the House, the majority of those who voted were in the negative, and a quorum having been established—a quorum having become present—if we are to be bound by a part of what transpired, we ought to be bound by all that occurred. The Chair, of course, knows the great respect I have for him and his opinion, but I simply desire to make myself clear, if I can do so.

The CHAIRMAN. The Chair understands the gentleman, but the fact that no quorum was present made that vote that was taken null. It did not nullify the proceedings up to that point, and the fact that the committee was divided, so that we now come back to the point where we divided upon the motion which had been made by the gentleman from Wisconsin. But, aside from that, the gentleman from Georgia [Mr. BARTLETT] realizes that if the motion of the gentleman from Wisconsin is negative it amounts to the same thing as if his motion were affirmative, and the tellers having been ordered on this vote the gentleman from Wisconsin [Mr. BABCOCK] and the gentleman from Georgia [Mr. BARTLETT] will take their places as tellers.

Mr. BABCOCK. Mr. Chairman, before that is done I ask unanimous consent that I may be permitted to address the committee for two minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may address the committee for two minutes. Is there objection?

There was no objection.

Mr. BABCOCK. Mr. Chairman, I desire to say that I think the proposition before the committee is misunderstood, or, rather, is not understood, else there could not have been ten votes against it. The effect of the bill is simply this, to permit this suburban road to build into the District of Columbia about one and a half miles to Anacostia, not into the city of Washington. It is a project gotten up by the citizens of Maryland. It is legitimate and they have raised the money to build the road, and no proposition which has been presented by the Committee on the District of Columbia is entitled to greater consideration than this. It is in the interest of the people living in the section of Maryland—that they may have an opportunity to enter the city.

Mr. PAYNE. May I ask the gentleman a question?

Mr. BABCOCK. Certainly.

Mr. PAYNE. As the bill was originally reported it contained a clause that allowed freight cars to run to the Treasury Department. I understand that has been eliminated by amendment and nothing but passengers are now allowed.

Mr. BABCOCK. I offered an amendment myself limiting it to passenger cars in the city. Although, Mr. Chairman, the Commissioners have full authority inside the city to control that.

Mr. PAYNE. I voted against that bill supposing it was still in and that freight cars could run to the Treasury Department. I shall now vote for the bill.

Mr. COWHERD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. COWHERD. I desire to ask unanimous consent that a letter written by Mr. SAMUEL W. SMITH, who is confined to his bed by illness and who was in charge of the bill as a subcommittee, may be read to the House.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the letter he indicates may be read to the House. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the letter.

The Clerk read as follows:

THE BUCKINGHAM, *February 25, 1905.*

MY DEAR MR. BABCOCK: Am more than surprised to learn that there was any question in regard to your favorably reporting the Anacostia, Surrattsville and Brandywine Railroad bill, in view of the fact that I was appointed, in full committee, by you as chairman a subcommittee on said bill, which I carefully went into before reporting back with recommendation of favorable consideration, at which time you were authorized to favorably report on the Senate bill.

Regret that illness has detained me at home, as I should like to have been present.

Yours, very truly, S. W. SMITH.

The CHAIRMAN. The gentleman from Wisconsin, Mr. BABCOCK, and the gentleman from Georgia, Mr. BARTLETT, will take their places as tellers.

Mr. BARTLETT. Mr. Chairman, I desire to say just a word in reply to the gentleman from Wisconsin.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia for one minute's time? [After a pause.] The Chair hears no objection.

Mr. BARTLETT. Now, Mr. Chairman, this bill when it came in here contained the obnoxious feature which the gentleman from New York has called attention to and which the Committee of the Whole two weeks ago struck out. We know that this session is nearing a close and we can expect this bill, if it passes here and goes to the Senate, to come back the skeleton of the bill as it passed here, again clothed with all these objectionable features, and some time in the early morning when we expect to adjourn and very few people are here the bill will again emerge in its original shape with these objectionable features incorporated in it, and I trust it will not pass.

Mr. BABCOCK. I do not think the gentleman will see any of those ghosts.

Mr. BARTLETT. Oh, but I have seen them before.

The committee again divided; and the tellers reported—yeas 70, nays 63.

So the committee determined to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3343, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended be passed.

Mr. BABCOCK. Mr. Speaker, I move the previous question on the Senate bill and amendments to its final passage.

The SPEAKER. The gentleman from Wisconsin moves the previous question upon the bill and amendments to its final passage.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—yeas 84, noes 80.

Mr. BARTLETT. Mr. Speaker, I make the point that there is no quorum present, following the illustrious example of the gentleman from Wisconsin [Mr. BABCOCK].

The SPEAKER. The gentleman from Georgia makes the point that no quorum is present and the Chair will count. [After counting.] It is evident that a quorum is not present. The Chair will order the doors to be closed, the Sergeant-at-Arms will bring in absentees, and the question will be taken upon ordering the previous question. As many as are in favor of ordering the previous question will, as their names are called, answer "aye;" as many as are opposed will answer "no;" those not voting will answer "present," and the Clerk will call the roll.

Mr. BABCOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BABCOCK. A vote "aye" means——

Mr. BARTLETT. Regular order, Mr. Speaker.

The SPEAKER. The Chair has announced those in favor of ordering the previous question will vote "aye" and those who are opposed will vote "no."

The question was taken; and there were—yeas 146, nays 97, answered "present" 12, not voting 128, as follows:

YEAS—146.

Adams, Wis.	Driscoll	Kinkaid	Sims
Babcock	Dwight	Kline	Slemp
Bartholdt	Esch	Knapp	Smith, Iowa
Bates	Evans	Knopf	Smith, Wm. Alden
Beidler	Flood	Knowland	Smith, N. Y.
Benton	Foss	Kyle	Smith, Pa.
Birdsall	Fowler	Lacey	Snapp
Bishop	French	Lafean	Snook
Bonynge	Gardner, Mich.	Landis, Frederick	Southall
Boutell	Gillet, N. Y.	Lawrence	Southard
Bowersock	Gillett, Cal.	Littauer	Southwick
Brown, Wis.	Gillett, Mass.	Littlefield	Spalding
Brownlow	Glass	Lloyd	Steenerson
Buckman	Goebel	Longworth	Sterling
Burke	Gooch	Loud	Stevens, Minn.
Burkett	Graff	Loudenslager	Sulloway
Burleigh	Greene	Lovering	Sulzer
Burnett	Griggs	McCleary, Minn.	Talbott
Burton	Grosvenor	McCreary, Pa.	Tawney
Butler, Pa.	Haskins	McMorran	Thomas, Ohio
Calderhead	Hay	Mahon	Tirrell
Campbell	Hedge	Mann	Van Voorhis
Capron	Hemenway	Marshall	Volstead
Cassel	Henry, Conn.	Martin	Vreeland
Cooper, Pa.	Hinshaw	Miers, Ind.	Wade
Cooper, Tex.	Hogg	Miller	Wadsworth
Cousins	Holliday	Minor	Wanger
Cowherd	Howell, N. J.	Moon, Tenn.	Warnock
Cromer	Howell, Utah	Mudd	Watson
Currier	Hull	Murdock	Webber
Curtis	Hunter	Needham	Weems
Cushman	Jackson, Md.	Payne	Wood
Dalzell	Jackson, Ohio	Reeder	Woodyard
Daniels	Jenkins	Roberts	Wright
Dixon	Jones, Wash.	Rucker	Young
Draper	Kennedy	Scott	
Dresser	Ketcham	Shackleford	

NAYS—97.

Adamson	Fitzgerald	Lever	Robinson, Ind.
Baker	Garber	Lewis,	Russell
Bartlett	Garner	Little	Sherley
Bassett	Gilbert	Lucking	Shiras
Beall, Tex.	Gillespie	McDermott	Shober
Bell, Cal.	Granger	McLain	Slayden
Bowers	Gregg	McNary	Small
Bowie	Hamlin	Macon	Smith, Ky.
Brantley	Heflin	Maddox	Smith, Tex.
Breazeale	Henry, Tex.	Padgett	Sparkman
Burgess	Hill, Conn.	Page	Spight
Burleson	Hill, Miss.	Patterson, N. C.	Stephens, Tex.
Byrd	Hopkins	Pierce	Tate
Candler	Houston	Pinckney	Thayer
Cassingham	Hughes, N. J.	Porter	Thomas, N. C.
Clark	Humphreys, Miss.	Powers, Me.	Vandiver
Clayton	Hunt	Pujo	Wallace
Croft	James	Randell, Tex.	Webb
Davis, Fla.	Johnson	Rhea	Wiley, Ala.
De Armond	Jones, Va.	Richardson, Ala.	Williams, Ill.
Dinsmore	Kitchin, Claude	Richardson, Tenn.	Williams, Miss.
Dougherty	Kitchin, Wm. W.	Rider	Zenor
Emerich	Kluttz	Rixey	
Field	Lamar, Fla.	Robb	
Finley	Legare	Robinson, Ark.	

ANSWERED "PRESENT"—12.

Darragh	Gudger	Palmer	Sherman
Davidson	Livingston	Pou	Taylor
Dayton	Olmsted	Prince	Underwood

NOT VOTING—128.

Acheson	Dickerman	Kehoe	Rainey
Adams, Pa.	Douglas	Keliher	Ransdell, La.
Aiken	Dovener	Lamar, Mo.	Reid
Alexander	Dunwell	Lamb	Robertson, La.
Allen,	Fitzpatrick	Landis, Chas. B.	Rodenberg
Ames	Flack	Lester	Ruppert
Badger	Fordney	Lilley	Ryan
Bankhead	Foster, Ill.	Lind	Scarborough
Bede	Foster, Vt.	Lindsay	Scudder
Benny	Fuller	Livernash	Sheppard
Bingham	Gaines, Tenn.	Lorimer	Shull
Bradley	Gaines, W. Va.	McAndrews	Sibley
Brandegee	Gardner, Mass.	McCall	Smith, Ill.
Brick	Gardner, N. J.	McCarthy	Smith, Samuel W.
Brooks	Gibson	McLachlan	Sperry
Broussard	Goldfogle	Marsh	Stafford
Brown, Pa.	Goulden	Maynard	Stanley
Brundidge	Griffith	Meyer, La.	Sullivan, Mass.
Butler, Mo.	Hamilton	Mondell	Sullivan, N. Y.
Caldwell	Hardwick	Moon, Pa.	Swanson
Castor	Harrison	Morgan	Thomas, Iowa
Cochran, Mo.	Haugen	Morrell	Townsend
Cockran, N. Y.	Hearst	Nevin	Trimble
Connell	Hepburn	Norris	Van Duzer
Conner	Hermann	Otjen	Wachter
Cooper, Wis.	Hildebrant	Overstreet	Warner
Crowley	Hitchcock	Parker	Weisse
Crumpacker	Hitt	Patterson, Pa.	Wiley, N. J.
Davey, La.	Howard	Patterson, Tenn.	Williamson
Davis, Minn.	Huff	Pearre	Wilson, Ill.
Deemer	Hughes, W. Va.	Perkins	Wilson, N. Y.
Denny	Humphrey, Wash.	Powers, Mass.	Wynn

The Clerk announced the following pairs:

For session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. SHERMAN with Mr. RUPPERT.

Mr. CASSEL with Mr. GOOCH.

Mr. DEEMER with Mr. SHULL.

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Mr. OTJEN with Mr. WEISSE.

Until further notice:

Mr. SPERRY with Mr. SHEPPARD.

Mr. LORIMER with Mr. MCANDREWS.

Mr. SAMUEL W. SMITH with Mr. SCARBOROUGH.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. BRADLEY with Mr. GOULDEN.

Mr. PRINCE with Mr. GRIFFITH.

Mr. FOSTER of Vermont with Mr. POU.

Mr. DAVIDSON with Mr. RANSDELL of Louisiana.

For the day:

Mr. BEDE with Mr. FITZPATRICK.

Mr. PEARRE with Mr. GOLDFOGLE.

Mr. BARTHOLDT with Mr. SCUDDER.

Mr. ACHESON with Mr. BENNY.

Mr. ADAMS of Pennsylvania with Mr. BADGER.

Mr. ALEXANDER with Mr. COCKRAN of New York.

Mr. ALLEN with Mr. BROUSSARD.

Mr. AMES with Mr. BUTLER of Missouri.

Mr. BRANDEGEE with Mr. CALDWELL.

Mr. BRICK with Mr. CROWLEY.

Mr. BROOKS with Mr. DAVEY of Louisiana.

Mr. CASTOR with Mr. GAINES of Tennessee.

Mr. COOPER of Wisconsin with Mr. FOSTER of Illinois.

Mr. CRUMPACKER with Mr. HARRISON.

Mr. DOUGLAS with Mr. HITCHCOCK.

Mr. DOVENER with Mr. KEHOE.

Mr. DUNWELL with Mr. LAMB.

Mr. FULLER with Mr. KELIHER.

Mr. HAUGEN with Mr. LINDSAY.

Mr. HUFF with Mr. LIVERNASH.
Mr. GARDNER of Massachusetts with Mr. MAYNARD.
Mr. CHARLES B. LANDIS with Mr. SWANSON.
Mr. LILLEY with Mr. TRIMBLE.
Mr. MOON of Pennsylvania with Mr. PATTERSON of Tennessee.
Mr. MORGAN with Mr. REID.
Mr. OVERSTREET with Mr. ROBERTSON of Louisiana.
Mr. NEVIN with Mr. RYAN.
Mr. POWERS of Massachusetts with Mr. STANLEY.
Mr. SIBLEY with Mr. SULLIVAN of Massachusetts.
Mr. WACHTER with Mr. WILSON of New York.
Mr. THOMAS of Iowa with Mr. WYNN.
Mr. WARNER with Mr. VAN DUZER.
For vote:
Mr. MARSH with Mr. BANKHEAD.
Mr. BROWN of Pennsylvania with Mr. HARDWICK.
Mr. HITT with Mr. HOWARD.
Mr. MCCARTHY with Mr. AIKEN.
Mr. BINGHAM with Mr. BRUNDIDGE.
Mr. CONNER with Mr. DENNY.
Mr. FORDNEY with Mr. UNDERWOOD.
Mr. GAINES of West Virginia with Mr. LIND.
Mr. HAMILTON with Mr. LESTER.
Mr. HEPBURN with Mr. TAYLOR.
Mr. HUGHES of West Virginia with Mr. RAINEY.
Mr. WILSON of Illinois with Mr. COCHRAN of Missouri.

The SPEAKER. On this question the yeas are 146, nays 97, answered "present" 12, not voting 129, a quorum. The doors will be opened.

So the previous question was ordered.

The SPEAKER. The question is on the amendments. Is a separate vote demanded on any of the amendments? If not, the vote will be taken en bloc.

A separate vote was not demanded.

The amendments were agreed to.

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

Mr. BARTLETT. Mr. Speaker, I move that the bill be recommitted to the Committee on the District of Columbia.

The SPEAKER. The gentleman from Georgia moves that the bill be recommitted to the Committee on the District of Columbia.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 80, noes 132.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BARTLETT. Let us have a division on the passage of the bill, Mr. Speaker.

The House divided; and there were—ayes 153, noes 83.

So the bill was passed.

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

Mr. BABCOCK. I move that the House ask a conference with the Senate.

The SPEAKER. The gentleman moves that the House ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. BABCOCK, Mr. WADSWORTH, and Mr. MEYER of Louisiana.

TELEGRAPH WIRES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I ask consideration of the bill S. 4938.

The bill was read, as follows:

A bill (S. 4938) regulating the use of telegraph wires in the District of Columbia.

Be it enacted, etc., That all telegraph poles and the wires attached thereto, not the property of the United States or the District of Columbia, now upon the streets, avenues, and alleys within the fire limits of the District of Columbia, except as hereinafter provided, shall from time to time, as may be prescribed by the Commissioners of said District, be taken down and removed. The work of taking down and removing said poles and wires shall be done under the direction of said Commissioners, and it is hereby made the duty of said Commissioners to enforce compliance with the provisions of this act as expeditiously as may be consistent with the public interests; and the said Commissioners are hereby empowered, from time to time, to authorize any company or corporation now or hereafter operating and maintaining a telegraph plant or system in the District of Columbia to locate and construct a system of underground conduits, subsidiaries, and manholes in or under any or all of the streets, avenues, alleys, lanes, or other public highways in said District, as may be requisite and necessary for the purposes of this act and for the reception of such other conduits, cables, and wires as may be reasonably required in the future by the growth of such company or corporation or its assigns, or to adequately meet the requirements of the public for telegraph service.

SEC. 2. That upon the approval of this act, and from time to time thereafter, any company or corporation, or its assigns, now or hereafter maintaining and operating a telegraph plant or system in said District, shall prepare and submit to the said Commissioners a plan or plans or application or applications, in writing, showing the streets, avenues, alleys, lanes, and other public highways in or under which it is proposed to construct conduits, subsidiaries, or manholes, and giving the general dimensions, length, and course thereof; and before any such conduit, subsidiary, or manhole is constructed it shall be necessary to obtain the approval and permission of said Commissioners. Said Commissioners are empowered to require that all proposed conduits, subsidiaries, and manholes shall be constructed in accordance with the approved plan or permit; and upon the approval by said Commissioners of any such plan, or the issuing of any such permit, providing for the construction of underground conduits, subsidiaries, or manholes within the said limits described in section 1 of this act, or in such part thereof as said Commissioners shall require and direct, the construction therein provided for shall be proceeded with diligently, and upon the completion thereof, or as soon thereafter as may be without impairing the efficiency of the telegraph service in said District, the company or corporation constructing such conduits, subsidiaries, or manholes shall place its cables and wires therein and take down and remove from the streets and avenues in which such conduits are constructed all poles and the wires thereon, except such as said Commissioners may, in accordance with the provisions of this act, permit to remain for the purpose of distributing wires for house or other connections.

SEC. 3. That any company or corporation now or hereafter owning and maintaining such poles and wires attached thereto on or over any street or avenue within the said limits described in section 1 of this act, which shall willfully neglect or refuse to remove the same, as provided in section 2 hereof, shall be liable to a penalty of not more than $25 for each and every day during which such failure to remove said poles and wires shall continue, which amount may be recovered by the District of Columbia in any court of competent jurisdiction.

SEC. 4 That said Commissioners be, and they are hereby, empowered to authorize the creation and maintenance of poles in the alleys of said District, and the stringing thereon of wires or conductors for telegraph purposes from alley poles or house-top fixtures in one square to alley poles or house-top fixtures in another square for the purpose of enabling house connections to be made, and to authorize the erection of poles and the stringing thereon of wires on and upon the streets and avenues of said District in the parts thereof in which there are no public alleys and in such places as the public interests do not require that the lines be placed underground, or in places where it shall be deemed by said Commissioners impracticable to advantageously place or operate such lines underground. During the progress of the work provided for in section 1 of this act said Commissioners are also empowered to issue temporary permits for the erection and maintenance of poles and overhead conductors in places where the lines are ultimately to be placed underground, where the work can not be immediately done because of the greater urgency of work in other localities, or for other reasons satisfactory to said Commissioners but in issuing such temporary permits said Commissioners shall bear in mind the purpose and policy of this act, which is to cause to be removed from the streets and avenues within the said limits described in section 1 of this act all poles and wires attached thereto, except as hereinbefore provided, as expeditiously as may be without interfering with or impairing the efficiency of the telegraph service in said District and without denying to the public reasonable telegraph facilities.

SEC. 4a. That any officer of the United States Government charged with the care, maintenance, and supervision of any public park or reservation may grant permission to any company or corporation now or hereafter maintaining and operating a telegraph plant or system in said District, upon application being made therefor, to construct conduits, subsidiaries, or manholes in said park or reservation, under such reasonable regulations as said officer may prescribe, unless, in the judgment of said officer, said construction will result in injury to the United States or its properties.

SEC. 5. That all subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this act shall be subject to such reasonable regulations as the Commissioners of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires: *Provided*, That in all underground conduits so constructed such space shall be furnished to the said District of Columbia and the United States as may be necessary for their telegraph, fire-alarm, and police-patrol wires or cables carrying low potential currents of electricity, free of charge: *And provided further*, That the number of ducts so reserved in any one conduit shall not be more than two.

SEC 6. That the said Commissioners are empowered to authorize any such company or corporation now or hereafter owning and operating lines of street poles and wires, and any alley poles or alley-pole line or house-top wires within the said District and outside of the limits described in section 1 of this act to continue to maintain the same, with such repairs and renewals as may be necessary to keep them in good order and condition of repair, and to add thereto such poles and wires as may be necessary for their telegraphic purposes.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act, but nothing herein shall abridge or lessen the rights granted telegraph companies under title 65, section 5263 and the following, United States Revised Statutes.

Mr. BABCOCK. Mr. Speaker, I would like to make a statement in reference to this bill. Congress has passed laws providing for the placing underground of the overhead telephone and electric-light wires, but there is no law requiring the telegraph wires to be placed underground. The telegraph companies are operating in the District of Columbia under the act of July 24, 1866, being a contract with the Government made many years ago, which gives them the right to maintain and operate their lines over and along the streets of the District of Columbia. The present bill is the first feasible method to place the telegraph wires underground in Washington. The companies have now consented to this legislation, and this act is practically a copy of the other acts putting the lines of other concerns underground; and the telegraph companies, under this legislation, will put their wires underground as soon as it can be reasonably done. This bill is on the Union Calendar, and I

ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of this bill, and that it may be considered in the House as in Committee of the Whole. Is there objection?

Mr. BAKER. I would like to ask the gentleman a question before that is done.

Mr. BABCOCK. Certainly.

Mr. BAKER. I did not quite catch how long ago the bill authorizing these wires to be put underground was passed.

Mr. BABCOCK. Arrangements have been made and legislation passed putting all the wires underground except those of the telegraph companies.

Mr. BAKER. How many years ago?

Mr. BABCOCK. Some two or three years ago. The telegraph companies have a contract, made by the Government, under which they are authorized to put their wires on all military and post roads. Within the limits of Washington the streets belong to the Government and are considered as post-roads, and accordingly the telegraph companies have been allowed to erect and maintain overhead wires on the streets of Washington. The Commissioners have no authority to prevent the erection of overhead telegraph wires under existing law. The act of 1866 provides that the Postmaster-General shall fix the rates to be paid the telegraph companies for Government messages, and in consideration the companies have been allowed to maintain their overhead wires on all military and post roads.

The companies have now consented to this legislation. This is a Senate bill, and no objection has been offered to it. Its passage will put the last of the overhead wires within the fire limits of the city underground.

Mr. BAKER. I will ask the gentleman whether the Western Union Telegraph Company will. under this act, get the right to lay conduits?

Mr. BABCOCK. Oh, certainly; the telegraph companies will have to construct conduits for their wires.

Mr. BAKER. Are they asking for that right?

Mr. BABCOCK. No; but they will have to do so.

Mr. BAKER. Is it an exclusive right?

Mr. BABCOCK. Oh, no. This bill puts it in the hands of the Commissioners to give a permit as they may see fit and to order the wires put under the ground from time to time on certain streets as fast as it can reasonably be done.

Mr. BAKER. It leaves with the District Commissioners, then, the power to grant the right to build conduits, and leaves with them the fixing of the terms upon which those conduits can be built?

Mr. BABCOCK. Oh, there are no terms. They pay nothing for the privilege of building the conduits. They occupy the streets now. They have their wires overhead, and that is what we want to get rid of.

Mr. BAKER. But they pay nothing for the privilege of tearing up the streets and putting their conduits under the streets.

Mr. BABCOCK. No.

Mr. BAKER. There is nothing in this of an exclusive nature? By the passage of this bill the Western Union Telegraph Company will not be able to prevent some other company putting in conduits, will it?

Mr. BABCOCK. Oh, no.

Mr. BAKER. That is what I wanted to get at.

Mr. WILLIAMS of Mississippi. Does this extend the time for any company to put these wires underground?

Mr. BABCOCK. No; it refers to telegraph companies only.

Mr. WILLIAMS of Mississippi. And it does not extend the time?

Mr. BABCOCK. No, sir.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all telegraph poles and the wires attached thereto, not the property of the United States or the District of Columbia, now upon the streets, avenues, and alleys within the fire limits of the District of Columbia, except as hereinafter provided, shall from time to time, as may be prescribed by the Commissioners of said District, be taken down and removed. The work of taking down and removing said poles and wires shall be done under the direction of said Commissioners, and it is hereby made the duty of said Commissioners to enforce compliance with the provisions of this act as expeditiously as may be consistent with the public interests; and the said Commissioners are empowered, from time to time, to authorize any company or corporation now or hereafter operating and maintaining a telegraph plant or system in the District of Columbia to locate and construct a system of underground conduits, subsidiaries, and manholes in or under any or all of the streets, avenues, alleys, lanes, or other public highways in said District as may be requisite and necessary for the purposes of this act and for the reception of such other conduits, cables, and wires as may be reasonably required in the future by the growth of such company or corporation or its assigns, or to adequately meet the requirements of the public for telegraph service.

SEC. 2. That upon the approval of this act, and, from time to time thereafter, any company or corporation, or its assigns, now or hereafter maintaining and operating a telegraph plant or system in said District, shall prepare and submit to the said Commissioners a plan or plans or application or applications, in writing, showing the streets, avenues, alleys, lanes, and other public highways in or under which it is proposed to construct conduits, subsidiaries, or manholes, and giving the general dimensions, length, and course thereof; and before any such conduit, subsidiary, or manhole is constructed it shall be necessary to obtain the approval and permission of said Commissioners. Said Commissioners are empowered to require that all proposed conduits, subsidiaries, and manholes shall be constructed in accordance with the approved plan or permit; and upon the approval by said Commissioners of any such plan, or the issuing of any such permit, providing for the construction of underground conduits, subsidiaries, or manholes within the said limits described in section 1 of this act, or in such part thereof as said Commissioners shall require and direct, the construction therein provided for shall be proceeded with diligently, and upon the completion thereof, or as soon thereafter as may be without impairing the efficiency of the telegraph service in said District, the company or corporation constructing such conduits, subsidiaries, or manholes shall place its cables and wires therein and take down and remove from the streets and avenues in which such conduits are constructed all poles and the wires thereon, except such as said Commissioners may, in accordance with the provisions of this act, permit to remain for the purpose of distributing wires for house or other connections.

SEC. 3. That any company or corporation now or hereafter owning and maintaining such poles and wires attached thereto on or over any street or avenue within the said limits described in section 1 of this act, which shall willfully neglect or refuse to remove the same, as provided in section 2 hereof, shall be liable to a penalty of not more than $25 for each and every day during which such failure to remove said poles and wires shall continue, which amount may be recovered by the District of Columbia in any court of competent jurisdiction.

SEC. 4. That said Commissioners be, and they are hereby, empowered to authorize the erection and maintenance of poles in the alleys of said District, and the stringing thereon of wires or conductors for telegraph purposes from alley poles or house-top fixtures in one square to alley poles or house-top fixtures in another square for the purpose of enabling house connections to be made, and to authorize the erection of poles and the stringing thereon of wires on and upon the streets and avenues of said District in the parts thereof in which there are no public alleys and in such places as the public interests do not require that the lines be placed underground, or in places where it shall be deemed by said Commissioners impracticable to advantageously place or operate such lines underground. During the progress of the work provided for in section 1 of this act said Commissioners are also empowered to issue temporary permits for the erection and maintenance of poles and overhead conductors in places where the lines are ultimately to be placed underground, where the work can not be immediately done because of the greater urgency of work in other localities, or for other reasons satisfactory to said Commissioners; but in issuing such temporary permits said Commissioners shall bear in mind the purpose and policy of this act, which is to cause to be removed from the streets and avenues within the said limits described in section 1 of this act all poles and wires attached thereto, except as hereinbefore provided, as expeditiously as may be without interfering with or impairing the efficiency of the telegraph service in said District and without denying to the public reasonable telegraph facilities.

SEC. 4a. That any officer of the United States Government charged with the care, maintenance, and supervision of any public park or reservation may grant permission to any company or corporation now or hereafter maintaining and operating a telegraph plant or system in said District, upon application being made therefor, to construct conduits, subsidiaries, or manholes in said park or reservation under such reasonable regulations as said officer may prescribe, unless, in the judgment of said officer, said construction will result in injury to the United States or its properties.

SEC. 5. That all subways, conduits, manholes, and overhead lines constructed or erected under the provisions of this act shall be subject to such reasonable regulations as the Commissioners of the District of Columbia may from time to time prescribe as to inspection, location, character of conduit construction, and height of poles and wires: *Provided,* That in all underground conduits so constructed such space shall be furnished to the said District of Columbia and the United States as may be necessary for their telegraph, fire-alarm, and police-patrol wires or cables carrying low potential currents of electricity, free of charge: *And provided further,* That the number of ducts so reserved in any one conduit shall not be more than two.

SEC. 6. That the said Commissioners are empowered to authorize any such company or corporation now or hereafter owning and operating lines of street poles and wires, and any alley poles or alley-pole line or house-top wires within the said District and outside of the limits described in section 1 of this act to continue to maintain the same, with such repairs and renewals as may be necessary to keep them in good order and condition of repair, and to add thereto such poles and wires as may be necessary for their telegraphic purposes.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act, but nothing herein shall abridge or lessen the rights granted telegraph companies under title 65, section 5263 and the following, United States Revised Statutes.

Mr. BAKER. I should like to ask the gentleman from Wisconsin whether he will accept an amendment to this bill, in the following language—I have not perfected it yet, but will state it:

That if at any time the city of Washington or the National Government shall acquire, by purchase, condemnation proceedings, or otherwise, the property of said Western Union Telegraph Company in the city of Washington, nothing shall then be paid to the said company for the privileges accorded under this bill.

That is, for the right to lay these conduits.

Mr. BABCOCK. I do not think the gentleman states it exactly. Does he mean that nothing shall be paid for the wires and conduits?

Mr. BAKER. No; I mean that nothing shall be paid for the privilege of laying the conduits, nothing for the privileges accorded in this bill, i. e., the franchise granted herein.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from New York to offer his amendment and have it read. I do not see any objection to it.

The SPEAKER. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Add a new section, to stand as section 8, and to read as follows:

"SEC. 8. That if at any time the city of Washington or the National Government shall acquire, by purchase, condemnation proceedings, or otherwise, the property of said Western Union Telegraph Company in this city, nothing shall then be paid to the said company for the rights accorded under this bill to build and lay such conduits."

The amendment was agreed to.

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

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

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported the bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered printed.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I reserve all points of order on the bill.

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

ESTATE OF JOHN JACOBY.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 3043) for the relief of the estate of the late John Jacoby. This bill, as I understand it, is on the Union Calendar. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin calls up the bill which he indicates, and asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of this bill, and that the same be considered in the House as in Committee of the Whole.

Mr. BURKETT. Ought we not to hear the bill read before that consent is given?

The SPEAKER. The Clerk will report the bill.

Mr. BABCOCK. I ask that the substitute be read instead of the original bill.

The SPEAKER. Without objection, it will be so ordered.

The Clerk read the bill as proposed to be amended by the substitute reported from the Committee on the District of Columbia, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay on the warrant of the Commissioners of the District of Columbia, one-half out of the revenues of the District of Columbia and the balance out of any money in the Treasury not otherwise appropriated, to Addie F. Jacoby, widow of John Jacoby, the sum of $7,500: *Provided, however,* That any and all pending suits by the administrator of the estate of the said John Jacoby against the District of Columbia shall first be dismissed, and mutual releases and discharges executed by and between the said administrator and the District of Columbia, releasing and discharging all claims, demands, and liabilities arising out of contracts between the said John Jacoby and the District of Columbia, Nos. 2743, 2889, 2921, and 2965, remaining incompleted at the time of the death of the said John Jacoby: *And provided further,* That the release or releases of the said administrator of the estate of John Jacoby shall include a waiver of all money retained under said contracts and all other money due or claimed to be due the estate of John Jacoby under said contracts.

Mr. WM. ALDEN SMITH. Mr. Speaker, I would like to ask the gentleman from Wisconsin a question.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Michigan?

Mr. BABCOCK. Certainly.

Mr. WM. ALDEN SMITH. We have been passing a number of District bills here this morning. The last bill passed was one concealing telegraph wires under ground, which I suppose is for the purpose of rendering the city of Washington more attractive and beautiful. I would like to ask the gentleman if he can tell us by what authority unsightly stands are erected on Pennsylvania avenue, around the Treasury Department, and on the Government parks around the city; whether it is by authority of law, or what regulation it is that gives them the warrant for constructing inflammable stands on the parks of the city of Washington?

Mr. BABCOCK. Mr. Speaker, I would be very glad to answer the gentleman's question in detail, although I think the question is a little out of order at this time.

Mr. WM. ALDEN SMITH. Well, let's have an answer.

Mr. BABCOCK. The request now before the House is for unanimous consent to discharge the Committee of the Whole House on the state of the Union from consideration of this bill. The public parks of the city of Washington are under the supervision of the War Department—practically all of them, except a few that have been placed under the charge of the Commissioners of the District of Columbia. The permits issue from the War Department for stands built on public places under authority of joint resolution which passed the House January 9, 1905.

Mr. WM. ALDEN SMITH. I want to make an observation, if the gentleman from Wisconsin will permit me. At this time it is both unnecessary and unwise to farm out for hire all available space along Pennsylvania avenue with temporary structures of this character, when thousands of people are coming here for the first time from all over the country. By some authority, either imaginary or assumed, the streets of the city are being disfigured by these stands that are being erected for the accommodation of a comparatively few of the many thousands that desire to witness the parade. I would like to know who assumes this unusual authority, and wish to enter my protest against it, whether for the purposes of the Government or for private profit.

Mr. BABCOCK. They are for the convenience of the visitors who come to view the inaugural parade.

Mr. BURKETT. Mr. Speaker, pending the unanimous consent, I would like to ask the gentleman from Wisconsin whether this is one of the old cases of public improvement?

Mr. BABCOCK. I will yield to the gentleman from Missouri [Mr. COWHERD], who is entirely familiar with this matter.

Mr. COWHERD. I did not understand the question.

Mr. BURKETT. I asked the gentleman if this was one of the old public-improvement cases.

Mr. COWHERD. Not one of the old ones, if the gentleman refers by that term to the time when we had a Board of Public Works in the city. Does the gentleman refer to that?

Mr. BURKETT. Yes.

Mr. COWHERD. It is not one of those cases. It is a public-improvement case. This man, John Jacoby, had certain contracts with the city. The gentleman will understand that when a contractor has a contract with the city, the city holds back a portion of the payment—what they call retents—which is 10 per cent of the amount of the work. Jacoby had four contracts, which he had finished. There was still in the hands of the Commissioners something like $18,000 due him on these contracts which was retained, the time not having come when that should be paid to him. He had at the time of his death certain other contracts in process of construction, which were uncompleted.

After his death the District had to relet these contracts; on one of them they had to take up the work at once and carry it on by day labor and finish. Others they had to relet. The Commissioners at first contended that they should not pay him anything, either for the amount of the work done on the uncompleted contracts or for the retents on the contracts which had been completed, claiming that they should hold all the money and leave the settlement to the courts.

When the case came before the District Committee under that state of facts, the subcommittee of which I was a member refused to report a bill, claiming that the parties ought to go into the court and settle their rights in an action in court. The Senate committee reported and the Senate passed a bill to settle with the administrator on the "basis and theory of law that all contracts between Jacoby and the District terminated at his death." That came before our committee. We then referred it to the District Commissioners for report and the Commissioners took it up with their law officers, and after going over the matter in full they recommended to our committee that if they could settle the case in full for $7,500, receiving from the estate and from the widow receipts in full both on the uncompleted contracts and on the retents which they held in their hands—and that was a settlement of about 50 per cent of the money actually held back in their hands—that they thought it would be a good settlement for the District to make. On the recommendation of the Commissioners we have reported the bill to pay that amount to the wiodw and to receive a receipt in full for all claims that the estate or widow has against the District.

Mr. BURKETT. Do I understand the gentleman to say that no suit has been brought on this claim?

Mr. COWHERD. I am not certain whether a suit has been brought or not, but there has been no judgment rendered. I believe suits have been brought. This bill provides for their dismissal.

I will say this, that there is now in the hands of the Commissioners, as I understand it, as the gentleman will see from the reports, over $14,000 in money due John Jacoby and his estate on completed and accepted contracts after subtracting the amount expended by the Commissioners in protecting the work pending the reletting of the Jacoby contracts. That

money has been withheld in order to meet the damages on the uncompleted contracts, and the Commissioners propose to compromise the cases upon a payment of 50 per cent of the money in their hands, and your committee thought that the law officers of the District and the Commissioners of the District having gone over the matter fully and reported in favor of it that it was well to make the compromise at their request.

Mr. STEPHENS of Texas. If there should be suit pending relative to this matter, would this compromise the suit?

Mr. COWHERD. Oh, yes; the bill itself provides that before anything shall be paid the suits shall be dismissed and the release of the administrator of the estate shall include a waiver of all money retained under such contracts and all other money due or claimed to be due the estate of John Jacoby under said contracts.

Mr. STEPHENS of Texas. The gentleman thinks that will cover any pending suit?

Mr. COWHERD. Yes; it specifically provides that "any and all pending suits shall first be dismissed and mutual releases and discharges executed."

Mr. PAYNE. Of course that does not prevent them coming back to the next Congress for an additional amount.

Mr. COWHERD. That would not prevent their coming back and asking it. It certainly ought to prevent them from getting it.

Mr. PAYNE. Not only that, but that is the usual course, as the gentleman knows, and in the majority of the instances, I think the majority, Congress always gives them the additional amount, and sometimes they come back a third time.

Mr. COWHERD. Of course the gentleman understands that they are claiming over $30,000 in this case—about $19,000 retents, and I don't remember just how much on the uncompleted contracts; but it seems to me that when Congress, with the consent of the parties, takes the matter up and makes a compromise and provides distinctly in the bill that it shall be in full of all claims it ought to be bound by it hereafter.

Mr. DAVIS of Minnesota. Mr. Speaker, there were a large number of these contracts at the time of the death of Mr. Jacoby that were completed, upon which there was $18,538.70 retained by the Commissioners and placed in the Treasury of the United States as "retents." He had under construction and partly constructed the four remaining contracts upon which at the time of his death there was actually due to him the sum of $18,019.18. A controversy arose as to the completion of the contracts, and it is now conceded that the legal question involved is a very difficult one. The Commissioners have retained not only the retents upon the already completed contracts, but also retained the other $18,019.18 on the contracts that he was then working on. It is now conceded, after considerable controversy—there being suits pending to the amount of about $36,000 against the District of Columbia—that there are many very serious legal problems involved.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. FITZGERALD. Have the courts full jurisdiction of the matters involved in this claim?

Mr. DAVIS of Minnesota. That is another question which is a serious one, as I am informed.

Mr. FITZGERALD. How much do these claims amount to?

Mr. DAVIS of Minnesota. The suit against the District now amounts to about $36,557.88.

Mr. FITZGERALD. Are the claimants willing to take from Congress $7,500 in settlement of those suits?

Mr. DAVIS of Minnesota. The claimants are getting none of this. The first $18,538.70 under this arrangement, which the Commissioners now insist they have no claim upon, is to be set apart for the creditors. It will not pay them in full, but this $7,500 is the equity which the Commissioners now deem to be due the widow, and they are willing to give her that, provided she will procure sufficient releases from all the creditors and satisfy and dismiss the $36,000 suit, and the Commissioners think it is a very just proposition. The Senate on the bill reported over here admitted that there should be $14,524.30. However, this subcommittee, of which the gentleman from Missouri [Mr. COWHERD] was one, and the gentleman from Massachusetts [Mr. POWERS] have produced a settlement for about one-half of that $14,524.30.

Mr. BURKETT. By whom are those suits brought?

Mr. DAVIS of Minnesota. By the administrator of the estate of John Jacoby, deceased.

Mr. BURKETT. Suing the District for the contract price of the work?

Mr. DAVIS of Minnesota. Yes; suing for the retents, $18,535.70, which was already lying to his credit in the Treasury of the United States, and for the work already completed on the unfinished contracts in connection with the retents thereof, making $36,557.88. Now, they acknowledge the first retents on the original contract are beyond their control. It is now really a squabble whether we will pay $14,524.30 or cut it in two, and the District of Columbia in its excessive economy has cut it in two, and the creditors, as I am informed, are willing, and so is the widow——

Mr. BURKETT. Does this provide——

Mr. DAVIS of Minnesota. Releases and everything.

Mr. BURKETT. The question comes up, How can you pass a bill to compromise with the widow and have that compromise extend to all the other lien holders?

Mr. DAVIS of Minnesota. Unless she procures a settlement of the suits and releases them the bill counts for nothing. Upon her filing this, this $7,500 is to be paid.

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

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

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

EXTENSION OF M STREET EAST OF BLADENSBURG ROAD.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for consideration of the bill S. 1635.

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

The Clerk read as follows:

A bill (S. 1635) for the extension of M street east of Bladensburg road, and for other purposes.

Mr. BABCOCK. Mr. Speaker, this is on the Union Calendar, and I make the same request.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to consider this bill in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That within twenty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of M street east of Bladensburg road through the Huhn tract, and through lots 70 to 76, inclusive, of Hall & Holden's subdivision of Cottage Hill, with a width of 90 feet, so that the said M street may be open for travel with said width from Bladensburg road east to Twenty-eighth street.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of M street as herein provided, such amount thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits against those pieces or parcels of land on each side of said M street as extended through said Huhn tract, and through said lots 70 to 76, inclusive, of Hall & Holden's subdivision of Cottage Hill, and also on any or all pieces or parcels of land which will be benefited by the extension of M street, as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against such pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of M street as aforesaid: *Provided*, That if the aggregate amount of the benefits as determined by said jury pursuant to the provisions hereof is less than one-half the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

SEC. 3. That the provisions of sections 3, 4, 5, 6, 7, 8, 9, and 11 of public act No. 181, approved June 6, 1900, be, and the same are hereby, made applicable to this act, and are hereby reenacted for said purpose: *Provided, however*, That notwithstanding anything contained in the aforesaid section 8 of said act, the assessments by the jury for benefits for said opening or extension shall be payable in five equal annual installments, with interest at the rate of 4 per cent per annum from and after sixty days after the confirmation of the verdict and award, and in all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

SEC. 4. That the sum of $300 is hereby appropriated, one-half out of the revenues of the District of Columbia and one-half out of any money in the United States Treasury not otherwise appropriated, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, and payments of awards of damages for lands taken, as provided in section 7 of the act of June 6, 1900, above referred to, shall be made one-half out of the revenues of the District of Columbia and one-half out of any money in the United States Treasury not otherwise appropriated.

The amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That within twenty days after the dedication to the District of Columbia of at least two-thirds of the land necessary for the extension of M street as hereinafter described the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for

the extension of M street, with a width of 90 feet, from Bladensburg road east to Twenty-eighth street.

"SEC. 2. That the entire amount found to be due and awarded as damages for and in respect of the land condemned for the extension of M street as herein provided shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and the verdict of said jury shall also be for a sufficient sum to cover all the costs of the condemnation proceedings herein provided for: *Provided*, That the remaining portion of any parcel of land of any party dedicating shall be exempt from any assessment in respect to the cost of condemning any portion of said street that may not be dedicated or from any assessment for benefits of the extension of M street.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia or his deputies upon such owners of the land to be condemned as may be found by said marshal or his deputies within the District of Columbia.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same, including its proportionate share of the cost of the condemnation proceedings herein provided for.

"SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

"SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

"SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

"SEC. 8. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special-improvement taxes in the District of Columbia, and shall be payable in two equal annual installments, with interest at the rate of 10 per cent per annum from and after sixty days after the confirmation of the verdict and award. In all cases of payments the accounting officers shall take into account the assessments for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

"SEC. 9. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested.

"SEC. 10. That each juror shall receive as compensation the sum of $5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

"SEC. 11. That the sum of $300 is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from said assessments for benefits when the same are collected as herein provided.

"SEC. 12. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the opening of such street: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided."

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

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

The bill as amended was ordered to be read a third time, was read the third time, and passed.

VESTIBULES ON STREET CARS IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill H. R. 13094.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13094) for the relief of street-car motormen.

Be it enacted, etc., That every person or corporation operating street cars in the District of Columbia shall provide each of the same with a glass vestibule, surrounding, as nearly as possible, the place where the motorman operating said car stands, so that said motorman shall, as far as possible, be protected from inclement weather.

SEC. 2. That every person or corporation who or which shall violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than five hundred dollars for each and every day any street car is operated not provided with the vestibule required by this act: *Provided, however*, That the requirements of this act shall not apply to cars operated during the months of April, May, June, July, and August of each and every year.

SEC. 3. That this act shall take effect from and after the 31st day of August, A. D. 1904.

The amendments were read, as follows:

Page 1, line 7, strike out the commas where they appear after the words "shall" and "possible;" also strike out the words "as far as possible."

Page 2, lines 1 and 2, strike out all after the word "operated" down to and including the word "August" and insert in lieu thereof the following: "from the 1st day of April to the 1st day of November."

Page 2, line 4, strike out "thirty-first" and insert in lieu thereof "thirtieth;" also strike out the word "August" and insert in lieu thereof "November."

Page 2, line 5, strike out the word "four" and insert the word "five."

Mr. FITZGERALD. Mr. Speaker, does that provide from the 30th day of November, 1904? The Clerk read 1904.

Mr. BABCOCK. It has been amended.

Mr. FITZGERALD. Only the month.

Mr. BAKER. It is amended in the bill.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, no discussion ought to be required to demonstrate the necessity for the passage of this bill. Heretofore in the District of Columbia men who operate street cars on certain lines have been required to face the rains, the winds, snows, and sleets. In most of the States and, I believe, in the District of Columbia laws have been enacted and enforced making it a crime to treat useful dumb animals in a cruel manner. To force a human being to stand at his post in the freezing weather we have had during the past winter and operate a street car when such exposure is not necessary is positively cruel and should be made a crime. It has actually been urged by some that it is beneficial to the health of these motormen to be required to run their cars in the face of a blinding, freezing rain. Mr. Speaker, I will not insult the intelligence of this House by replying to such a statement. I merely mention it as a very rare specimen, which ought to be preserved.

Again, it is said that the motormen themselves have not requested the enactment of this law. No, Mr. Speaker, they have not made a public request for such a law, and they never will make a public request for such a law. The work these men are required to do is very severe. I hope I will not offend if I say that only men who are dependent for a living upon their daily wages usually accept these places. Do you suppose, Mr. Speaker, that any one of these men would risk losing his place by asking Congress to pass a law which would force his employer to spend a considerable sum of money? But, whether they demand it or not, our duty is clear. Are we to wait until a formal request is made, when we know a law ought to be passed? The question is, Do these men suffer from exposure, and is it practical to require the street-car companies to protect them?

I wish to say that the Capital Traction Company has already agreed to make the necessary change in its cars. This morning I was permitted to ride in a car which but recently has been provided with a glass vestibule, which fully protects the motorman against all kinds of bad weather. I was told by its conductor that the motorman was delighted at the change, and that all the motormen were hoping that all the old cars would be provided with these vestibules, even if their health should be affected by the change; and I have been informed on good authority that the change can be made for less than $20 per car.

I hope, Mr. Speaker, that not a vote will be cast against this bill.

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

Mr. BAKER. Mr. Speaker, will the gentleman yield for a minute?

The SPEAKER. Will the gentleman from Wisconsin yield to the gentleman from New York?

Mr. BABCOCK. Certainly.

The SPEAKER. How much time?

Mr. BAKER. I will not use more than a minute or two.

Mr. BABCOCK. I yield two minutes to the gentleman, Mr. Speaker.

Mr. BAKER. Mr. Speaker, it is with great pleasure that I want to thank the District of Columbia Committee, and especially the gentleman from North Carolina [Mr. POU], the sponsor for this bill, for having introduced and recommended this bill to this House. There have been a number of occasions when I felt it my duty to criticise the action of that committee on account of bills it has reported; therefore I am all the more glad to be able to thank them for this action on behalf not merely of the motormen and conductors of this city, but because this action is significant of an awakened interest in such men and must have a reflex influence upon the street-railroad men of my own city, because when the motormen and conductors of Brooklyn and of New York go to our State legislature, as they have been going for the past two or three years, to ask legislation they can point to the action of the National Legislature as a very strong reason why similar legislation shall be enacted for those cities, where the need of it is far greater than it is even here, severe as the winters have been in Washington during this and last year. Mr. Speaker, I ask unanimous consent to extend my remarks on this subject in the RECORD.

But, Mr. Speaker, there is another reason why I am interested in this bill. The very fact that it becomes necessary to introduce such a bill is but one of the evidences that private individuals can never safely be intrusted with public functions. It is the old, old story. The moment that you create a condition under which competition is not permitted—and that is the essential principle involved in a street railroad, gas, water, or electric-light franchise—you, in effect, offer a premium to those possessing that special privilege to provide the least service for the maximum price.

Look at the situation in my own city, for instance. In Brooklyn the street-car monopoly is legally known as the "Brooklyn Rapid Transit Company." Brooklynites long ago realized the misnomer of that name. It should be called the Brooklyn "Snail" Transit Company. That is exasperating enough; but when in addition it is not only the common, but the daily, aye, hourly, condition that so few cars are provided that usually one-half to two-thirds of the passengers are "strappers," it then becomes unendurable. No; I must retract that, Mr. Speaker, for in this matter, as well as in that of the exactions of the Brooklyn Union Gas Company, a Standard Oil institution, there seems no limit to the endurtnce of Brooklynites. What I should have said was, that to any one not a resident of Brooklyn it would be unendurable.

Aside from the personal interest I have in this subject, as one of the victims, I have frequently wondered that the street-car conductors of Brooklyn and New York were not driven crazy in any twenty-four hours. They have not merely to incessantly plough their way through cars stuffed to the limit with an ever-struggling, twisting mass of humanity, but they almost literally have to hang on by their teeth to the outside of the rear platform when they are not gathering the ceaseless harvest of nickels for the company. I don't suppose that any Member of this House who has never been in Brooklyn will believe it, but the "rapid" transit company has the nerve to collect 5 cents for hanging onto the outside of the rear platform, onto the bumpers. Yes, Mr. Speaker, the little band of exploiters who control our street railroads collect every day scores of thousands of nickels for that "service."

Is it surprising, Mr. Speaker, that knowing this I should, entirely regardless of the politico-economic aspects of this question, insist that nothing short of municipal ownership and operation will give our people genuine transit and at the same time insure decent pay for street-railroad employees and also protect them by means of vestibuled cars from some of the rigors of our severe winters?

How many motormen have lost their lives as a direct result of being exposed to the bitter cold of zero weather while facing winds keen and sharp enough it would seem to cut them in two no one knows, and of course the company doesn't care, for nothing is so cheap or plentiful as human life. When the cars were drawn by horses the loss of a horse through exposure or lack of care made a hole in the company's treasury, but, thanks to your system of taxation which encourages land speculation, there are hundreds of men ever ready to take the place of a motorman who is sick or dies.

Mr. Speaker, I have already mentioned that our street-railroad men have for some years made ineffectual efforts to get a measure of this kind enacted by the New York legislature; but the street railroad companies of New York and Brooklyn would rather use thousands of dollars of the money collected from "bumper" riders to corrupt legislators than spend four or five times as much in equipping their cars with vestibules. Could soulless greed stoop to greater iniquity?

Mr. Speaker, I sincerely trust that this House will pass this bill unanimously. I hope this will be done so that not only may the New York legislature know that Congress is determined that the street-car system over which it has jurisdiction (the city of Washington) shall protect is employees in this way, but because it will encourage those who have tried to secure similar legislation at Albany to renew their efforts. And I propose, if this bill passes, to send a telegram to the secretary of the Central Labor Union of Brooklyn, Coroner M. J. Flaherty, notifying him of our action, so that he may at once inform the street-railroad employees' associations there that we recognize the justice of their demand for vestibuled cars.

Mr. Speaker, I have on other occasions expressed the opinion on this floor that this question of "municipal ownership" is the question of questions in American cities; the larger the city the more engrossing is the subject. Nowhere, not even in Chicago, is it agitating the public mind to the extent that it is agitating the minds of the people of my city. And this is quite natural when one considers the fact that nowhere else in the world are the franchises of the public-service corporations so valuable as are those in New York City. Gigantic fortunes are being coined out of the people of my city by those who are exploiting its public-service corporations. That little band of monopolists who have for their leaders the men whom Thomas W. Lawson has held up to the righteous scorn of an indignant and outraged people—H. H. Rogers, John D. and William Rockefeller, and James Stillman, in conjunction with Thomas F. Ryan, August Belmont, George J. Gould, and Anthony N. Brady—control the Consolidated Gas Company, the Brooklyn Gas Company, the Edison Electric Illuminating Companies of both New York and Brooklyn, the New York Light, Heat and Power Company, the Metropolitan Traction Company, the Brooklyn Rapid (snail) Transit Company, the Coney Island and Brooklyn Railroad, as well as the elevated roads in both New York and Brooklyn, and last, but not least in its power to coin fortunes for those who control them, the New York and the Brooklyn subways, the latter not yet completed.

The coterie of men whom I have just named are as completely the masters of the people of the city of New York in the matter of gas, electric light, and transportation as the Shah of Persia or King of Abyssinia are masters of the lives of their respective subjects.

Yes, Mr. Speaker, these men, to a considerable degree, exercise a control over the very lives of the people of my city. Hundreds of people have been asphyxiated in the city of New York by the deleterious substances of which the gas is made. Not content with violating the law respecting the standard, the people are daily robbed in paying for a gas of low illuminating quality, a price that would be extortionate even if the gas were up to the legal grade. This little band of monopolists—small in number, but prodigious in power—have, in order to add to their ill-gotten millions, caused the loss of scores of lives through the noxious, poisonous gas supplied. Millions of lives are indeed at their mercy, which is limited, confined, and ruled alone by the spirit of gain. Truly a gamble in humanity. Could heartless greed stoop to a lower or baser level than to be guilty, for paltry dollars, of juggling with human lives? Statutes seem to be powerless in my State, as they are elsewhere, to curb corporate greed and compel a service that will, in the slightest degree, recognize popular rights.

I am therefore glad to note, Mr. Speaker, the formation of a "municipal ownership league" in Brooklyn, whose marvelous

growth within a few months testifies to the widespread sentiment on this and kindred subjects, and is evidence that our people are at last aroused and determined to free themselves by the application of the only true remedy—municipal ownership and operation of all public utilities. This league (to which I have alluded in a previous address to this House) is in the main composed of the most patriotic men in the Borough of Brooklyn. For real patriotism, Mr. Speaker, is not determined by the size of a check book, but by the continued self-sacrificing devotion of the individual to the service of his fellows and his unselfish efforts to promote the common good. It is my privilege and pleasure to have had many years of intimate relation with the officers and many of the members of the Municipal Ownership League, and I can bear personal testimony that these men have for many years carried on a persistent and intelligently directed fight against all forms of monopoly. I have frequently been associated with them in those contests, and I therefore know of their unswerving devotion to the people's cause. In common with many of them I have frequently been discouraged at the lack of response our efforts seemed to arouse. At times it looked as though it were useless to continue the struggle, the people seeming apathetic, while monopoly was so strongly intrenched.

And yet, Mr. Speaker, we can now see that our early efforts were not in vain. The people were not really indifferent, but it took time for the seed we were sowing to ripen and fructify. The apparent indifference of the people has given way to an alert and active interest in this great question of municipal monopolies, the paramount question of the hour, a question that will not down until the bribery and corruption, the robbery and swindling, of the people by the public-service corporations has been brought to an end. That will only come, Mr. Speaker, when the people of my city resume the right to own and operate their public utilities, of which they have so long been deprived through the treachery of their representatives and the debauchery and corruption of the gas, electric light, and street railway companies.

I propose, Mr. Speaker, to insert as a part of my remarks this clipping which I hold in my hand and which is a report by the Brooklyn Times of one of the many meetings now being held in Brooklyn in favor of "municipal ownership," simply saying in passing that the two gentlemen who are mentioned as addressing this meeting are among the most devoted of those in Brooklyn, who have for years given freely of their time, their means, their energies to advance this and correlated causes. M. J. Flaherty and Peter Aitken are two of the natural leaders in such a movement. The people of Brooklyn may rest assured that a movement initiated and directed by them is one solely in the public interest; that they and their associates are not to be deflected from their purpose to bring about "municipal ownership" either by the sneers of superior people or by cajolery or bribery on the part of the agents of the public-service corporations. I wish them every success, and can not but feel that if the people of New York and Brooklyn were to get the opportunity to vote directly upon this subject of municipal ownership they would declare as overwhelmingly against the continuation of the present system as did Chicago, which on three separate occasions so unanimously voted in favor of immediate municipal ownership and operation. The voters of New York City but seek a similar opportunity to record themselves on this subject. Next month Chicago will almost certainly honor itself and clinch the whole matter by electing as its mayor that democratic Democrat, Judge Edward F. Dunne, who is the leader there for immediate municipal ownership.

I commend these remarks of Coroner M. J. Flaherty and Peter Aitken to the earnest consideration of the House, and wish they could be read by every voter in Greater New York, who, if he would hasten the day when the relief he prays for might be a reality, should at once ally himself with this league and share in the burden and glory of accomplishment.

The headquarters of the Municipal Ownership League, which in New York has initiated and is conducting the fight against this giant monopoly to which I have referred, is at 61 Court street, Brooklyn, where enrollment petitions may be obtained from the secretary, John E. Smalley.

[From the Brooklyn Times, February 16.]

TWENTY-EIGHTH WARD TAXPAYERS FOR MUNICIPAL OWNERSHIP—AFTER ADDRESSES BY CORONER FLAHERTY AND PETER AITKEN THEY PRONOUNCE IN ITS FAVOR.

The Twenty-eighth Ward Taxpayers' Association last night put itself on record in favor of municipal ownership of public utilities after listening to addresses by Coroner Michael J. Flaherty, chairman of the borough committee of the Municipal Ownership League, and Peter Aitken, who is also connected with the league, and who has been agitating the reform for the last fourteen years. The association also indorsed the plan of the committee of twenty-five to loop the bridges. The meeting was held in Hagerdorn's Hall, 1332 Gates avenue, and was largely attended.

Considerable enthusiasm was manifested when President Jared J. Chambers announced the decision of the State board that the Brooklyn Rapid Transit Company would have to place a shelter at Gates avenue and Broadway, or near thereto. The announcement was received with cheers, the fight for the shelters having been conducted by the Taxpayers' Association for the last two years. Coroner Flaherty was then introduced.

The speaker went pretty thoroughly over the ground that would in any way affect public utilities, but he devoted himself particularly to gas and electricity, telephone service, and city railways. In the matter of telephones, Coroner Flaherty said that there should be a 5-cent toll, and that he knew a gentleman whose name he did not feel at liberty to mention, who said that if given the franchise he would operate a telephone service for the Greater New York at a 5-cent rate, and make enough for himself and his company after fifteen years to turn it over to the city.

He is a man well known to this community, and a man who knows what he is talking about, said Mr. Flaherty. It gives you an idea what a private corporation makes. Most of these corporations tell you they are not making money and are not even paying dividends. Why? Well, a man well known in Wall street, who is an expert in matters of this kind and is employed by a large corporation, went into figures recently and told me that after consulting experts in electrical service and in the line of railways, that the trolley-line equipment of the Brooklyn Rapid Transit Company can be duplicated at a cost of $30,000 a mile, and the elevated road equipment at $100,000 a mile. To duplicate the entire rapid-transit system on these lines would cost a trifle over $25,000,000. It is a fact that, taking all the various forms of bonds that have been issued by the Brooklyn Rapid Transit Company and the various other companies connected with it, it is capitalized to something like $200,000,000. Upon that $200,000,000 they are paying a certain rate of interest to the underlying stockholders. In other words, what has cost them $25,000,000 they have watered to $200,000,000, or nearly eight times the cost, and are endeavoring to pay interest on this watered stock. To do this they have to economize, and this is why you kick at the many inconveniences and positive hardships which this company inflicts in order to raise the money to pay dividends. If they were to pay on an honest capitalization they would probably pay as high as 40 per cent.

The speaker quoted figures from the Municipal Year Book of Great Britain, showing that in a large number of cities where municipal ownership of public utilities, especially gas and tramways, is in operation the cost of the service has been reduced over one-half, the wages of the employees increased, and their hours of labor lessened. Last year, he said, the city of Manchester, England, showed a net profit of $350,000 on gas alone, sold to consumers at the rate of 66 cents a thousand cubic feet, and the net profits in Glasgow, Scotland, $240,525; in Belfast, $142,440. The operation of electricity and tramways showed a corresponding profit.

"If the trolley lines, the subways, the gas and electric lighting in the city of New York," said Mr. Flaherty, "were under municipal control, I do not think I exaggerate when I say that the profits from municipal ownership in the city of New York would not be less than $20,000,000 a year."

Mr. Aitken spoke very much along the same lines, though he differed with Coroner Flaherty's contention that the Manhattan subway is an illustration of municipal ownership.

In the first place, said Mr. Aitken, I am afraid that the city would inherit only a junk shop at the end of seventy-five years, and besides, there will be no need of a subway then. We will have flying machines by that time. As for the city not paying anything for the subway, I hold that they will be paying dearly for it; five or ten times over at the end of seventy-five years. The profits are enormous on a 5-cent fare. Three or 2 cents are enough. Who is going to pay the difference? We are. We are paying twice what we should pay. So you see that the people will pay that $50,000,000 that Mr. Belmont is going to make out of the subway. The people were buncoed out of the Manhattan subway. They voted for municipal ownership and operation, if they voted for anything. But the cry was made that it would be turning it into the hands of Tammany if the will of the people were respected, so it was turned into the hands of Belmont. That cry of Tammany was all nonsense. Once have municipal ownership and there will be no Tammany in it. There will be no partisanship at all. All parties, when they see the people are in earnest, will endeavor to put in the right men, and they will do what is right because they will be afraid to do anything else. Municipal ownership will take precedence over partisanship, and the party that fails honestly to perform its duty to the municipality will be turned out.

Mr. Aitken said that the newspapers were opposed to municipal ownership to the extent that they failed to publish the news of the proceedings of the Municipal Ownership League.

The speaker said that the way to bring about municipal ownership was for the city to take one monopoly at a time. The first step, he said, is being taken now in respect to lighting, and he thought it a good one. The next step, he thought, should be the railways. Meanwhile he advised keeping up the agitation and force all parties to indorse the proposition. Meanwhile everybody should join the league.

On motion of Edson Lawrence, it was resolved, "That this association favors municipal ownership, and that we notify our city officials and our representatives in the legislature to work for municipal ownership to the extent of their power."

Mr. Speaker, although men like myself frequently get discouraged at the rate of progress society is making toward perfect, ideal government, and particularly at the lack of interest not infrequently shown by the average American, yet after all "the world do move," and the passage of this bill to-day will mark another milestone on the path of progress, although, as I have said, nothing short of municipal ownership and operation of all public utilities will solve this phase of our social and economic problems.

Evidences of real progress toward that end are presented in several places, notably in Chicago, Cleveland, and Johnstown, Pa. In the latter place the newly elected mayor, Charles Young, sounded the true principle of municipal government. He announced that, regardless of his own personal views, he proposed to ascertain the wishes of the people on all questions of importance in advance of action thereon. Instead of deal-

ing in glittering platitudes as so many men when candidates do, he specifically announced just what he would do if elected mayor, i. e., he declared that the principle of the referendum would control his actions. As the law did not provide a means whereby the people could express their views, he announced that he would mail a return postal card to every voter, asking specific questions and would abide by the decision of the majority.

This most excellent departure from the usual methods is set forth in the clipping I have here and which I will insert as a part of my remarks, together with another clipping from the same paper, that great Democratic daily, the Johnstown (Pa.) Democrat, announcing the election of Mr. Young in that Republican city, and an editorial pointing out the far-reaching effect of this truly Democratic policy—the initiative and referendum.

[The Johnstown (Pa.) Democrat, Monday, February 13, 1905.]

PLAY TRUMPS.

For the first time in the history of Johnstown, either as a borough or city, the people have in Charles Young a candidate for chief executive who solemnly pledges himself to afford them full opportunity to determine for themselves what disposition shall be made of very valuable rights which belong to all the residents of the city. It is by far the most important and honorable step a candidate has ever taken in this valley and if it shall pass unnoticed it will be to the shame of thousands of voters who have stood on the street corners and bitterly denounced the shameful rapine of the streets and the equally shameful profligacy of councils in bestowing gifts upon certain excellent gentlemen who have easily grown rich without working.

Among other things Mr. Young, if elected mayor, pledges himself as follows:

"The question of franchises has been agitating the citizens of this community for some time, and one branch of our councils has expressed itself as opposed to granting franchises to public-service corporations without a fair compensation to the city.

"Individually I am opposed to granting of franchises unless the city is properly remunerated; but since the city convention has not acted on the matter and as I wish, if elected, to serve the whole community, I will, if elected and before taking office, submit this matter to the voters and shall be guided by their wishes.

"My method will be to mail to each voter in the city a return postal card with the following questions to be answered:

"Do you favor giving franchises free?

"Do you favor perpetual franchises, or for how long?

"Do you favor taxing franchises the same as your property is taxed?

"Do you favor asking a percentage of the receipts?

"Do you favor asking a part of receipts and a fixed sum?

"When these cards are answered and tabulated by a committee of citizens, which I would appoint, I will be guided by the wish of the majority.

"Also in this connection I will say that in all questions of great moment to the city I will ascertain the wishes of the people by this same method."

Let us consider for a moment what this pledge means: Mr. Young, if elected, before taking office (before being sworn in) will send to the registered voters of the city return postal cards asking for an expression of their views on the several vital questions mentioned in the foregoing. That is a most remarkable concession to the people. For the first time in the history of the city it gives every man a chance to vote directly for his principles. It gives the Republican a chance he never had before. It gives the Democrat a chance he never had before and it gives the Prohibitionist a chance that he never had before. Mr. Young will be bound by the decision. He can not escape. Thus, if elected, he will not be a partisan mayor, but the mayor of the majority, no matter what principle the majority may represent. If, for instance, a majority of those to whom postal cards are sent return them with expressions favoring perpetual free franchises, then Mr. Young, who opposes free franchises, will be bound to approve all such measures which may come to him from councils. If the majority oppose free franchises, then he will be bound to veto all free franchise measures which may reach him. What more honorable and important thing can a candidate for mayor do than that?

It is indeed a very important reform in city government when all the people, high and low, rich and poor, are afforded opportunity directly to determine the municipal policy. It is conceded that the streets and alleys of Johnstown belong to the whole public. It is conceded that the streets and alleys have heretofore been grossly outraged and that they will continue to be grossly outraged unless some strong arm restrains. If Mr. Young is elected mayor the strong arm will be the people themselves acting through Mr. Young, who stands firmly pledged to do their will.

Will the voters throw away this splendid and hopeful opportunity? It is not a question of politics. It is not a question whether Mr. Young is a Democrat or Mr. Shryock a Republican. It is a question of public right. It is a question whether the streets are the prey of private individuals or the heritage of the common people. No voter whatever, who has the interest of his home and the community at heart, can lightly turn aside from the issue. It is one which strikes at the very root of municipal misgovernment. The Democrat has for years labored for this vital, this far-reaching, principle. If it shall gain the day in the election of Mr. Young it will mark the beginning of the end of the scandalous free gift favors and the infamous destruction of the city's highways.

It's up to the voters to play trumps and take a trick from the grafters.

[The Daily Democrat, Johnstown, Pa., Wednesday morning, February 22, 1905.]

DEMOCRATIC CANDIDATE FOR MAYOR, STANDING ON CLEAR-CUT, MANLY PLATFORM AND DECLARING FOR THE REFERENDUM PRINCIPLE, HAS WON CONFIDENCE OF VOTERS AND CARRIES JOHNSTOWN BY APPROXIMATE MAJORITY OF 564—WEHN, G. O. P. NOMINEE FOR TREASURER, WINS BY 1,100.

By a majority of approximately 560 votes Charles Young was yesterday elected mayor of Johnstown. It was a great victory.

The voters of Johnstown rebuked the G. O. P. ring in a most decisive manner and they also rebuked George K. Shryock, the G. O. P. candidate, who, while a man of irreproachable character, saw fit to disregard the citizens of the city and refused to take them into his confidence as to his beliefs and intentions should he be elected to office.

[The Johnstown (Pa.) Democrat, Thursday, February 23, 1905.]

A VICTORY THAT COUNTS.

Mayor-elect Young faces big possibilities. The mayoralty is a clean sheet of paper upon which he can make whatever record he chooses. It is an office of tremendous power. Men have risen from it to the highest stations in the land. As mayor of Detroit Pingree achieved a world-wide fame. As mayor of New Haven Sargent set examples that have well-nigh revolutionized public sentiment regarding the proper functions of municipal government. As mayor of Toledo "Golden Rule" Jones became one of the most interesting figures in American public life. And as mayor of Cleveland Tom L. Johnson is forcing a fight that is bound to be settled at last in favor of the plain people, and that ultimately must affect the interests of every city in the United States.

Mr. Young started right. He has now only to keep going right. His first step was progressive and each subsequent step should be in line with that. The victory he has achieved is one that can not fail to encourage Democratic effort throughout Pennsylvania. It was the victory of an idea—the triumph of a principle—the success of a movement. Mr. Young stood for a constructive policy. He boldly declared his belief in the principle of popular self-government and he went into the fight for the office to which he has been elected on the distinct pledge that questions affecting the rights and the property of the citizen should be submitted directly to the people for their rejection or approval.

No victory won in this State in recent years has meant more than this victory, which has wiped out a Republican majority of 800 and transformed it into a Democratic majority of nearly 600. There have been victories more sweeping, but there has not been one victory so significant. Here was no mere personal triumph, although the popularity of Mr. Young was a factor. It was a triumph of ideas. It was a triumph that stands for measures and not merely for men. It was a triumph that says to the Democrats of Pennsylvania that if they will commit the party to real Democratic principles they need not fear the results.

On other occasions I have emphasized the tremendous importance of the fight for "municipal ownership," which has been waging in Chicago for the past three years. That fight is now reaching what may easily prove to be its culmination, for the election of Judge Edward F. Dunne, who was unanimously nominated as the Democratic and municipal-ownership candidate on Saturday last, means the triumph of that principle. The prospect for this much-to-be-wished outcome is most encouraging, although, of course, that little group of franchise exploiters—J. Pierpont Morgan, John J. Mitchell, Marshall Field, and J. J. Valentine—will exhaust every artifice of which they are masters—through the newspapers they control and influence—besides the outlay of enormous campaign funds, to prevent that result. Mr. Speaker, the Chicago election is so fraught with great possibilities for good should Judge Dunne succeed, and will then surely exert a tremendous influence upon the politics of all large American cities, that I shall also incorporate in my remarks, as an appendix, a review of the Chicago situation from the pen of one of the leading economists of the day—Louis F. Post, of that city.

Whoever wants to get the best condensed account of the current history of the world, and at the same time desires to have its affairs commented on in a way that will clarify his thought and not, as most newspaper editorials do, simply confuse, saying something to-day, modifying that to-morrow, and opposing it the next day, can do no better than to read his paper, the Public.

Mr. Speaker, I desire to again express my thanks to the gentleman from North Carolina [Mr. POU] and to the Committee on the District of Columbia for recommending the passage of this bill. [Applause.]

APPENDIX.

[The Public, Chicago, February 18, 1905.]

THE MUNICIPAL ELECTION IN CHICAGO.

Changes in political conditions in the United States have of late years added greatly to the general interest and national importance of all municipal elections.

Though a municipal election in New York City might have excited interest throughout the country half a century ago, this was for reasons peculiar to that municipality. As the metropolis of the continent, New York was in the national lime light. Her public men and local politics were more or less familiar everywhere, and everybody was consequently more or less interested in her political struggles. But their interest was only as onlookers at a game; for they were not themselves to be guided or in any way affected by the result. And since there was little outside knowledge of local men and the game of politics in other cities, there was little outside interest in the municipal elections of other cities. New York was in this particular, as in many others, altogether unique.

But that is no longer true.

Partly because other cities have risen to greater national importance, but more because the principles of democracy—becoming increasingly insistent with reference to municipal government—have given to municipal problems a uniform character of common concern, which largely identifies the local issues of any city with those of every other, municipal elections have taken a commanding place in intelligent public interest the country over. As the politics of State rights has receded the politics of municipal affairs has advanced as a subject of national interest.

New York elections are now of national interest less on account of her prominence as a city than on account of the general value of her

local issues. Philadelphia elections attract comparatively little outside attention, no matter how exciting they may be locally, because civic spirit there is at a minimum and local issues of no general value. Cleveland has given great national value to her local politics and excited widespread interest, because her elections have turned upon questions of public ownership, penology, and taxation; San Francisco because hers have turned upon labor problems.

But in no city have local elections attracted more outside attention than the recent ones of Chicago; and none of these have deserved as much general consideration as the approaching one, nor received as much as it is likely to command.

I.

The approaching municipal election of Chicago is to be held on Tuesday, April 4, 1905.

Aside from the nominees of minor parties, which are not likely to cut any figure in the contest, the candidates for mayor will be John M. Harlan and Edward F. Dunne.

Mr. Harlan's nomination, long a foregone conclusion, was formally made by the Republican convention on the 15th; Judge Dunne's, also a foregone conclusion, will be formally made by the Democratic convention on the 25th.

The dominant general issue is the question of municipal ownership of the street-car system, ancillary to which is the specific issue of immediate practical concern—the question, namely, of whether, pending acquisition of that system by the muncipality, any franchise grants of street-car privileges shall be made to stock-jobbing corporations.

Some additional issues might be specified, but no others will affect the result, and most of them are only "red herrings drawn across the trail." Chief among these are such questions as a "dry" Sunday, the closing of saloons at 1 o'clock every morning, the use of the police in labor troubles, and the propriety of electing to the mayoralty a judge of one of the courts.

II.

Although the "réd-herring" issues are not likely to influence the result, they will be obtruded in one way or another and must for that reason be taken account of.

This must be the essence of it, for Judge Dunne is not seeking the office of mayor. He solemnly declares that he has not sought it and will not seek it while he remains upon the bench. All he has done is to announce that if the people wish him for mayor and call him to that office he will defer to their wish.

In so declaring, Judge Dunne is either guilty of a false pretense—an accusation it would be unwise for Mr. Harlan's friends to make openly against a judge with the high record of Judge Dunne, so high that he was reelected to the bench two years ago by the largest vote, next to Tuley's, of the whole judicial ticket—or else, if not guilty of a false pretense, he is standing by that wholesome principle of public life that "the office should seek the man and not the man the office."

Mr. Harlan does not stand upon that principle. In this connection he is distinctly and confessedly an office seeker.

On the question of allowing saloons to remain open after 1 o'clock in the morning, Mr. Harlan has publicly intimated, as a candidate and in reply to a delegation of Republican politicians, that he would approve an ordinance allowing saloons to remain open all night.

In the estimation, therefore, of all that class of saloon men who wish to keep open house after 1 o'clock in the morning and who would allow this desire to control their votes, Mr. Harlan will doubtless be preferred. He is the more "liberal" man from that point of view. For Judge Dunne, although he has not yet made any formal declaration upon the subject, has expressed himself so often and so freely upon it that his views are common property. He is known not only to favor the strict enforcement of the 1 o'clock closing ordinance—"playing no favorites," however—but also to be opposed to its repeal.

The side issue regarding labor troubles has no other legitimate application than to the maintenance of the public peace.

No good citizen will oppose either candidate on the ground that this candidate would, if elected, use the police to preserve the public peace against rioters who happen to be labor strikers. It is his duty to preserve the peace. Neither will any good citizen oppose either candidate on the ground that this candidate would, if elected, refuse to use the police against labor strikers who were not rioters. It is his duty to be no respecter of persons or interests. The mayor who would shrink from putting down a riot by strikers would be an unfaithful public servant; equally unfaithful would that mayor be who would crush out strikes with unwarranted force intended to assist employers by intimidating peaceable labor strikers.

What Mr. Harlan's position on this question may be is not yet divulged. Owing to his political, business, and social-club affiliations labor-union men not unnaturally construe his silence on the subject to mean that he would use the powers of his office to serve the employing interests, regardless of whether strikers were within the law or not. But if the question comes up in the campaign, judgment upon Mr. Harlan in this particular should be reserved until he declares himself, provided he does so with definiteness in a reasonable time.

Judge Dunne's known opinions regarding strikes gives him an advantage at the outset. That he would suppress breaches of the public peace is evident both from his utterances and from his unimpeached record as a judge; that he would not take sides with employers in strikes, as some employers would like and as peace officials not infrequently do, is a probability which no one doubts and no one ought to deplore.

The "red-herring" issue, which we have reserved for the last and are now to consider, differs in one important practical respect from the others of that class. Mr. Harlan's relations to the others are such that any general and open attack upon Judge Dunne with reference to them would be likely to hurt Dunne's candidacy much less than Harlan's. But on the question of the propriety of Judge Dunne's allowing himself to be a candidate for mayor while occupying a place upon the bench, the field for attack, so far as the facts go, is thus far clear; for it is true that Dunne is a judge, whereas Harlan is not a judge. This point has been made with so much insistence by Mr. Harlan's friends that it may best be considered by itself.

III.

The essence of the objection to Judge Dunne's being a candidate for mayor while remaining upon the bench seems to be this: That a judge must not allow the people to call him from the bench to another office, but must resign before consenting to their voting for him.

He sought the office of mayor in 1897 as an independent candidate, and ever since has been making his peace with the regular Republican organization, in order that in the future he might succeed where then he failed. In a contest at the Republican primaries two years ago he was defeated for the mayoralty nomination, whereupon he fell gracefully into the procession behind his successful adversary, thus securing his own nomination as a candidate this year for the long-sought but elusive office. And when the time had come for a declaration of what he would stand for at this election, he declared himself on the traction question, the one burning issue, in a manner so ambiguous as to make his position on that issue an enigma to this day. This is characteristic of office seekers.

It is with no intention of blaming or criticising him that we distinguish Mr. Harlan as an office-seeking candidate. Office seeking is too common for criticism. We simply point to the fact for the purpose of suggesting that his friends can hardly promote his aspirations by calling attention as strenuosly as some of them are doing to the fact that his adversary, instead of being a man who seeks the office, as Mr Harlan is, occupies the far more ideal position of letting the office seek the man. The contrast can not help Mr. Harlan.

The ideals of some of Mr. Harlan's friends, regarding the nature of a public office and the obligations of citizenship toward it, seem to be of a rather low order. These were exemplified with strange fatuity on the 13th in the leading editorial of the Record-Herald, one of Mr. Harlan's confidential newspaper organs.

Speaking of Judge Dunne's letter, which may be found in the miscellany department of this issue of The Public, that editorial said:

"He knows well enough that he should resign, and he is simply essaying the part of a safe gambler who counts on a bare chance to win without risking what he already possesses. By its very terms, therefore, his consent is the indication of a defeat foredoomed."

Think of it!

Public office, judgeships included, are thus regarded by Mr. Harlan's organ as private property, not only to be sought for, but to be gambled for. It implies that no man ought to hold fast to the one he has if another may possibly seek him. He ought, on the contrary, to act upon gambling ethics, and exhibit the nerve, if willing to take the prize of another office, to put at stake the office he holds.

Could there be a much lower conception of the responsibilites of public office and the obligations of citizenship?

And think of the insulting estimate of Judge Dunne. Since it regards public offices as like chips in a gambling hell, there is nothing remarkable, perhaps, in the Record-Herald's assuming that Judge Dunne shares its own low ideal, and consequently in its inferring that Dunne regards the whole affair as a gamble. But the assumption is none the less insulting. "By its very terms, therefore," says the editorial in question, "his consent is the indication of a defeat foredoomed." Why "therefore?" Obviously because, if Dunne were confident of election, he should obey the gambler's instinct of "risking what he already possesses!" He would not essay "the part of a safe gambler" if he could count on more than "a bare chance to win!" In other words, Judge Dunne is held by the Record-Herald, Mr. Harlan's organ, to anticipate his defeat for mayor by refusing to wager his judgeship on the event.

Possibly the Record-Herald forgets that its own favorite and successful candidate for governor last year, Mr. Deneen, did not appear to it in the light of anticipating defeat by not resigning as public prosecutor when he ran for governor.

But that inconsistency only reflects upon the good faith of Mr. Harlan's organ in now denouncing Judge Dunne for not resigning; and this is a small matter in comparison with the crushing answer of Dunne's letter itself to all such insulting insinuations. Read Judge Dunne's letter, and say whether his conception of public duty or that of Mr. Harlan's organ should prevail in an enlightened community.

Few campaign objections could be as frivolous as this objection to Judge Dunne's candidacy, that he ought to resign from the bench before allowing himself to be voted for as a candidate for a nonjudicial office. What possible ground challenging rational scrutiny is there for such a demand?

Ought no one to be a candidate for one office while holding another?

That reason can hardly be invoked by the friends of Mr. Harlan, who, as we have noted above, have just completed for his friend and theirs, Governor Deneen, a rattling and successful campaign, covering a period of many months, during which Mr. Deneen held fast to the office of public prosecutor while laboring to secure the governorship. The latter office didn't seek him, either; he had to ask for it persistently and run for it vigorously.

Nor does the objection hold good upon its own merits. The custom of electing men to one office while they hold another is too common to be made a valid ground of objection to the candidacy of Judge Dunne on this occasion, especially as Judge Dunne, the first candidate so objected to with any vigor, is not laboring for the office, but has simply signified his willingness, in response to a great popular request, based upon his preeminence as the representative of one side of the crucial issue, to perform its duties if the people themselves call him to it.

Or does the objection rest upon some distinction between running for governor while holding a prosecutor's office and running for mayor while holding a judgeship?

All such distinctions must be without any essential difference. If there is a practical difference it is against the public prosecutor and not the judge. For the opportunities for a public prosecutor running for another office to misuse the powers of the office he holds to promote his candidacy for the office he seeks are as a thousand to one in comparison with a judge's opportunities of that character.

Only one other ground for this objection remains. Nothing else can be urged against Judge Dunne's candidacy than that it does not comport with judicial dignity.

But the Republican party, of which Mr. Harlan is the candidate, is late in discovering this objection. It nominated Judge Haney for mayor in 1901, and he did not resign his judgeship. It made no objection to Judge Carter's campaign for its gubernatorial nomination in 1900 on the ground that he did not resign his judgeship. It supported Judge Sears in 1897, although he held to his judgeship. It would seem, then, to be late in the day for the Republicans of Chicago to object to a Democratic candidate for mayor for not resigning a judgeship he holds.

The Republican nominees named above were indeed defeated, but not because they were judges nor because they did not resign their judgeships. They were defeated for other and better reasons. That the resignation of judgeships by judges nominated for other offices does not strengthen their candidacy with the people is rather strikingly indicated by the fact that in the two most notable instances—Parker and Herrick, of New York—the resigning judges encountered unexampled defeat.

There is no legitimate reason, either of principle or policy, why Judge Dunne should resign as a judge. Whatever may be said in favor of the resignation of a judge who seeks another office, nothing can be said for it if the other office seeks him, as in Judge Dunne's case it incontestably does.

His name was suggested by Judge Tuley, in an open letter to the people (p. 669), as the best candidate to pit against the traction corporations in the civic crisis which in that letter was described. In response to Judge Tuley's letter, public sentiment expressed itself promptly and with overwhelming emphasis. Delegation after delegation waited upon Judge Dunne urging him to allow the use of his name as a mayoralty candidate against the traction corporations. Not until these expressions had reached the point of practical unanimity did Judge Dunne respond. When he did respond it was to say that he had no personal ambition for the office and would not seek it, but that if the people chose to call him to it he would serve them in it. Hardly does it lie in the mouth of the supporters of Mr. Harlan to deny the sincerity of this response made in these circumstances.

The more one considers this demand from certain quarters that Judge Dunne resign from the bench as a condition of allowing the people of Chicago to vote for him for mayor if they wish to, the more absurd does that demand appear.

No one urges it but those who wouldn't support him if he did resign.

Those who say it is always customary are refuted by the fact that it isn't.

Those who say that judges who haven't resigned have been defeated must explain why those who have resigned have been defeated worse.

Those who think it dangerous to public justice for Judge Dunne to remain in office while a candidate must explain why they didn't think so of Prosecutor Deneen.

Those who, like the Record-Herald, urge it on the ground that he should stake his present office, gambler-fashion, against the prospective one, are condemned by their own record in the Deneen campaign.

Those who think it undignified for a judge to allow the people to give him votes must explain why it is not undignified for judges to allow railroads (litigants in their courts) to give them passes; also why it is not undignified for judges to hobnob with industrial parasites whose interests in court they are sometimes swift to serve; also why these Oily Gammon objectors failed to discover the impropriety when their own party supported judges for mayor who did not resign as judges. The most dangerous judges, let us observe, are not those who take part in civic affairs openly; they are those who do so secretly. Yet no complaints of the latter type of judge are heard from the sources which object to Judge Dunne's unconcealed relations as a citizen to public affairs.

The whole thing is transparent hypocrisy. The real purpose of objecting to Dunne's being elected mayor without his gambling on the result by wagering the office he "possesses," is to confuse voters and thereby divert their attention from the main issue of the approaching election. Judge Dunne is opposed to granting street franchises to stock-jobbing corporations. He consequently stands in the way of the scheme now afloat among Mr. Harlan's supporters, to turn over the streets of Chicago for traction purposes to Pierpont Morgan's syndicate. That and that only is the motive back of all the side objections to Judge Dunne's candidacy.

IV.

That the franchise interests may win at this Chicago election is quite improbable. Yet the possibility is grave. Privileged interests are never easily beaten, and their facilities for making the worse appear the better cause are in this case abundant. It is no child's play, the work that lies before those upon whom the responsibility of maintaining Chicago's rights to her streets has fallen.

To begin with, the Republican party organization supports the traction combine, and this in itself is a great force.

Many Republicans are sincere and intelligent Hamiltonians, believing in government of the many by the few—by "the better classes," as they delight in saying, whereby they mean the richer classes. Many other Republicans are simply partisans who follow their party blindly wherever it leads. Added to these are the traditional Republicans, whose dislike of the word "Democrat" constitutes their strongest political impulse. Their influence is in turn augmented by men who pride themselves upon "training with the respectable crowd." Altogether here is a political force which in itself is not to be despised—not as a force.

To be sure, Chicago is a Democratic city; and this fact minimizes the importance of the Republican organization as a force in the contest. But no one knows to what extent the city may have been held in the Democratic column in the past by bargains between the Republican and the Democratic machines to give the county to the Republicans and the city to the Democrats. It must not be forgotten, either, that at the municipal election two years ago the Democratic candidate for mayor defeated the Republican candidate by a plurality of less than 7,000 in a total vote of 309,000; and that at the election last fall the Republican candidate for President carried the city by a plurality of 110,000 in a total vote of 364,000.

There are offsets, however, to these considerations. The small plurality for Mayor Harrison two years ago may have been due to his own unpopularity; and Roosevelt's phenomenal plurality, instead of being evidence of Republican growth, was doubtless only a negative expression against Democratic reaction toward plutocracy. At the approaching municipal election these influences are reversed. Regarding Mayor Harrison, he is not only not the Democratic candidate, but he has removed many a prejudice against the party, born of distrust of him, by openly giving aid and comfort to the enemy. As to the national vote, the Democratic candidate this spring is a genuine Democrat, untainted by plutocratic sympathies or affiliations. Both these facts count for Dunne's election.

But the difficulties to be overcome are not half told. Another obstacle is the enormous campaign fund that will be used to secure Harlan's election.

Pierpont Morgan and his associates have not improvidently paid $25,000,000 for two-thirds of a street-car system whose franchises have nearly expired and whose plant, all told, is hardly worth $12,000,000. That investment would be imprudent, indeed, if it were not to be followed by the election of Harlan over Dunne next April; for its profit depends upon an extension of franchises. These can not be got if Dunne is elected, unless the Morgan combine elect two-thirds of the council.

It may be safely assumed, then, that the syndicate which has bought these dying franchises will not be niggardly about buying extensions; and the cheapest mode of buying these is to promote, though at great cost, the election of a municipal government committed to granting them.

Besides the huge campaign fund that will be imported from Wall street to carry out Mr. Morgan's franchise programme, important local influences will be brought into play. Three of the most influential daily newspapers of Chicago, already committed to this traction programme, are to be devoted to its execution through the election of Harlan as mayor; and these will be seconded by the "municipal reform" element of the city. One of these newspapers, the Tribune, is a Republican party organ, thick and thin, and an organ which finds congenial work in promoting the traction programme that Mr. Morgan has adopted. The other two, the Record-Herald and the News, are under the control of Mr. Victor F. Lawson.

Mr. Lawson is really the leader in Chicago, an able and nonobtrusive leader, in that species of politics which is commonly distinguished as "municipal reform," and consists in putting "good men in office." He and his coadjutors have achieved more than the usual success. They have pretty well cleansed the city government of Chicago of its "gray wolf" or "raw grafter" element, and substituted a set of "good men" whose modes of grafting when they do graft (for not all of them do) are of the "business" type, to which Lincoln Steffens has called attention—such as profiting, through "legitimate investments" in property values, from municipal policies which they influence or direct; or such as maintaining confidential business connections, as employees or agents or brokers 'or the like, with corporations whose stockholders may be affected by municipal legislation or administration. The difference between the municipal government of Chicago before and after Mr. Lawson's municipal reform, has been not inaptly suggested by an observant Chicagoan who, when asked if the municipal reform movement hadn't given Chicago "an honest council," quietly but significantly replied: "A reputable council."

This result has been accomplished by Mr. Lawson and his coadjutors through his newspapers and the Municipal Voters' League. The usefulness of that league is not disputed. It comprises in its membership and in its leadership not a few men who are animated by sincere purposes, who have contributed ability of no low order, and who have thereby accomplished beneficent civic results. But an organization of that kind naturally attracts and naturally depends upon the support of a class of men who want just enough municipal reform to conserve their own interests, but not enough to restrain their own greed. By such as these the really disinterested leaders of municipal reform organizations are held in check, and the Municipal Voters' League of Chicago does not appear to have been an exception in this respect.

Its influence, also, will therefore be thrown, at the approaching election, in favor of the franchise programme. So the supporters of Judge Dunne will have to contend with all the varied and subtle influences which this league, and Mr. Lawson, and Mr. Lawson's two newspapers, and the miscellaneous personal ambitions and friendships that run hither and yon through it all, can exert upon the voters of Chicago.

These will include such wire-pulling in Democratic circles as Mayor Harrison can accomplish. For Mr. Lawson is a true bipartisan. While Mr. Harlan has been his Republican protégé, his Democratic protégé has been Mayor Harrison. It is consequently for Mayor Harrison to be grateful now, in recognition of favors past and hopes of favor to come; and, judging by some of his recent newspaper interviews, he can not be charged by Mr. Lawson with ingratitude.

When to the political and reform forces which Mr. Lawson seems to control are added the forces already mentioned—Republican partisanship and Wall street campaign funds—Mr. Lawson's candidate, who is also the Republican candidate, and very evidently J. Pierpont Morgan's candidate as well, would appear to be irresistible. And probably he would be so with any other candidate in opposition than Judge Dunne, or with any other issue than the traction issue which has necessitated Dunne's candidacy.

But with Dunne for the opposing candidate and this for the issue; with a voting population outraged by the grab-all and do-nothing policy which the traction companies have pursued in the past, and utterly distrustful of their pledges for the future; with a Democratic party made Democratic at last and fit to welcome the cooperation of Democratic Republicans in the common struggle against the plutocracy which has bedeviled both parties and still finds comfortable and profitable quarters in the Republican organization; with Harlan's supporters recklessly exposing their hostility to popular opinion as the regulator of public policy, as they are doing by denouncing the referendum principle, and with the traction issue so clearly defined—in all these circumstances Dunne's election, in spite of the undeniable strength of the forces opposing him, is more than a probability.

V.

The traction question in Chicago, which has been explained in these columns as it has developed (p. 713), and which is the issue in this municipal campaign, relates to a series of street-car franchises granted at intervals during the past half century, beginning with 1859.

Some of these have expired, and the plants are being operated by sufferance of the municipal authorities. Some still have unexpired terms to run, varying from a few months to twelve or fifteen years. With reference to some—not including, however, any that have actually expired—there is a ninety-nine year claim which, if valid, would not expire until 1958.

On the one hand, and this in general is the side of the issue that Mr. Harlan volunteers to represent, it is proposed to settle the whole question by granting a blanket franchise, to expire in from thirteen to twenty years. This seems plausible, but in fact it would amount to nothing more than a postponement of the fight against corporation control.

On the other hand, and this is the side of the issue that Judge Dunne has been asked to represent, it is proposed to assert the rights of the city at once, without further complicating the question with dilatory compromises and additional bargains with stock-jobbing corporations.

A brief historical outline of the controversy may serve to clarify the immediate issue.

Efforts on the part of traction corporations to secure long franchises resulted in the nineties in the enactment of what was known as the "Allen law." The law authorized the city council to grant fifty-year extensions. Its purpose was thwarted by the election, in 1898, of an antiextension council (see The Public, Vol. I, No. 1, p. 10; No. 36, p. 10; No. 37, p. 11); and subsequently it was repealed.

In the agitation connected with this stage of the controversy Mr. Harlan, then an alderman, took an aggressive and useful part. His work included an elaborate official report on the subject (Vol. I, No. 17, p. 10), which, however, his supporters are not likely to refer to with precision and enthusiasm in the coming campaign. He also seconded Governor Altgeld in initiating the movement for municipal ownership.

This movement began at a Music Hall mass meeting, December 11, 1898 (Vol. I, No. 37, p. 10), at which Altgeld made the municipal ownership proposition and Harlan approved. Altgeld carried it into local politics at the spring election of 1899 as an independent candidate for mayor (Vol. I, No. 49, p. 9), and polled 46,000 votes (Vol. II, No. 53, p. 2). In this campaign the Republican party took ground (Vol. I, No. 49, p. 49) for twenty-year extensions of franchises, compen-

sation to the city, and a reserved right to the city to purchase at the expiration of the extensions. Mayor Harrison's platform favored municipal ownership as a general proposition, but opposed it for the present (Vol. I, No. 51, p. 10).

After that contest there were few surface indications of the municipal ownership movement until 1902. But at the spring election of that year a "public policy" or advisory referendum (Vol. IV, p. 820) on the subject, which had been laid before the voters, was carried in favor of "ownership by the city of Chicago of all street railroads within the corporate limits of said city," by a vote of 124,594 to 25,987.

The advocates of this measure supposed now that their work of ascertaining public sentiment had been accomplished. But they were soon confronted with the objection that this referendum did not declare for "immediate" municipal ownership, but only for the general policy, an objection that was vigorously urged by the elements which are now supporting Mr. Harlan. To meet it a new and more specific referendum was called for, and at the spring election of 1904 this also was carried.

Meanwhile, late in 1902, Mayor Harrison had appointed a committee to prepare a municipal-ownership bill for the legislature. Judge Dunne was one of the members of this committee (Vol. V, p. 569), and through his service here he became identified in the public mind with the sentiment for genuine and prompt, as opposed to make-believe and dilatory, municipal ownership. His present nomination may be traced to his service on this committee.

The bill prepared by that committee was antagonized by the local transportation committee of the city council (Vol. V, p. 663), a committee controlled by and identified with the same peculiar municipal reform elements that are now supporting Mr. Harlan, and upon the recommendation of this committee the "reform" council, by a vote of 48 to 15, submitted an inferior bill to the legislature (Vol. V, pp. 663, 695). This bill was suspected to have originated with legal advisers of traction interests, and subsequent developments indicate that the suspicion may have been just.

A long conference now began between the local transportation committee of the council and representatives of the traction interests (Vol. V, pp. 695, 730), which was interrupted by the spring election of 1903.

At this election the Republican party, having denied the nomination to Mr. Harlan, as it had done also in 1901, declared (Vol. V, p. 774), with reference to the traction question, in general harmony with the plans subsequently promoted by the present supporters of Mr. Harlan. Although the Democratic platform appeared to stand for municipal ownership, at the earliest possible date (Vol. V, p. 792) Mayor Harrison construed it after his election so as to make it differ but little, if at all (Vol. VI, p. 6), from the Republican platform, although his message (Vol. VI, p. 119) had a better ring.

Mayor Harrison's reelection was regarded under all the circumstances as a vindication of the municipal-ownership movement, and in May, 1903, a municipal-ownership enabling act was passed by the legislature (Vol. VI, pp. 20, 102) known as the "Mueller law." It was supposed that this law was intended in good faith to enable Chicago to establish municipal ownership; but as the controversy has gone on its projectors have resisted the rising sentiment for municipal ownership by pleading that the Mueller law is ineffective for its professed purpose. That plea is still made by Mr. Harlan's supporters, although Mr. Harlan himself participated in framing and advocating the law.

Without waiting for the adoption of the Mueller law by the people of Chicago, which was necessary to make it operative here, the city council began formulating an extension compromise ordinance (Vol. VI, pp. 170, 195), with the apparent purpose of passing it without further reference to the Mueller law. Only with great difficulty was it induced to give any attention to a large Labor Day petition (Vol. VI, pp. 360, 394, 418, 425, 441, 452, 458, 468; Vol. VII, p. 1) demanding the submission of that plan to popular vote. This petition was finally deferred to, however, and at the spring election of 1904 the Mueller law was made operative in Chicago by a popular majority of 122,330 (Vol. VII, p. 7).

At the same election two advisory propositions relating to action under that law were adopted. One demanded immediate steps under the Mueller law to establish municipal ownership and operation (Vol. VI, pp. 755, 787), and this was adopted by 120,744 to 50,893 (Vol. VII, p. 7)—a majority of 69,851. The other demanded that short-term licenses and no more franchises be granted to street-car owners pending the accomplishment of municipal ownership and operation under the Mueller law (Vol. VI, pp. 755, 787); and this proposition was adopted by 121,181 to 48,056 (Vol. VII, p. 7)—a majority of 73,125.

These votes, emphatic enough, met the objection that the people, while they want municipal ownership, don't want it immediately. They also met the objection that the people don't want municipal operation at all. And they met the further objection that compromise franchises are necessary, by proposing a temporary licensing system. They were in the very teeth of the chief interests and influences now supporting Mr. Harlan.

Those great interests were bent upon tangling up the city in some complicated compromise contract, and thereby indefinitely perpetuating the rule of traction corporations. So they ignored this popular vote, and one fine morning in August last, speaking through their henchmen in the council and the Democratic mayor, whom Mr. Lawson controlled, they surprised the people of Chicago by announcing (Vol. VII, pp. 305, 342, 343, 357, 376) an ordinance extending traction franchises, which would be adopted offhand by the council unless the people bestirred themselves and on short notice raised a petition of 100,000 voters for another referendum.

This manifest perfidy was promptly denounced by Judge Tuley and Judge Dunne (Mr. Harlan playing the role of "Bre'r Rabbit" and saying nothing); and an immense petition of 135,000 signers was quickly secured by Hearst's papers. The traction game was blocked again.

But not for good. A new plan was arranged. Harlan, Mr. Lawson's Republican protégé, already secure of the Republican nomination for mayor, could be depended upon to carry out the traction compromise programme if elected; and to provide against contingencies arrangements were made to name a traction compromise candidate on the Democratic ticket also.

This scheme, like the previous one, was frustrated by Judge Tuley, whose emergent address to the people of Chicago (Vol. VII, p. 669) put the people on their guard. It headed off the nomination of a traction candidate by the Democrats and brought Judge Dunne into the field.

Judge Dunne's position is sufficiently outlined in his letter published in another column. Mr. Harlan's is not yet made known, his declarations thus far (vol. 6, p. 683) having been evasive. Even his speech of acceptance at the Republican convention evaded the issue. A prose-poem vision of the city of a distant future, this speech was a thing of sophomoric beauty; but no one can tell from it how Mr. Harlan stands on the traction question.

The platform of the Republican convention, in dealing with that question, is hardly more enlightening. So general is it in every respect but one that nothing can be inferred from it except that some kind of franchise is to be granted to the Morgan syndicate; this without regard to the referendum vote already cast against franchises and in favor of licenses. Yet the platform professes great respect for the referendum principle.

The definite thing in the platform, solitary in that respect, is the pledge to afford opportunity as to time for referendums on every franchise that may be granted. But every one of these referendums would necessitate a petition by 100,000 voters. While, therefore, the pledge is an improvement upon the plans of the more impatient among Mr. Harlan's stockjobbing supporters—those who would push a franchise through without opportunity for a referendum—it is not a very valuable pledge. Pray how many times would Mr. Harlan's party expect to impose upon those who oppose corporate control the expense and labor necessary to procure petitions of 100,000 voters for referendums before concluding that referendum votes against franchises mean what they declare?

It is no answer to this objection to the Republican pledge to say, as the Tribune does, that general referendums, such as those already had, are abstract and academic, whereas those proposed by the Republican convention would be on concrete measures. To believe that the people can vote more intelligently on a long and complex ordinance, full of technical details, than upon general policies or principles as a basis for an ordinance is an hallucination, if the belief is honestly entertained. The true referendum principle is that the people shall determine policies in the abstract to be formulated by experts in the concrete.

Until Mr. Harlan's letter of acceptance appears his position will remain a mystery, unless it be inferred from his party platform and his own evasions that he is completely committed to those franchise policies which the people of Chicago have twice by referendum emphatically condemned.

A conference call relative to this municipal election was issued on the 14th by the Municipal Ownership League of Chicago, which reads:

"The banner raised six years ago by the great Altgeld, and held aloft by the learned and devoted Henry D. Lloyd, was never more in need of active supporters than at present. If the Field-Morgan-Mitchell-Valentine combination of franchise gamblers are to be deprived of their prey, it is imperative that the friends of municipal ownership get together and remain together until the close of the polls next April. Call a meeting and organize a ward municipal-ownership league by the election of officers and the selection of delegates to the municipal-ownership conference to be held at Bricklayers' Hall on Sunday, February 26, at 2 o'clock p. m. The educational work in your ward must also be conducted by your organization."

The call closes with a request that the names and addresses of officers and delegates chosen by the various clubs be sent to T. P. Quinn, 1227 Masonic Temple.

A municipal-ownership controversy is at fever heat in Cleveland. It grows out of the movement (p. 633) to annex South Brooklyn. Both Cleveland and South Brooklyn have voted for the annexation, and it only remains for the councils to adjust the details. As South Brooklyn owns and operates a municipal electric-lighting plant, this must be disposed of in some manner, either by abolishing or by retaining and operating it. Retention and operation is Mayor Johnson's policy, he regarding the plant as the nucleus for a complete city plant in time. This expectation is also entertained by the Cleveland electric-lighting company, but in a different spirit. A contest in the city council of Cleveland has therefore arisen. Mayor Johnson is endeavoring to perpetuate the South Brooklyn plant, and the opposition, inspired, as he insists, by the local lighting company, are endeavoring to rid the city of it. This contest began during Mayor Johnson's recent illness (p. 698). The mayor's commission for completing the details of annexation had recommended an agreement to maintain and operate the South Brooklyn lighting plant for ten years, and on the 30th a motion was made by the opposition in the council to discharge this commission and appoint a new one. In Mayor Johnson's absence the city solicitor, Newton D. Baker (for in Cleveland the administrative officers of the city government are allowed the floor, formerly by law, but now by rule of the council) strongly opposed the motion. It was carried by 18 to 14, two Democrats voting for it with the Republicans, and one Republican, under pressure from his Republican constituents, voting against it with the Democrats. Mayor Johnson, from his sick room, promptly denounced this action, charging the majority with acting under the influence of the Cleveland Electric Illuminating Company. Upon his appearance at the city council meeting on the 13th the mayor was bitterly attacked for this denunciation, whereupon he made the following statement on the floor of the council:

"I charge that the Cleveland Electric Illuminating Company has more influence with the Republican members of this council than do the votes of 40,000 citizens. I want to congratulate the members of this council on the stand you have taken, that if the charges made by me are true, it is a condition nothing less than municipal debauchery. I congratulate you on your evident admission that conditions in this council are disgraceful if the charges are true. Joe Folk charged corruption against the council of St. Louis. But the members of the St. Louis council did not have the moral courage which seems to possess you. They simply laughed and cried, "Prove it." There were charges of corruption as to the attempt to steal the canals of the State at the hands of the last legislature. Yet the members of that body did not apparently regard their honor as being smirched. Unlike you, they did not demand an investigation. There have been similar charges made against Members of the House of Representatives and even of the members of that millionaires' club—the United States Senate. And yet we have not heard of any demand for an investigation. I want to first congratulate you upon the position you have taken, and then furnish proof of my charges. How can we prove corporate control of a legislative body except by the actions of the members of that body? Going back to the old council the nine Republican members of that body during all the discussions on the lighting question voted every single time and on every single proposition in accordance with the desires of the illuminating company, with one exception. That exception was Councilman Bernstein who voted against the interests of the illuminating company on one occasion. At the following meeting he changed his vote, making the statement that it was a party measure, and he would have to submit to party rule. In the new council every vote on every proposition affecting the illuminating company has been cast for the company. What are the reasons? They say they are opposed to municipal ownership. Are they? There are three Republican members in this council to-night who have voted for a municipal-owned reduc-

tion plant and for a municipal market house. They say the people of Cleveland have voted against a municipal lighting plant. That is not true. The question has never been submitted to the voters of Cleveland. A proposition to issue $400,000 in bonds for a municipal lighting plant was voted down. But other bonding propositions were also voted down at the same time, among them, for instance, the bonds for the intercepting sewer system. Councilmen sitting here have had no compunction about voting for the expenditure of money for the sewer system, in spite of the fact that the bond issue was voted down. No; the false excuse that the people decided against municipal ownership falls utterly flat. I do not charge that the illuminating company individually controls every Republican member of this council. I do charge that the illuminating company, through cash contributions, largely controls the Republican organization in this city, and in return gets assistance of the representatives of the party in this body. I do not need an iota of additional proof that the illuminating company influences votes in this council. Whether any member receives money for his vote I do not know. Perhaps the votes are cast the way the illuminating company wants them to go out of gratitude for assistance rendered the party. I am perfectly satisfied myself as to the condition existing in this council. My desire is to give you all the information possible. I hope you will investigate to the very bottom."

This was in direct response to a resolution adopted by the council demanding that the mayor make his charges "definite, certain, and specific, thereby forming the basis upon which a trial may be ordered by this council, proving the truth or falsity of such charges."

[The Public, Chicago, Saturday, February 25, 1905.]

The campaign for the municipal election in Chicago (pp. 722, 728) to take place on the 4th of April was informally opened on behalf of the Democrats at a dinner given on the 18th by the Jefferson Club. Dr. Howard S. Taylor presided, and Alderman Dever, Frank Childs, Daniel L. Cruice, Frank Wenter, and Mayor Johnson, of Cleveland, were the speakers. Judge Dunne commended the new club, but said nothing of local politics. Mayor Johnson declared that municipal ownership and operation of municipal monopolies is the remedy for municipal corruption. He added:

"If you add the street-car systems and electric-lighting systems to what the cities now own and operate you would take the business man out of campaign-fund raising to elect crooked councilmen and crooked mayors to grant renewals of franchises. If you in Chicago in the near future are to be engaged in that sort of a struggle, you can count on me if you want me. I'll spend my time here helping you. I'll feel highly honored if in your work I can serve you this spring."

With reference to the traction referendum to be voted upon in Chicago at this election (p. 698), the local Federation of Labor on the 19th instructed its legislative committee to send copies of the three questions to all voters, with the request to workingmen to vote "No" on each. They are as follows:

"Shall the city council pass the ordinance reported by the local transportation committee to the city council on the 24th day of August, 1904, granting a franchise to the Chicago City Railway Company?

"Shall the city council pass any ordinance granting a franchise to the Chicago City Railway Company?

"Shall the city council pass any ordinance granting a franchise to any street-railroad company?"

Pursuant to the resolution of the city council of Cleveland regarding the annexation of South Brooklyn, with its municipal lighting plant (p. 729), Mayor Johnson filed on the 20th specific and formal charges of corruption. In an official message reciting the circumstances he said:

"The question involved in all of these proceedings was the annexation of the village of South Brooklyn to the city of Cleveland, pursuant to a popular vote in which the majority cast in favor of such annexation was over 35,000 out of a total vote of less than 50,000. At the time of such election it was known that there was in the village of South Brooklyn a municipal electric lighting plant. The opposition in the council to the completion of the annexation thus decreed by the people centered around the existence of this municipal lighting plant. During the pendency of these matters the halls of the council were filled with lobbyists of the illuminating company and many evidences of the interest of that company on the proposition were noticeable. The action taken by your body was almost without debate. Reports were before you showing that it is possible to manufacture street lights for about $40, whereas the city is now paying $73.50. The matter was thus a simple business proposition to save the city of Cleveland a large sum of money annually. No figures were cited by any member of the council to show that the reports attached to the report of the commissioners were unsound or incorrect; but almost without discussion and within such evidence as would have justified such a course your body took the action indicated above. Subsequently, in expressing an opinion upon this matter, I charged that the Cleveland Electric Illuminating Company had more influence with fifteen Republican members and two Democratic members of the council than the votes of 40,000 people of the city of Cleveland. Your body has seen fit, in view of this public statement, to call upon me to present specific charges. The resolution making this request of me is prefaced with two "whereas" clauses, both of which attribute to me statements that I never made. In order, however, to comply with the wish of the council as expressed by this resolution and to do everything in my power to afford you the fullest opportunity to use the law providing for investigation to be made by you, I herewith file charges in detail against fifteen Republican members of the city council, and in these charges I have attempted to make my previous public charge as definite and specific as is possible, to permit you to make a thorough investigation into the facts. In addition to this I have filed charges against two Democratic members of the council, charging them with bribery."

Accompanying this message were formal charges against Councilmen Dewar and Wilkie, Democrats, to the effect that they voted adversely to the South Brooklyn ordinance under the influence of bribery. The charges against the Republican councilmen, one member being excepted, were in these terms:

"That each of them being, on the 6th day of February, 1905, a member of the council of the city of Cleveland, and thereby an officer of the city of Cleveland, did permit and allow his vote upon an ordinance confirming the report of the joint commission fixing the terms and conditions of the annexation of the village of South Brooklyn to the city of Cleveland to be influenced and controlled by the Cleveland Electric Illuminating Company, which said company had an interest in defeating said annexation in accordance with the terms and conditions set forth in said report, said influence and control being exercised by said the Cleveland Electric Illuminating Company against the public interest and in its own interest by means of large contributions to the campaign fund of the Republican county committee for use in the election of November, 1904, in which some of said officers were candidates for city offices, and also by contributions to the individual campaign funds of some of said persons as candidates for said offices, and that said influence and control were exercised by making the said question voted on in said ordinance a party question, when in fact said question was not a party question, but a business question, and by controlling and binding the votes of said officers on said question by means of party caucuses and otherwise, in return for said contributions so made by said the Cleveland Electric Illuminating Company; and that all of said officers as aforesaid upon said question voted against the annexation of South Brooklyn and the confirmation of said report under and by virtue of the influence of said the Cleveland Electric Illuminating Company so exercised. And, further, that all the votes of said persons at said time and place and upon said question, and previously upon all questions affecting the annexation of South Brooklyn and the making and confirmation of said report, were cast under such influence and control against the public interest, but in favor of the interest of the Cleveland Electric Illuminating Company."

The investigation resolution was adopted.

In concluding his message relative to these charges Mayor Johnson explained:

"As the law requires your body to investigate these charges at its next regular meeting and as the time for the full hearing of all said charges is limited by law, I have caused to be prepared an ordinance calling upon the city solicitor to assist you in the investigation of these charges, directing the clerk to summon certain persons to give evidence and to produce books and papers. By the suspension of your rules and the immediate passage of this ordinance, any investigations you may desire to make can be begun at your next regular meeting. I call the council's attention to the fact that the making of these charges is pursuant to its request and direction and is done for the purpose of extending to you any aid I can in making an investigation both possible and effective. In presenting these charges I am quite satisfied that some of the persons named may be free from any conscious bias in favor of the Cleveland Electric Illuminating Company, but the charges as made include all the members voting together upon these propositions and are such that you can by investigation determine the degree of guilt and the character of the motive inspiring the votes in question."

Public ownership of monopolies in Great Britain was reported from London on the 18th to have made another advance. According to this report, the postmatser-general has come to an agreement with the National Telephone Company to take over its business and buy its plant, the transfer to be completed December 31, 1911. The price for the business is to be settled by arbitration, and all that is to be paid is the fair market value of the plant and the works of the company. The purchase is to be made on what are called "tramway terms"—that is, no payment is to be given for the good will or past or future profits. Exceptions are made, however, in regard to the private-wire business of the company, which can be carried on without the postmaster-general's license.

The question was taken; and the amendments were agreed to.

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

LEVYING SPECIAL ASSESSMENTS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 18975.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] offers a bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill to authorize the levying of certain special assessments.

Mr. BABCOCK. Mr. Speaker, I would like to make a statement in reference to this bill. Under the present laws of the District of Columbia, when large water mains are laid they are assessed to the abutting property. It must be done within a certain specified time—I think sixty days after having been reported to the office. By an error of some of the inspectors they carried the reports in their pockets, and they were not reported until the time limit of sixty days had expired. Consequently the District was the loser to the amount of mains that had been laid upon which no report had been made. The bill simply provides that those that had not been assessed can be assessed, notwithstanding the time limit, and I ask, Mr. Speaker, that the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to levy assessments, within one month from the passage of this act, for all water mains and service sewers laid in the District of Columbia within one year prior to April 22, 1904, in cases where assessments for such water mains and sewers were not levied or where the assessments were not made in accordance with existing law; such assessments to be collected as provided by the act of Congress authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904.

The SPEAKER. Is there objection?

There was no objection.

Accordingly the bill was ordered to be engrossed and read a third time, was read a third time, and passed.

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

YING HSING WEN AND TING CHIA CHEN.

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

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Ying Hsing Wen and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Ying Hsing Wen and Ting Chia Chen shall agree to comply fully with all regulations for the police and discipline of the United States Military Academy, and shall be studious and give their utmost efforts to accomplish the courses in the various departments of instruction: *And provided further*, That in the case of the said Ying Hsing Wen and Ting Chia Chen the provisions of sections 1320 and 1321 of the Revised Statutes of the United States shall be suspended.

The SPEAKER. Is there objection?

Mr. BUTLER of Pennsylvania. Mr. Speaker, does the consideration of this resolution require unanimous consent?

The SPEAKER. It does at this time.

Mr. BUTLER of Pennsylvania. I interpose it, sir.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from Iowa [Mr. HULL] moves to suspend the rules and pass the joint resolution.

Mr. MADDOX. Mr. Speaker, I ask for a second.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the second may be considered as ordered. I will take but very little of my time. I only desire to say to the House that this comes in a letter from the Secretary of State, with information that it will not inflict any damage on the United States or interfere with the academy in any way.

It comes from the Secretary in the usual form, asking it as a courtesy to a friendly nation, with a statement from the Chinese minister to the effect that his Government asks it. It has been granted to other nations. It has never been refused to any nation asking it in this way. To refuse it now is a certification to the world that we will extend courtesies to Japan and to other nations and refuse them to China. And it seems to me at this time, when we are desiring to extend our trade relations, when we are doing everything in our power to establish friendly relations with the Chinese Government, that it would be in bad form and prove a wrong to the Government for this House to refuse to pass the resolution.

Mr. WM. ALDEN SMITH. Will the gentleman from Iowa [Mr. HULL] yield?

Mr. HULL. Yes.

Mr. WM. ALDEN SMITH. Mr. Speaker, I would like to ask if this is a new proceeding?

Mr. HULL. Not at all.

Mr. WM. ALDEN SMITH. In what other instances has the Government consented?

Mr. HULL. The Government has consented in two instances this winter. We passed two resolutions this winter granting it to two of the republics of South America.

Mr. OLMSTED. Mr. Speaker, will the gentleman from Iowa [Mr. HULL] yield for an interrogatory?

Mr. HULL. Yes.

Mr. OLMSTED. Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. HULL] if there is any other country which extends to us a similar courtesy of admission into their military or naval schools?

Mr. HULL. I understand we send post-graduates from West Point, even, to England.

Mr. LIND. To France.

Mr. HULL. Yes; to France also.

Mr. WM. ALDEN SMITH. Is this done at the request of the Chinese Government?

Mr. HULL. It is done at the request of the Chinese Government; and if this is turned down it is the first time in the history of the Government that such a courtesy has been refused to a friendly power. I reserve the balance of my time.

[Cries of "Vote!"]

Mr. MADDOX. Mr. Speaker, I take it for granted that the different nations would like to have this privilege of sending their people to our Naval Academy, and also to West Point. I want to say now that I have always believed that it was bad policy. I do not think that we ought to teach these people our methods of war. That is one thing that we ought to keep to ourselves. The other day when I objected to this proposition I had a few people to rush up to me and say here, "Object, object, object!" Now, I want to say further that if there is nobody else in this House that thinks that way except myself, I am not going to impose my objection against the whole Congress of the United States, for I do not believe in one-man rule. I am not going to do it. But I want to say right now that the gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, ought to offer a resolution that we do not intend from this day on in the future to grant this privilege to any other nation on earth. Let us keep these things to ourselves. We paid for them. As I said the other day, and the gentleman from Kentucky said, we have got hundreds of young men in this country who would be perfectly willing to pay all the expense to get the education, either at Annapolis or at West Point. But they can not get it unless we appoint them. I think this is wrong in principle. It is wrong to the Government to give to other people of the world this privilege; in other words, the secrets of our methods of warfare in the Navy and in the Army. I am opposed to it from principle; but if there is nobody else in the American Congress opposed to this but myself, why, let it go.

Mr. MACON. There are several of us. You are not by yourself.

Mr. MADDOX. Why, they tell me there are several with me.

Mr. BAKER. New York and Arkansas are with you.

Mr. MADDOX. I will give them an opportunity of making objection.

Mr. MACON. Mr. Speaker, I understand that this is a motion to suspend the rules.

The SPEAKER. It is.

Mr. MACON. Well, then, no objection can be interposed.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HEFLIN. Division, Mr. Speaker.

The House divided; and there were—ayes 123, noes 38.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I call up the conference report on the bill making appropriations for the Army. I ask unanimous consent that the reading of the report be omitted and that the statement only be read.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the reading of the report be omitted, and that the statement be read. Is there objection?

Mr. MADDOX. I want to inquire of the gentleman from Iowa if he is going to introduce a resolution now that will stop this admitting foreigners into the Naval Academy and into West Point?

Mr. HULL. I am certainly not going to offer such a resolution at this session.

Mr. MADDOX. You set a pretty poor precedent. You know it is not right. I know it is not right, and it ought to be put a stop to now. You ought to offer a motion putting a stop to it.

[Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17473) making appropriations for the support of the Army for the fiscal year ending June 30, 1906, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 19, 20, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, 7, 8, 9, 12, 13, 14, 16, 17, 18, 21, 22, 23, 24, 26, 28, 29, 30, and 31, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment and insert in lieu thereof the following: "*Provided*, That any vacancy that shall occur in the Office of the Assistant Chief of the Record and Pension Office previous to July first, nineteen hundred and five, shall be filled by the appointment of a captain of the line of the Army, and vacancies thereafter occurring shall not be filled, and the offices now designated by the title of Assistant Chief of the Record and Pension Office and by the title of Assistant Adjutant-General, shall hereafter be designated by the title of Military Secretary;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following:

"That retired officers of the Army above the grade of major, heretofore or hereafter assigned to active duty, shall hereafter receive their full retired pay, and shall receive no further pay

or allowances from the United States: *Provided further*, That a colonel or lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following: ", and the Secretary of War may hereafter authorize the assignment to duty in the office of the Paymaster-General, not to exceed five paymasters' clerks, now authorized by law;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 23, page 35 of the bill, strike out the word "eighty-one" and insert in lieu thereof the words "two hundred thirty-one;" and the Senate agree to the same.

J. A. T. HULL,
ADIN B. CAPRON,
JAMES HAY,
Managers on the part of the House.
REDFIELD PROCTOR,
R. A. ALGER,
F. M. COCKRELL,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

Statement to accompany the conferees' report on the bill making appropriations for the support of the Army for the fiscal year ending June 30, 1906.

Amendment No. 1 was concurred in by the House, and therefore was not in conference.

Amendment No. 2 is for pay of officers of the line, and the House recedes from its disagreement to the Senate amendment regarding the amount appropriated.

Amendment No. 3 relates to the pay of officers for length of service, and the Senate recedes from its amendment increasing that amount, leaving the proviso as adopted by the House.

Amendment No. 4 relates to additional pay for length of service of enlisted men, and the House recedes from its disagreement to the Senate amendments.

Amendments Nos. 5, 6, 7, and 8, ralate to increasing the length of service pay of the staff department other than officers; the House recedes from its disagreement and agrees to the Senate amendments.

Amendment No. 9 is simply a verbal amendment; there is but one officer now in the Adjutant-General's Department. The Senate strikes out the House language and inserts the words: "The Adjutant-General of the Army." The House recedes from its disagreement.

Amendment No. 10 relates to the assistant chief of the Record and Pension Office. The House recedes from its disagreement and agrees to the Senate amendment with an amendment as follows: "*Provided*, That any vacancy that shall occur in the office of the assistant chief of the Record and Pension Office previous to July 1, 1905, shall be filled by the appointment of a captain of the line of the Army, and vacancies thereafter occurring shall not be filled, and the offices now designated by the title of assistant chief of the Record and Pension Office and by the title of assistant adjutant-general shall hereafter be designated by the title of Military Secretary."

Amendment No. 11 relates to pay of retired officers when detailed for active duty, and the House recedes from its disagreement to the Senate amendment and agrees to the same with an amendment as follows: "That retired officers of the Army above the grade of major heretofore or hereafter assigned to active duty shall hereafter receive their full retired pay and shall receive no further pay or allowances from the United States: *Provided further*, That a colonel or lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list."

Amendment No. 12 puts in "military commissions" with courts-martial and courts of inquiry, and the House recedes from its disagreement.

Amendment No. 13 increases the amount allowed to enlisted men on discharge for travel allowance, and the House recedes.

Amendment No. 14 increases the amount for additional length of service pay of the Philippine Scouts, and the House recedes.

Amendment No. 15 relates to the authorization of assignment to duty in the office of the Paymaster-General of certain clerks, and the House recedes from its disagreement and agrees to the same with an amendment limiting the number to be assigned to not to exceed five.

Amendment No. 16 is a mere verbal change, and the House recedes.

Amendments Nos. 17 and 18 relates to the furnishing horses for the engineers, and the House recedes.

Amendments Nos. 19 and 20 relate to the establishment of military posts, and the Senate recedes from both amendments.

Amendments Nos. 21 and 22 relate to the Transport Service. No. 21 inserts the language as reported by the Committee on Military Affairs of the House prohibiting the sale of transports without direct authority from Congress, and No. 22 strikes out the provision prohibiting the use of any part of the twelve million dollars for transportation of the Army and its supplies in paying any steamship company for transportation, etc. As amended by the Senate, the bill conforms exactly to the measure as reported to the House, and the House recedes from both amendments.

Amendment No. 23 increases the amount appropriated for the construction and repair of hospitals. House recedes.

Amendment No. 24 appropriates an amount for the erection of a modern sanitary hospital at Fort Sam Houston. House recedes.

Amendment No. 25 provides an appropriation of one hundred and fifty thousand dollars to cover extra expenses in the establishment of engineer school and post at Washington Barracks. The House recedes and agrees to the same with an amendment.

Amendment No. 26 includes material for cartridges, bags, and reworking obsolete powder, etc. The House recedes.

Amendment No. 27 is an increase appropriation for ordnance and ordnance stores of two hundred and fifty thousand dollars. The Senate recedes.

Amendments Nos. 28, 29, and 30 change the phraseology of the provisions allowing the crediting of the Ordnance Department with the amount received from common carriers for goods lost in transportation, and provide that individual pieces of ordnance not needed by the Government may be sold under the direction of the Secretary of War where there exists for such sale sentimental reasons, and the House recedes from all amendments.

Amendment No. 31 is simply a verbal change, and the House recedes.

J. A. T. HULL.
A. B. CAPRON.
JAMES HAY.

Mr. HULL. If Members caught the statement, it will be observed that on all the important amendments the position of the House was maintained, and if this conference report is adopted it finishes the army bill for this session. If there is no question to be asked, I call for a vote.

Mr. GILLETT of Massachusetts. I could not quite understand from the reading what was done with the Senate amendment appropriating $75,000 for Fort Sam Houston.

Mr. HULL. The statement shows that we receded and agreed.

Mr. GILLETT of Massachusetts. The House receded and agreed?

Mr. HULL. Yes.

Mr. GILLETT of Massachusetts. Then, do I understand that in the amendment about the clerks the House receded and allowed the detail?

Mr. HULL. Allowed a detail of five only.

Mr. GILLETT of Massachusetts. I would like to say——

Mr. HULL. I will say to the gentleman, if it had not been that the debate in the House showed that the opponents of the provision were in favor of the detail if it was limited in number, we would have stood more strenuously for the position of the House, but we were met with that statement that nobody was opposed to it in the House; and then, as it was in the closing hours of the session, when the Enrolling Committee is going to be overwhelmed this week with bills, we believed that no harm could come with this limit put upon the number agreed to, practically as suggested by the chairman of the Committee on Appropriations.

Mr. GILLETT of Massachusetts. Mr. Speaker, I should like to have five or ten minutes.

Mr. HULL. I yield five minutes to the gentleman.

Mr. GILLETT of Massachusetts. Mr. Speaker, I do not know that I represent at all the feelings of the House, but it seems to me the committee has made a mistake in yielding to the Senate and allowing these five clerks to be transferred. The House the other day stood by the general principle that we ought not to allow the paymasters' clerks as a rule to be transferred from their service in the field to service here in the Department. That principle is absolutely necessary, if this House

is to keep control of the expenditures of the Departments. But now what has been done to these five clerks? This means that five men, having been shown to be incapable of doing their work in the field, may, by leave of this House, be transferred to a sort of hospital service here in the Department; put on the shelf and draw their salaries, and not perform the service for which they were appointed, but be given other service simply to enable them to draw pay. That is merely a pension. It is the very principle which this House has opposed right along. It is the principle that we passed an act against a very few years ago, saying to every Department that they must not have clerks on their rolls who were not doing efficient work. And yet now, after going on record like that, after criticising the Departments as we have for keeping incompetent clerks, the House is now asked to vote that we will allow these five clerks who are not competent to do their work in the field to be put into a hospital in Washington and continued there at their present salaries. I oppose this conference report on that ground.

There is another clause in this conference report which, to my mind, is very objectionable. The Senate put on a clause allowing $75,000 for a hospital at San Antonio, Tex.

Now, the House committee could not have put on that provision, because the Military Committee of the House does not have jurisdiction of such an item as that. It was put on in the Senate, and it was not put on by the Senate Military Committee either. I assume that the Senate Military Committee knows that the House Military Committee does not have jurisdiction of that, and therefore they did not put it on the bill; but it was put on the bill by a Senator from Texas, on the open floor of the Senate. I shall be glad to have gentlemen give a little attention to this, because it seems to me an important question. The Senate puts upon a House bill a provision which it is presumed to know the committee from which are taken conferees of the House has no jurisdiction over. In other words, the Senate picks out any bill it pleases and puts upon it a provision which the House committee originally could not have put on. I think that of itself is something to which this House ought to object. I think the gentleman from Iowa [Mr. HULL] and the Military Committee must feel that it is not proper that Senators and Senate committees should do anything like this; but that they should put their limitations or their amendments onto the bills to which they belong in the House.

Now, this provision of $75,000 for a hospital at San Antonio belongs on the very bill which this House is now considering—the sundry civil bill. It can be put on in this House. If it is going to be put on at all, that is where it ought to be put on. But in the Senate it was put onto the wrong bill; I do not know why. It is a fact that an influential and able member of the Military Committee in the House, the committee which has in this way jurisdiction of this bill, is the gentleman in whose district San Antonio lies, a gentleman who, we will all admit, on account of the natural bias which is in his mind in favor of his own district, is least able of any Member of the House to consider fairly whether that hospital is needed or not compared with other post buildings. I mean no reflection on him, of course. The same criticism applies to every one of us. Each one of us is less capable of dealing fairly and impartially with the Government expenditures on matters pertaining to our own districts than in matters belonging to another district.

Mr. WM. ALDEN SMITH. I hope the gentleman does not mean that we are not competent to pass upon the necessity for a public building in our own home city.

Mr. BENTON. I respectfully suggest that the Speaker thinks we are not.

Mr. GILLETT of Massachusetts. I do not mean to say that we are not competent to do anything. I only mean that I think every Member of the House will agree that we are all of us a great deal more likely to deal fairly with the Government on matters outside of our own districts than we are in our districts. I feel so for myself.

Mr. WM. ALDEN SMITH. We are not commissioned at large. We bear the commissions of our districts——

Mr. GILLETT of Massachusetts. Ah, but we are commissioned to represent the Government at large.

Mr. WM. ALDEN SMITH. On account of our familiarity with local conditions.

Mr. GILLETT of Massachusetts. We are familiar with the needs of the Government in our districts, but not with its relative needs.

Now, Mr. Speaker, there were before the committee recommendations for the expenditure of $1,800,000 for public buildings at different military posts, and among that $1,800,000 there was no recommendation for a hospital at San Antonio. In other words, the War Department felt that there should be $1,800,000 worth of buildings erected at the different posts all over the Government before this hospital was built, and yet the Senate puts on this amendment and puts in this one hospital before this $1,800,000 worth is constructed.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. HULL. I yield the gentleman two minutes more.

Mr. STEPHENS of Texas. Will the gentleman from Massachusetts yield to me for a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman know that San Antonio has the best reputation of any post in the United States on account of its health, and that this is a superior place to establish a hospital—that it would be a better place to establish one than at any other post in the United States?

Mr. GILLETT of Massachusetts. That I know nothing about; but, Mr. Speaker, I am not criticising San Antonio; it may be needed there. All I say is that we ought to establish these public buildings in the order in which the War Department tells us that they are needed.

Now, the War Department says that there is $1,800,000 worth of buildings that ought to be put up before the one at San Antonio, and yet here comes this amendment saying that $75,000 shall be used at San Antonio before any part of the $1,800,000 is spent. I say it is not fair to put aside the whole examination that has been made by the Department, the whole investigation which has been made by the committee, and out of favoritism put on one item before what the Department says they really need is taken up in its order, and therefore it seems to me we ought to say, for two reasons, that this conference report should not be consented to. First, because the Senate has put it on the wrong bill and sent it back to a committee which has not proper jurisdiction of it, and, secondly, on the merits of the case we have the word of the War Department that it is not needed at present—that the money which they have they wish to spend for other and more necessary buildings.

Mr. SLAYDEN. I would like to ask the gentleman where he gets his information that this is not needed?

Mr. GILLETT of Massachusetts. I get it from the War Department that it is not needed until the $1,800,000 is spent.

Mr. SLAYDEN. The gentleman said the information came from the War Department that it was not needed.

Mr. GILLETT of Massachusetts. I say it is not needed until after this other $1,800,000 is spent. I have no doubt the War Department will take all the money that we will give them for all the military posts. I have no doubt if the gentleman had said a hundred thousand dollars they would have taken it. But I do not believe for a post like that you need any $75,000. I think $20,000 would be enough for such a post. I have no doubt now the Department would say that they would like it, but they did not need it until after the $1,800,000 was provided to spend at other posts throughout the country.

Mr. HULL. Mr. Speaker, the gentleman from Massachusetts is entirely mistaken in his statement. The War Department did take up this matter of a hospital at Fort Sam Houston in the estimate, and they asked us to segregate the items and give them an increased amount for hospitals, and one item that they asked us to give is this very hospital.

Mr. GILLETT of Massachusetts. The whole $75,000?

Mr. HULL. Yes.

Mr. GILLETT of Massachusetts. Where does the gentleman find that?

Mr. HULL. If the gentleman will look at the military estimates submitted to the Military Committee, the gentleman will find it.

Mr. GILLETT of Massachusetts. I did look there.

Mr. HULL. The Surgeon-General of the Army also appeared before the Military Committee and urged this appropriation. We declined to make it on the ground, as the gentleman from Massachusetts properly said, that it would be obnoxious on the bill. We cut down the amount that he asked for the hospitals because the amount could not, he said, be used unless such an item as this was incorporated in the bill.

Now, the whole trouble, Mr. Speaker, seems to come from two committees having jurisdiction largely of the same matter—the Military Committee jurisdiction of hospitals of a less amount than a certain price, up to $20,000 or less, and the Committee on Appropriations all over $20,000. The House committee has preserved, as far as it could, its status on this matter, but when the Senate put the matter on, it came to the House; it was not discussed in the House, it is true. It is a legitimate item for this committee to agree on if they desire it, and all the evidence showed that this was a desirable appropriation.

Now, one word as to the statement made about the clerks in the Department——

Mr. BUTLER of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. BUTLER of Pennsylvania. As to amendment No. 15.

Mr. HULL. I was just going to speak of that; there are ninety of these clerks altogether. They are clerks of a high grade—they get additional pay for length of service.

There are, I understand, ten of them at Washington now, and six at division headquarters supervising accounts. The Paymaster-General, in a letter that I handed to the chairman of the Committee on Appropriations—and if I had it here now I would have it read—states that it is absolutely impossible for him to keep up with the work or to do good work unless he has some of these that he can use in his office. Not only that, but it is a matter of economy to allow some of these clerks to be so detailed. It was understood by the conferees on the part of the House, in a statement that went unchallenged here on the floor, that if it was limited to five there would be no objection to it. We took that statement, because, if it were true that any man had an objection to that, the time to have made that objection, in order to give the conferees notice of what the House desired, was when that statement was made by the chairman of the Committee on Appropriations. If it had been made then and insisted upon, the conferees on the part of the House would have felt differently, because I assume that every conferee on this bill on the part of the House desired to the very best of his ability to carry out the wishes, the desires, and especially the quasi instruction of the House in this matter. It seems to me it is unfair for the gentleman from Massachusetts [Mr. GILLETT] to come in now when we all desire haste in settling up these great matters of appropriation—it is unfair now to come in and raise the question after we have come back here with a full agreement, after every member of the conference committee of the House and of the Senate has agreed to it.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I would like to ask the gentleman a question. Has the Secretary of War power to obtain all the clerks that he may need without this special legislation?

Mr. HULL. No; he has not. They have been using this power for several years, but the question was raised by the Inspector-General's Department that he had no power to detail any of these clerks to work in the office at Washington, and the Judge-Advocate-General sustained that contention. They can do it temporarily.

Mr. BUTLER of Pennsylvania. He could do it temporarily on the regular appropriation bills, could he not?

Mr. HULL. He can do it on the appropriation bills any time that they will come in and get authority on the appropriation bills, and if it is desirable to change this when the appropriation bill next year comes up we can repeal this clause and increase that force.

Mr. BUTLER of Pennsylvania. I say to my friend that the committee can, but it won't.

Mr. HULL. How does the gentleman know? If they feel this way about it, I should imagine they would.

Mr. BUTLER of Pennsylvania. I want to ask a further question. Why not increase the clerks rather than to bring these men in from the field?

Mr. HULL. Because if you have an efficient administration in paymaster's clerks you have to have experienced men to send out, men to supervise; you have to have a surplus. The surplus are all that act. You can not have just the number all the time, because a new man detailed to go some place comes in, and he may go to the Philippines, a detailed officer, not one of the permanent corps, and he must have an experienced clerk go with him. You can not run this on the exact basis of having every man at a work in the field every day any more than you can carry on your appropriation bill with just the exact amount that the Government will need.

Mr. BUTLER of Pennsylvania. Will the gentleman permit another question?

Mr. HULL. Yes.

Mr. BUTLER of Pennsylvania. Is this an attempt to keep in public position men who are disqualified for service by reason of age or infirmity?

Mr. HULL. I would say that my information is that there are at least two men there who are not able to do work in the field. I want to say further to the gentleman from Pennsylvania that the testimony of the Paymaster-General was that those men were as good clerks as he had in his office for work in his office.

Mr. BUTLER of Pennsylvania. Then there is no authority in the Secretary's office to bring men from the field and send out younger men to do the work of the old men.

Mr. HULL. No.

Mr. WATSON. Is it not, in fact, merely an attempt to provide for five old worn-out clerks?

Mr. HULL. I do not think there are that many.

Mr. WATSON. And thus virtually make a civil pension list?

Mr. HULL. No; I do not think there are that many, and I understood from the Paymaster-General that these clerks, with their long experience, are as good and efficient clerks as he has there, and they can do this work and do it better than any new men can.

Mr. PALMER. Mr. Speaker, will the gentleman answer me a question?

Mr. HULL. I will if I can.

Mr. PALMER. You say there are ninety paymasters' clerks?

Mr. HULL. Yes, sir.

Mr. PALMER. How many enlisted men—about 60,000?

Mr. HULL. Oh, well, Mr. Speaker, if the gentleman will kindly tell me what is in his mind——

Mr. PALMER. I will tell you what I have in my mind; and that is, that it does not need a paymaster's clerk for every 660 men. I know of a case in the civil war where one paymaster and one clerk paid ten regiments, and I do not believe it needs one paymaster's clerk to every 660 men.

Mr. LITTAUER. Does the Paymaster-General state there is any necessity for the increase?

Mr. HULL. He says, in an urgent letter, that if this is cut off he can not reach the arrears of work, and it will be impossible to do the business of the office. If the gentleman from Indiana has that letter I would like to have it read.

Mr. LITTAUER. I would like to inform the gentleman that the Paymaster-General made no demand whatever in his estimates for the coming year for any increase of clerks that was not granted him in the legislative bill. These clerks are not going into the department because of their efficiency for departmental work, but because of their inefficiency to do work in the field.

Mr. HULL. I think the gentleman is mistaken on that in large measure, because we have some that are excellent in the field or out of it.

Mr. WATSON. How old are these two men incompetent to do field work?

Mr. HULL. I could not answer that. One has been in the service for forty years or more.

Mr. WATSON. These two men are brought into this service not because of their particular fitness or efficiency for the service, but because of the fact it is to afford them indoor service. Is not that so?

Mr. LITTAUER. One is a civil-service position and the other of practical preferential appointment.

Mr. HULL. I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER of Pennsylvania. Mr. Speaker, I have not any desire to oppose the result of this work that has been imposed upon these conferees, but I am opposed and shall continue to be opposed to anything that looks like establishing a civil pension list, and in my judgment this is its beginning. This act of Congress is broad enough to enable the Secretary of War, when he sees fit, to transfer five men in——

Mr. HULL. No; it is not.

Mr. BUTLER of Pennsylvania. I do not wish to misconstrue the act. It reads that way to me.

Mr. LITTLEFIELD. Read the language.

Mr. BUTLER of Pennsylvania. "And the Secretary of War may hereafter authorize the assignment to duty in the office of the Paymaster-General not to exceed five paymasters' clerks now authorized by law."

Mr. HULL. If it had not been for the limitation of law, they would have gone out.

Mr. BUTLER of Pennsylvania. I understand that to be a limit upon the assignment at any one time and the Department can not have more than five additional paymasters' clerks; but when those five additional paymasters' clerks step off this worldly sphere by reason of age, then they can bring in five more; as one goes they can bring in one to take his place. Now, if that be the case, if my impression be correct, Mr. Speaker, it is the beginning of what is known as a "civil pension list," and I am against such provision, and I want to go on record here as being against it.

Mr. HULL. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Speaker, I am free to admit that, in the matter of the San Antonio Hospital, the facts have been shown to me, and I was in error in saying that the estimates did not include the sum of $75,000 for it.

I wish also to say, however, that I do not think I was very blamable, because this estimate was sent in by the Department covered up in a large bulk estimate not applying, apparently, to San Antonio, and the explanation of it was not made at all

to the committee to which it properly belonged. So I assumed that there was no estimate, but I was mistaken and I withdraw my objection to that clause in the conference report. However, I still insist on my objection to the clause concerning the five clerks.

Mr. HULL. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, it seems to me there is some needless excitement concerning this so-called service pension or civil-service pension provision now pending before the House. The situation is this:

Under the law the Secretary of War and the Paymaster-General have a right to bring in these clerks from the field for temporary service in the Department. They do that now. There have been as many as sixteen of them at various times brought in for temporary work. I think there are at least ten of these clerks in the Department at this very minute doing temporary work in the way of revising.

Now, this service of this detail of men performs the work in the Department better than the civil-service clerks do, because these men from the field are familiar with the work in the field, they know how the work is done there, and they are better fitted to do certain kinds of revising and work of that kind than are the civil-service clerks. For that reason it is a matter of good administration to have some of these clerks brought in from time to time to help straighten matters in the Paymaster-General's Office. That is the law at the present time.

Now, under the construction of that law any of these clerks can only be employed on emergency work or be detailed for temporary service for a term not to exceed ninety days at a time. I believe under the present arrangement the detail is made for ninety days. This same clerk who works in one place for ninety days is then obliged to be detailed to another place for the same length of time, and then to another, and then go back to the field or somewhere else. Under the provision of this pending amendment the result would be that a clerk could be kept at the work for six months or more—at some job where he really could master it and be of the best possible service. In that way he could do better work, with credit to himself, and certainly beneficial to the Department. It would be economy to the public service to have the work done in that way, instead of jumping them from one place to another. It is true that two or three of these men are old and are really not able to do efficient service in the field. But at the same time these men can do perfectly efficient service in the Department at work to which they are adapted. They can not do it if they are obliged to serve ninety days in one place and then ninety days in another and then ninety days in a third place, but if they are kept at some one particular place they can earn their money, and we are legislating wisely to permit it. It is not a civil pension. They do perfectly efficient work and earn their money for the Department. So that under all the circumstances it seems to me that it is in the line of good administration to adopt a measure of this kind. Remember, as I said, that there are at the present time, I think, ten of these clerks now detailed in the Department, coming and going from the field to the Department, back and forth. This limits the number to five clerks to be used exactly in the same manner. The only difference will be that instead of a ninety-day detail they can be kept long enough in some one place to learn the duties and then to do efficient service.

I hope the report will be adopted.

Mr. HULL. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GILLETT of Massachusetts. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 101, noes 24.

So the conference report was agreed to.

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

DISTRICT JUDGE FOR SOUTH CAROLINA.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the report of the Judiciary Committee on the bill H. R. 4100.

The SPEAKER. The gentleman from Wisconsin [Mr. JENKINS] asks unanimous consent for the present consideration of a report from the Judiciary Committee on the bill H. R. 4100, of which the Clerk will read the title.

The Clerk read as follows:

An act to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes.

Mr. JENKINS. Mr. Speaker, I move that the House disagree to the amendments of the Senate and ask for a conference.

The SPEAKER. The gentleman from Wisconsin [Mr. JENKINS] moves that the House disagree to the amendments of the Senate and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees on the part of the House: Mr. JENKINS, Mr. ALEXANDER, and Mr. SMITH of Kentucky.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

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

The question was taken; and the motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 18969) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

The CHAIRMAN. Line 6 of page 77 has been reached.

Mr. HEMENWAY. There is an amendment pending.

The CHAIRMAN. An amendment offered by the gentleman from Georgia [Mr. ADAMSON] was pending at the time the committee rose.

Mr. HEMENWAY. There has been discussion upon this amendment, and I think there are others who want to be heard. I ask that the debate on this amendment and other amendments to this paragraph close in twenty minutes.

Mr. OLMSTED. I desire to ask the gentleman if I may have five minutes of that?

Mr. WILLIAMS of Mississippi. I object to that. I desire to be heard myself, and I know that others desire to be heard.

Mr. HEMENWAY. I would like to be advised of the number of speeches on each side.

The CHAIRMAN. The Chair is not advised, but debate is already exhausted upon the amendment.

Mr. HEMENWAY. I will offer to give twenty minutes for additional debate.

The CHAIRMAN. Will the gentleman from Indiana give attention for one moment? The Chair suggests to the gentleman that probably this could be arranged by taking some time from that reserved under the head of general debate.

Mr. HEMENWAY. I do not want to do that. I will make it thirty minutes; fifteen minutes for those in favor, and fifteen minutes for those opposed.

Mr. WILLIAMS of Mississippi. The gentleman from Georgia [Mr. ADAMSON] desires to be heard, and I desire to be heard for ten or fifteen minutes. I request to make it thirty minutes on a side. I want to answer some remarks made by the gentlemen on Saturday.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to close debate on this paragraph and pending amendments in thirty minutes. Is there objection?

Mr. OLMSTED. Who will control the time?

The CHAIRMAN. The Chair, if no other provision be made. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. I beg pardon of the Chair. I was reserving the right to object all the time.

The CHAIRMAN. The Chair can not hear what the gentleman from Mississippi says.

Mr. WILLIAMS of Mississippi. I say I was reserving the right to object. I suggest to the gentleman from Indiana that he make it thirty minutes on a side.

The CHAIRMAN. The Chair did not wish to cut the gentleman from Mississippi off.

Mr. WILLIAMS of Mississippi. I know that.

Mr. HEMENWAY. I renew my request to make it twenty minutes on a side, twenty minutes to be controlled by myself, and twenty minutes to be controlled by the gentleman from Georgia.

The CHAIRMAN. The gentleman from Indiana modifies his request and now asks unanimous consent to close debate in forty minutes; twenty minutes to be controlled by himself and twenty minutes by the gentleman from Georgia [Mr. ADAM-

son]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEMENWAY. I ask the gentleman to consume some of his time.

Mr. ADAMSON. I yield five minutes to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. Mr. Chairman, an amendment is pending proposing to increase the appropriation for topographical surveys from $300,000 to $350,000, an increase of $50,000 in the appropriation for this purpose. The remarks made by the gentleman from Indiana [Mr. HEMENWAY] the other day indicate that this is a most important service that has been rendered by the Government in the various States in the Union. The fact that there is an appropriation in the bill for $300,000 for this purpose itself shows that the committee recognizes that it is an important service, and there ought to be a liberal appropriation made for it. The only objection that has been urged against an increase in the appropriation is that the sum of $300,000 is the amount estimated by the Department as being necessary for this purpose, and that the committee has granted the entire amount asked for by the Department. I am from a State, Mr. Chairman, where we are anxious to have the work expedited. The estimates of the Department do not control us. We frequently grant less than the Departments ask, and we have the same right to make an appropriation in excess of their estimates when public necessity requires. I can well understand why the gentleman from Massachusetts [Mr. GILLETT], who made remarks upon the pending amendment on Saturday, should state that we were proceeding fast enough, and that we could wait. The people of Massachusetts can well say so, when the entire State has been surveyed and the topographical map of that State has been completed. In my State not more than one-fourth of the State has had the benefit of this work; and so we are asking for an increase in the appropriation that that work may be carried on more expeditiously.

It was said, I believe, by the gentleman from Massachusetts that his State contributed one-half of the expense. I am not so informed, Mr. Chairman. I believe, on the contrary, that the Government expended two dollars to every dollar that was contributed by the State of Massachusetts. The fact, as I understand it, is that when the map was being prepared the State of Massachusetts requested that it be prepared on a larger scale than that which the Government proposed, and in order that it might be thus prepared the State contributed, I believe, some $25,000 for that purpose.

Mr. GILLETT of Massachusetts. Will the gentleman yield?

Mr. BONYNGE. Yes.

Mr. GILLETT of Massachusetts. I have been told that I was mistaken in thinking that we contributed half, and that we only contributed $40,000.

Mr. BONYNGE. Yes; you are correct. The State contributed $40,000, while the Government expended $68,000 on surveys in addition to the cost of engraving and publishing the map, amounting to about $25,000.

Mr. GILLETT of Massachusetts. I will ask the gentleman if he does not think it cost the Government a good deal more to survey one-quarter of Colorado than it did to survey the whole of Massachusetts?

Mr. BONYNGE. I am not sure whether it did or not. I do not know.

Mr. GILLETT of Massachusetts. It is a great deal larger.

Mr. BONYNGE. Yes; but the portion of Colorado that was surveyed was not the mountainous portion.

Mr. GILLETT of Massachusetts. We have not any mountainous portion.

Mr. BONYNGE. No; but you have the harbors and coast lines, which, perhaps, would be more expensive. I am not informed as to the total amount that the survey in Massachusetts cost or the cost of surveying so much of Colorado as has been surveyed, and consequently I can not answer the gentleman's question in detail.

Now, I understand, Mr. Chairman, that the total area of the country thus far surveyed is about one-third, and that two-thirds of the country still remains unsurveyed. A very large portion of the eastern section of the country has been surveyed. The States where the survey has been completed are Massachusetts, Connecticut, Rhode Island, and New Jersey, each of which, I believe, contributed from one-third to one-half of the expense. Other States which have contributed to some extent have been Pennsylvania, about one-fourth completed; New York, a little over one-half completed; Maine, one-sixth completed; Maryland, three-fourths completed; Ohio, one-fourth completed; West Virginia, one-fifth completed.

The people of the section of the country where the work has not been completed are clamoring for its extension. It is a most valuable work as a basis for the great industrial development of the country. It is important to the development of water powers for manufacturing purposes, water supply for towns and cities; to those examining and classifying our agricultural soils, for the forests, for mining development, and for geological exploration. The Geological Survey is the only organization in the country that has the trained men and the equipment ready to make such topographical maps as the demands of the country require. The increased appropriation asked is a small one considering its value to the development of the country, and I sincerely trust the amendment will prevail.

Mr. ADAMSON. Does the gentleman from Indiana [Mr. HEMENWAY] desire me to use further time now?

Mr. HEMENWAY. I should be pleased if the gentleman will go ahead. We want to get along with the bill, and we hope not to have to use all the time allowed to this side.

Mr. ADAMSON. I yield two minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, in the course of my remarks the other day the chairman of the Committee on Appropriations seemed to infer from something I said that perhaps the Director of the Geological Survey had made statements to Members individually different from those made in his estimate to the committee. I desire to say that, so far as I have any knowledge, the Director has made no request whatever of any Member of the House upon this subject. As it is not a matter touching the clerical force in his department, or anything in any way affecting the maintenance of that department, but simply a question as to the rapidity with which these most useful surveys shall be completed, it is for us and not for him to say. So far as I know, it is to him a matter of indifference, except that he will gladly do the work for which we make appropriation. I do know, however, that the State geological departments and that my constituents and those of nearly every Member of this House are anxious to have these surveys made, and that whenever an inquiry is made or a request is made of the United States Geological Department to extend and complete the surveys in any State the reply always comes back "We should be very glad to do it if we had sufficient appropriations for the purpose." It is for the purpose of giving him the money, so that he may do what he would be glad to do if he had the money, that we ask this increased appropriation. We believe it to be a matter of more advantage to more different people, in more different pursuits of life, than any other one object for which we make appropriations.

Mr. ADAMSON. I yield to the gentleman from Pennsylvania [Mr. PORTER] two minutes.

Mr. PORTER. Mr. Chairman, I am interested in this amendment and in this measure because of the importance to the people of the State of Pennsylvania and to the people of all the States. I have no personal interest in it whatever as affecting any piece of property. There has been no influence brought to bear upon me by the Department, and my interest has come from a knowledge of what the Department is accomplishing. The cities of Pittsburg and Allegheny (soon to be known as "The Greater Pittsburg") prepared a large relief map for the Louisiana Purchase Exposition at an expense of their own of $25,000. That map was based on the topographical survey of this Department and would have been impossible without it.

In 1884 Massachusetts proposed a combination of State and national funds that more rapid progress might be made in this work. The survey in Massachusetts was completed in 1888; New Jersey completed hers by a similar arrangement in 1887; Rhode Island, hers in 1885, and Connecticut, hers in 1891.

At the present time cooperative topographic work is going on in New York, Pennsylvania, Ohio, West Virginia, Maryland, Maine, Kentucky, Alabama, Louisiana, Michigan, California, and North Carolina. Topographic field parties in 1903 and 1904 were engaged in all but four or five States and Territories in the United States. A fair division of the funds has been made so far as possible by the Director of the Department, and under this cooperative system Pennsylvania is about one-fourth completed, New York a little over one-half, Maine one-sixth, Maryland three-fourths, Ohio one-fourth, and West Virginia one-fifth. One million and six thousand square miles have been completed, 106,000 of which were under cooperation. Two million more square miles, exclusive of Alaska, remain to be completed.

As shown in the CONGRESSIONAL RECORD of Saturday, twenty-three State and Territorial geologists and several others interested petitioned this House for the increase now proposed. Pennsylvania is anxious for an increase, that the work in that State may be expedited. It has been stated that the Director of the Geological Survey only asked for $300,000, which is the amount recommended by the committee. Of course he will con-

fine himself rigidly to any appropriation that Congress will make, and of course, under the pressure for economy that was felt in all of the Departments last autumn, he kept his request down to the amount appropriated last year; but the pressure for increased work is so great that he will have to deny many requests unless a larger amount is now granted. With the demand for economy every intelligent man ought to be in sympathy, but true economy is certainly a just recognition of real demand, and a wise expenditure is true economy. If the demand for more rapid progress is legitimate, we should respond to that demand on its merits. If the interests of people require more money for this distinct and special service, it will be parsimony on our part and not true economy to deny it.

The most startling instance of false economy was shown here in the District of Columbia in connection with this very department of the Geological Survey. On the night before Christmas, 1903, a fire occurred in the building occupied by the Survey. It was the rarest good fortune, and no proper foresight of this Government, that spared the loss of millions of dollars in completed plans and surveys, that would have entailed years of work and great expense to replace, and undoubtedly the replacing of some of these documents of priceless value would have been simply impossible. That economy was secured by renting an inflammable building for the preservation of completed work, much of which could certainly never be duplicated. The people of the United States do not ask such economy as that of its representatives.

The interjection of partisan suggestions in such a matter as this is certainly to be deprecated. Let this House decide whether this money will be wisely used and whether the demand is real and fair, and then decide the question on its own merits.

Mr. ADAMSON. Mr. Chairman, I yield one minute to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Chairman, I want to say simply that I hope this amendment will prevail, because it is in the interest of a work that can go on economically and upon which depends, in a large measure, the work of the surveys in the States. In the State of West Virginia we are having a survey, and that work is retarded because these topographical surveys are not made. According to a fair estimate it will take seventy-five years to complete this work the way these appropriations are being made, while they can be greatly expedited and very much more work can be done if the appropriations are increased. To a State like West Virginia the importance of this work can not be estimated, and I hope the amendment will prevail.

Mr. ADAMSON. I have now used one-half of my time, Mr. Chairman, and unless the gentleman from Indiana intends to conclude in one speech I ask him to use a part of his time.

Mr. HEMENWAY. I yield five minutes to the gentleman from Maine.

Mr. LITTLEFIELD. Mr. Chairman, I am opposed to the adoption of this amendment. I do not propose to discuss the importance of topographical surveys. I do not propose to go over the question whether it is wise or unwise, or whether upon it depends all of the very vital considerations that have been suggested. I do not know how much interest Maine has in it. For the first time I learned this morning from the speech of the gentleman from Colorado [Mr. BONYNGE] that Maine has not been surveyed. I never knew before that it had not been surveyed, and that may demonstrate that I have been in ignorance of an important public work. I was elected to this House in June, 1899, and until this minute I have heard from only three men in the State of Maine, which has a population of about 800,000 people, urging or speaking about this appropriation for this survey. Two of the men wanted some information, and within the last two or three weeks a member of this board who has charge in Maine, Professor Lee, a very learned and able gentleman, a warm personal friend of mine, wrote me about it. I would be glad to gratify him personally, if I could. These are the only suggestions I have received from anybody in Maine with reference to this appropriation.

Mr. BONYNGE. Will the gentleman allow me an interruption?

Mr. LITTLEFIELD. Certainly.

Mr. BONYNGE. I have been informed that the legislature of Maine has three times passed a bill asking the National Government to cooperate in this work.

Mr. LITTLEFIELD. I do not know a thing about that; I never heard of it. It may be that somebody got through the legislature a proposition that nobody took any interest in. I have not been advised of it and never been informed of it.

Mr. BAKER. Mr. Chairman, I would like to ask the gentleman——

Mr. LITTLEFIELD. I have only five minutes.

Mr. BAKER. I simply wanted to ask the gentleman whether it was while he was speaker.

Mr. LITTLEFIELD. Oh, no; they were not passing that sort of perfunctory legislation at that time. [Laughter.]

Mr. OLMSTED. Is the gentleman from Maine aware that during the incumbency of the gubernatorial office by his colleague that that gentleman recommended and the legislature passed an appropriation which resulted in the survey of a part of the State?

Mr. LITTLEFIELD. That may be true, but that was before June, 1899, and since then only three men in Maine have ever made a suggestion in relation to it to me. That simply bears on the importance of it. I have no doubt it is wise and good legislation, but I have called the attention of this House on two different occasions that we now have a deficit for 1905 of about $20,000,000, and that we are going to have in 1906 a deficit of something like sixty or eighty million dollars, and here is a bill that is $8,000,000 larger than the bill as passed last year for the sundry civil appropriation bill. I have asked the chairmen of the various committees to point to me where I could join with them in cutting down an appropriation bill and keeping the expenditures of this Government within its revenues. Now, here is a proposition to increase the recommendation made by the committee in the face of the fact that the head of this Bureau has made his estimate for only $300,000, and if he is intelligent that simply says that when he makes that estimate it is enough for this department. Now, I say if the House wants, if the committee wants, in the face of the pending deficit of about eighty millions of money, of which this bill will make nearly eight millions, if it wants to vote on this appropriation $50,000 more let them do it with the knowledge that they are expending money that they know they can not have when the fiscal year of 1906 ends.

I hope the chairman of this committee, if this committee proposes to add to these appropriations in this manner, when the committee rises will give us an opportunity for a roll call and let the Members of this House say by a yea-and-nay vote whether they propose to increase the deficit or whether they propose to keep the expenditures of the House within the limits of the money that we raise from the people by our annual revenue. That is the reason why I oppose this amendment. It ought not to be made now.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. WILLIAMS] such time as he desires.

The CHAIRMAN. The gentleman from Mississippi is recognized for ten minutes.

Mr. WILLIAMS of Mississippi. Mr. Chairman, on Saturday afternoon this side received something of a verbal castigation from the gentleman from Indiana [Mr. HEMENWAY] upon the subject of economy. I hope before he and his party are through with the Government of this country they will learn the difference between extravagance and investment. I hope to try to teach him to-day the difference between putting necessary underpinning under your house and painting the cupola of your summer house. The gentleman on Saturday threatened us with dire revenge and likewise pleaded the "baby act" about the extravagant appropriations of this Administration. He can not deceive the American people into ignorance of the fact that he and his party are in command of the ship of state and have the power to defeat any appropriation that may be offered in this body, and have had that power—a partisan majority, and the Committee on Rules to back it. He can not be heard to lay the blame of extravagance, if extravagance there be, upon the minority of this body. His party has a majority which gives them the power to control absolutely. The gentleman on Saturday said:

> Only a few moments ago $100,000 was voted into this bill, and we succeeded in securing from the Democratic side of the House just two votes against it.

Suppose that were true—you have your majority, you are charged with the responsibility of government, and you can not shirk it; but when I come to examine and find out what that was, I find it was an appropriation for the extension of the land surveys of the country, a thing absolutely necessary to be done to keep the household in order and the house itself ready to occupy.

Mr. HEMENWAY. Mr. Chairman, will the gentleman permit a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. HEMENWAY. Is the gentleman aware that the reports of the Land Office show that these contractors who get this money for surveying work up the people and get them to ask for surveys in order that their contracts may be continued, and they are continued in making useless surveys, and that the

$100,000 voted on is voted on for that purpose, when, as I say, the reports repeatedly show that the contractors making these surveys work up and urge the people to make requests in order that their work may be continued?

Mr. WILLIAMS of Mississippi. I hope the gentleman will remember that I have just exactly ten minutes.

Mr. HEMENWAY. The gentleman must have the facts put into his speech as he goes along.

Mr. WILLIAMS of Mississippi. Oh, I can not yield for the gentleman to state something that may or may not be true.

Mr. HEMENWAY. The gentleman was making a statement of facts.

Mr. WILLIAMS of Mississippi. In connection with all governmental expenditures there is, of course, generally somebody behind the counter expecting to benefit by them. That is an incident. The question is the very right or wrong of the appropriation.

Mr. HEMENWAY. And that was in this case very true.

Mr. WILLIAMS of Mississippi. Now, surely the gentleman is not going to take up my whole time.

Mr. HEMENWAY. No. I beg the gentleman's pardon.

Mr. WILLIAMS of Mississippi. But that has nothing to do with this question. Now, the gentleman charges the Democracy here with not being economical.

The Democracy knows the difference between "leakage" and "investment." Money which goes into public buildings, for example, is an investment. The money that goes into public buildings is not a mere expenditure, it is an investment. It saves rent. Why, it is just as though a man charged the price of clearing 40 acres of land on his farm to general loss, charged it to extravagance. Those things which enable you to work the farm better, to get more out of it, to make it more useful to its tenants and its owners, are investments. The Democracy is not going to be economical, therefore, in stopping the improvement of the rivers and harbors of this country. It wants them deepened and broadened and improved. It is not going to strike for economy in the way of ceasing to erect public buildings, forcing the Government to continue to pay high rent. It wants the Government run economically. But the Democracy is not going to be economical at the expense of the United States geological surveys of this country, which are at the basis of the soil surveys that are so necessary for the great agricultural interests of the country. The Democracy is not going to be economical upon the investigation of lignites so as to save fuel power for the manufacturing interests of the country. The Democracy would like to suggest to the gentleman from Indiana that this increase of $498,000 in five years for the Geological Survey is one-tenth of the price of a battle ship, and just half as much as is necessary to keep a regiment of useless soldiers on a war footing in times of peace. [Applause on the Democratic side.]

Mr. HEMENWAY. The gentleman is mistaken as to his figures. There is an increase of $498,000 in this bill. The appropriation for geological surveys is over a million dollars a year.

Mr. WILLIAMS of Mississippi. I quote the gentleman himself: "During the last five years from 1901 to 1905 we have increased the appropriation for geological surveys $498,000."

Mr. HEMENWAY. That is the increase; yes.

Mr. WILLIAMS of Mississippi. I say that, and that entire increase is one-tenth of the price of a battle ship. I will tell you how to be economical, if you wish. Stop your miserable oriental colonistic foolishness. [Applause on the Democratic side.] Stop sending down to Santo Domingo a man-of-war while you make of the United States Government a receiver for insolvent Spanish-American republics. Why, I noticed here a few moments ago that gentlemen of the House kept up an army post at San Antonio, and they ought to have done it, because it may become necessary some day for the President to appoint the gentleman from Indiana [Mr. HEMENWAY] or somebody else receiver of the Mexican Republic, and, if so, he will need a regiment to protect him. [Laughter and applause on the Democratic side.]

I am reliably informed that there are a very great many European speculators, English, German, French, and some American speculators, who have gone down to the tropical lands of extensive interest payments and small reliability for the repayment of the principal, and it may become necessary some time to appoint a receiver or debt collector for these speculators and send down a man-of-war or somebody else in order to do fully and completely what we are beginning to do, namely, to do away with the old Monroe doctrine of simply denying overlordship of Europe, while we substitute for it the new Roosevelt doctrine of "American overlordship;" and as you can not charge upon the Mexican Republic with a man-of-war—it not being an island—it is altogether well enough to have a regiment of soldiers at San Antonio to protect the gentleman from Indiana or whomsoever may be appointed at the time as an American receiver for an accidentally identified defunct insolvent South American republic. [Applause on the Democratic side.] The gentleman talks about economy. Why, the gentleman ought to know this Government has branched out into endless new expense now right at Santo Domingo. Right here, with permission of the House, I am going to insert an editorial from the Washington Post entitled "Be careful in Santo Domingo," and a little part of it I am going to read now. I have just said the Administration has left and deserted the time-honored Monroe doctrine and you have elevated the new Roosevelt doctrine, that is henceforward to be the guide of the American people in their dealings with the world. You have said that American boys, light-haired, blue-eyed fellows—our soldiers or sailors—at some time or other are to be shot while acting as policemen to collect debts for European speculators all over the American hemisphere. Your new Republican hemispheric doctrine is not the old Monroe doctrine. You ask us what we are going to do and speak about our responsibilities there, and all that. The Washington Post answers it, "a courteous and kindly statement that this country expects every European nation in dealing with any American republic to accept the doctrine of Prince Bismarck"——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LITTLEFIELD. I move that the gentleman's time be extended.

Mr. HEMENWAY. I yield to the gentleman two minutes. Will that be enough?

Mr. WILLIAMS of Mississippi. I would like to have five minutes if I can get it.

Mr. HEMENWAY. I ask unanimous consent that the gentleman have five minutes' time and that the time on this side be extended to that extent.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent for a modification of the order and that the time of the gentleman from Mississippi be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. Instead of declaring that at some time some American boy in the Army or Navy is to be shot while enforcing an international debt collection, bombarding for the collection of debts, this is the doctrine——

Mr. HEMENWAY. Pardon me just a moment. I understood the Chairman did not put the request that five minutes be added to each side.

The CHAIRMAN. The Chair did not understand the gentleman so to ask. As modified, is there objection to the request? [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. WILLIAMS of Mississippi. Instead of announcing to the world that the American doctrine hereafter is to have the blood of American boys shed for observance of a "sacred internantional duty of bombardment for the collection of debts for Government and speculators," it seems to me that this announcement which comes to us from the Washington Post would be well and it would be economical. I announced that paper's recently uttered opinion six months ago. If you start once in things like the Santo Domingan business, in the name of God I want to know when and where you are going to stop; at what particular line of debt collections are you to desist; at what particular line of bloodshed are you to stop, because the new doctrine is merely the shedding of blood in order to collect money. In real analysis that is all of it.

Who made us the God's universal constables to do the debt collecting of the world in so far as the American hemisphere is concerned? It would be more economical to send from the White House "a courteous and kindly statement that this country expects every European power to accept the doctrine of Prince Bismarck." I mean that in dealing with the American republics to accept the doctrine of Prince Bismarck and "to abstain from armed intervention in favor of speculators who undertake transactions in a foreign country with the full knowledge they are doing so for their own profit and at their own risk." Let it go out to the world that America stands as the first nation, in the forefront of the advancing tide of civilization that looks toward peace amongst the nations of the world, and let us say to all the world what the "Iron Chancellor" of Germany said—"man of blood and of iron" as he was—that no German soldier or German sailor should ever be used anywhere to collect the debt due any speculator on the face of the earth. I wish the gentleman would learn the difference between clearing his land in order to make the land productive and mere frills and ornamentation—mere pride expenditure—between internal development and external waste, as all

these nonsensicals—I started to say "new fangled," God forgive me, but they are the oldest fangled shapenings of vices and crimes against nations gallivanting around the surface of the universe from one island to another, skipping as you go, in a mad race, "a world-powering" and "schoolboying."

I will tell you how to have economy. Remember that it takes, by the sworn testimony of an American admiral, forty more men-of-war to keep up the nonsense in the Philippines than it would without them. Just remember that if you start on this new-fangled idea of debt collecting and international policing in South America it will take sixty or eighty more battle ships than you have now in order to keep up the game for all time. In twenty years you will be paying $100,000,000 a year for your substitution of Roosevelt for Monroe.

Well, they tell us they are just going down to Santo Domingo for a little while to close up an assignment. One robber chief after another makes some sort of an arrangement that we call a treaty. They say we are just going down there for a little while. I say right now that if you put your foot there once your foot will never be taken out. It is just as when England went to Egypt in order to see that the debts of the Khedive were paid, and England is there yet, and England has no idea of leaving. It is at least well, Mr. Chairman, that an enlightened body of representatives of a great people should know where they are putting their feet before they put them, at any rate; should know that the foot being put there once will not be removed until there is a reason of some sort to force it to be removed; and no American citizen, of course, is looking forward to a defeat of its country or its removal by force from any place where it happens to go. If the gentleman wants to economize, if he wants to do right, I say that he has no right to say to me that I shall not expend the $10 that is necessary to put a new pillar under my house because he wants to keep that $10 with which to put a fancy cupola on top of the summer house or somewhere else. [Applause.] I say the thing is to invest your money and that investment is not extravagant. Rivers and harbors are not expenditures; they are an investment. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. WILLIAMS] has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask unanimous consent to insert the editorial which I mentioned in my remarks.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] asks unanimous consent to insert the editorial which he read in his remarks. Is there objection?

There was no objection.

The editorial is as follows:

BE CAREFUL IN SANTO DOMINGO.

Surely it is not unreasonable to ask that more light on the subjects involved in the Santo Domingo affair be given to the country before action is taken. In another column will be found some additional facts, supplementing the editorial statements in The Post yesterday, which emphasize the need of a most thorough investigation.

President Roosevelt and Secretary Hay are faithful and deserving public servants; but as they are human they are liable to err. If they have not erred the fullest possible investigation of every phase of the Santo Domingo matter, including that extraordinary treaty of January 20, 1905, will redound only to their credit.

So, we repeat, let in the light, and before the treaty is ratified.

As to the safety of the Monroe doctrine requiring haste, there is no more danger that the European powers will assail it than that they will attempt to remove the Rocky Mountains. The shots which put Maximilian to death on the plain of Queretaro are still echoing in every European chancery, as witness Great Britain's surrender to President Cleveland in 1895, and witness both that country and Germany asking and obtaining our permission to send their ships to coerce Venezuela in 1902 before they dreamed of sending them. But if any timid person supposes anything ought to be done to further safeguard the Monroe doctrine, all that is needed is a courteous and kindly statement that this country expects every European nation, in dealing with any American Republic, to accept the doctrine of Prince Bismarck and to abstain from armed intervention in favor of speculators who undertake transactions in a foreign country with a full knowledge that they are doing so for their own profit and at their own risk.

With such a notice before them there is not a country in the world would dream of going to war with us in the effort to collect the alleged claims of such "speculators;" and if any foolish country did seek such an insensate conflict every American would rally at once to the support of his Government. But the truth is, the Monroe doctrine is not in the least possible danger. Nor does it afford the slightest real occasion for our descending from our lofty and splendid position as the leader of the nations to the humiliating business of extorting for "the speculators" what Prince Bismarck has so aptly described "their pound of flesh" from the miserable and impoverished population of Santo Domingo.

Mr. HEMENWAY. Mr. Chairman, I have listened with interest to a portion of the speech delivered to-day by the gentleman from Mississippi [Mr. WILLIAMS]. During the last campaign, when he insisted that Theodore Roosevelt, as President of the United States, was entering upon dangerous ground in appointing receivers for the South American republics, the people of the country did not seem to approve the doctrine advocated by the gentleman, and Theodore Roosevelt was elected President of the United States, notwithstanding that argument, by a greater vote than was ever given to any man as a candidate for President in this great country of ours. [Applause on the Republican side.]

Following that, when we got back to Washington, what did we find? We found the whole Democratic party falling head over heels trying to get up to the White House to approve the election of Roosevelt, and the distinguished gentleman from New York on the floor of the House on Saturday said that when we got an honest President of the United States in the White House that certain officials had to go. Why, Member after Member on the other side has approved the election of Roosevelt, and now they say that he is the honest and true representative of the people. That is what we told you before the election, and you now realize that you were wrong and we right. The gentleman from Mississippi has also commended Roosevelt's policy. Now, let us see as to this expenditure.

Mr. WILLIAMS of Mississippi. The "gentleman from Mississippi" may almost have "slopped over" in approval of the President's adopting Democratic views, but I never have favored Roosevelt's policies so as to leave our own footsteps, as the gentleman knows.

Mr. HEMENWAY. The President and his policy since he has been elected has been exactly what it was before he was elected, to which the gentleman from Mississippi [Mr. WILLIAMS] and his party were opposed. [Applause on the Republican side.]

Now, then, the gentleman deals in glittering generalities. He does not point out a single item of increase that the Democratic side have helped to keep off appropriation bills. I have served as chairman of this committee through this one Congress, and I have no recollection of having got more than half a dozen votes on that side to keep down extravagance, and time and time again, when there was no record vote, I have seen that side get up, almost to a man, and vote for increase of appropriations; and a few minutes later, when we vote for this increase, watch that side of the House, see if they will not vote to add $50,000 more to this bill than the Director of the Geological Survey said was necessary. Why, of course this is a good service. The topographical surveys are necessary and geological surveys are necessary. But it can not all be done in one year, and we have been increasing this item for topographical surveys every year until we have got it from $150,000 in 1896 to $300,000 now. It has increased rapidly. Why, of course it is good work; but it can not all be done in one year, and we are giving a large increase for it this year.

Mr. SHERLEY. The position we take is in addition to having the gentleman's district surveyed, some of us over here would like to have ours done before the end of time.

Mr. HEMENWAY. Why, the gentleman is absolutely unfair in his remark. "The gentleman from Indiana" has done more to bring about surveys in the State of Kentucky than the gentleman representing the Louisville district.

Mr. SHERLEY. The only difference is that the gentleman's efforts in Indiana have been successful and in Kentucky they have not.

Mr. HEMENWAY. There has been less money expended by the Geological Survey for Indiana than for any other State in the Union. There is only one little corner in Indiana that has ever had a dollar expended in the way of geological survey. We maintain a department in our State that looks after that business. We pay the expenses of our own geological survey. We have at the head of our geological survey in the State of Indiana a man competent, who can tell where coal and other valuable deposits are to be found. He makes an annual report, and it is as accurate a report as that issued by the Geological Survey of the Government. If the other States of the Union will take care of their geological surveys as we have in Indiana, there will be no call here for an increase of this appropriation for surveys.

Mr. WILLIAMS of Mississippi. Will the gentleman pardon a question?

Mr. HEMENWAY. If it is only a question.

Mr. WILLIAMS of Mississippi. Does the gentleman know what proportion of his own district in Indiana has been surveyed?

Mr. HEMENWAY. A topographical survey? One portion of it. I want to say to the gentleman that that did not come as a suggestion from myself. It came as a suggestion because of large coal beds there running over into Kentucky, up Green River, Kentucky, where we could get good coal that could be got out of Green River, so that it could be sent to the South for much less money than the Pittsburg coal.

And there was more money expended in trying to locate the coal beds along Green River, in Kentucky, than was expended in the district I have the honor to represent. But I will state again that if the gentleman from Kentucky wants to put it upon that narrow ground, there has been less money expended in the State I represent than in any State of the Union of anything like its size and wealth. But I do not intend to go off on that proposition. I have no personal interest in this matter, only the interest of the Government to hold down these appropriations.

In spite of everything we could do, this bill is $8,000,000 larger than the bill for last year. Now, where does the increase come from? Why, for the construction of public buildings—$3,224,000 more than last year. Who can say that this Republican Congress has not been liberal in the construction of public buildings? Prior to 1886 we only had 120 public buildings in this country. A Republican Congress passed one bill providing for 137 public buildings, or more than we had had in our whole history before. And this bill carries an increase over last year of $3,224,000 for that reason. For rivers and harbors we carry an increase of $2,571,000 over last year. We carry for the National Museum building that is to be erected a million and a half of dollars. In spite of all the cutting we can do this bill is $8,000,000 greater than that of last year.

Now, I appeal to my Democratic friends to stand by what you advocate. There is sufficient money to carry on this service for the next year. It is the largest sum of money they ever had. It is over $200,000 greater than they ever had before. I appeal to you to practice what you preach. And to this side of the House I say, you heard the taunts of the leader on the other side, the gentleman from Mississippi [Mr. WILLIAMS]. He said, "You are responsible, you have the power, why do you plead the baby act?" He charges me with pleading the baby act when I say that I can not hold down these appropriations, and he says this side is responsible. You are responsible, and if you vote this increase in here this Republican side of the House is responsible for it.

The gentleman from Mississippi is right, and I only perform my duty when I stand up here calling the attention of this side of the House to the fact that we have taken care of this service amply, that we have provided every dollar of money that can be expended economically in this service; because the Geological Survey not only has this work to do, but it has the irrigation work of the great West to do, which must be done under the direction of Mr. Wolcott. They can not get together a sufficient force and expend any more money than we have appropriated and expend it properly. I appeal to this House that it is unfair for you to yield to a lobby that is favoring this proposition; not a corrupt lobby, but a lobby built up in different States, that is firing in letters here asking for an increase of this appropriation. Why, if we take the different departments of Government service and put on all these increases, what will happen?

In place of having $40,000,000 deficiency next year we will have $60,000,000 deficiency. And I want to say to you now, that unless Congress holds down these bills, within twenty-one months we will have a deficiency in the Treasury of the United States, we will not have the money to pay our bills with. Then from the other side will come the taunt: "Away back in our day you said that in a time of peace the Democratic party could not run the Government without borrowing money." Will this Republican side have it said that in a time of peace the Republican party could not run this Government without borrowing money? It is up to you. If you want to vote to load up your bill with increases of appropriation, you have the power to do it, but you are not doing right by your country or by your party. [Applause.]

Mr. WILLIAMS of Mississippi. Will the gentleman permit me to make a suggestion before he sits down?

Mr. HEMENWAY. No, I will not. I will yield for a question.

Mr. SHERLEY. I ask unanimous consent for three minutes.

Mr. HEMENWAY. How much time have I remaining?

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman a question in that time.

Mr. HEMENWAY. I will yield for a question, but not for a statement.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman if he does not think he could economize a little as the floor leader of that side if he would cut off the annual expense of ten regiments of soldiers?

Mr. HEMENWAY. The gentleman knows that the chairman of the Committee on Appropriations can not do that. I yield to the gentleman from Kentucky [Mr. SHERLEY] two minutes, and hope that will be enough.

Mr. SHERLEY. Mr. Chairman, I want to use only a fraction of the two minutes yielded to me in saying that it is not my purpose to ask the determination of this question upon the attitude of certain individual Members. It happened, however, that the gentleman from Indiana [Mr. HEMENWAY] and the gentleman from Massachusetts [Mr. GILLETT] were the two opponents on Saturday to this amendment; and by a curious coincidence it turns out that the whole State of Massachusetts has been surveyed, and most of the district from which the gentleman from Indiana comes. So much for that. Neither do I think we ought to have determined a question of this kind by our political bias.

Mr. LITTLEFIELD. Will the gentleman yield?

Mr. SHERLEY. No; I can not yield. This matter is either a wise expenditure or it is not a wise expenditure, and its wisdom or its lack of wisdom is not determined by virtue of being made by Democratic or Republican votes. The fact is that there is a great demand throughout the country for a more rapid progress in this work. The various States are appropriating money, as my State is, to cooperate with the National Government in this work. At the present rate it will take one hundred years to complete the work. I submit that this is a matter of sufficient importance to warrant, if you want to put it on that ground, a departure from the peculiarly economic attitude that is now being assumed by the gentleman from Indiana.

The Chairman. The time of the gentleman from Kentucky has expired.

Mr. HEMENWAY. Mr. Chairman, I now yield the balance of my time to the gentleman from Michigan.

Mr. GARDNER of Michigan. Mr. Chairman, it seems strange to hear the leader of the Democracy upon this floor, the gentleman from Mississippi, extolling appropriations for rivers and harbors as a Democratic virtue. That gentleman knows, as every Member of this House knows, that the last Democratic President save one vetoed an appropriation for river and harbor improvement. He knows that it was a cardinal principle of the Democratic party, down to the civil war at least, that you could not under the Constitution appropriate money for river and harbor improvement. James Buchanan, in one of the last messages penned by him, vetoed a bill with that object in view. And now the leader of the Democracy comes in here and upon this floor and says this is Democratic doctrine. Who, gentlemen, has given the millions and millions of money for the improvement of rivers and harbors of the South and of the North and of the West? The Republican party has given it.

Mr. BENTON. May I make a suggestion?

Mr. GARDNER of Michigan. If it is a short one.

Mr. BENTON. You have lined up this side against you, and now I think the gentleman had better line up the other side. [Laughter.]

Mr. GARDNER of Michigan. That side was already lined up, and nothing I can say will prevent its solidity of action on this measure, but it may be well to state a little wholesome truth to them.

Mr. BENTON. Then you ought to get some one else to do it. [Laughter.]

Mr. GARDNER of Michigan. Now, Mr. Chairman, it ill becomes the leader of the other side to ask the chairman of the Committee on Appropriations "Why don't you cut off ten regiments from the Army and economize?"

Mr. LITTLEFIELD. After the army bill is gone by.

Mr. GARDNER of Michigan (continuing). The leader of a great political party in this Chamber, after the bill has become a law, asking why don't you go back and reconsider the bill in the two Houses and cut off ten regiments! The Democratic party, he says, is in favor of public buildings. Who gave you your public buildings? The Republican party. You have them by virtue of the liberality of the Republican party to the South, as well as to the North.

Now, what is the issue in this bill? It is right here; here is the amount which the head of a great bureau says is enough. He said that in the hearings, and it is all he asked. You come upon the floor in discussion, and some Member moves that it be increased $50,000. Look at the principle. Suppose you adopt that, what is the use of the careful estimate, of the investigation, of the final decision by the head of a bureau? Not in the excitement of debate, not in the heat of discussion, but in the cool, calm moments at his office, with all of the information before him, he says this is enough, and comes to Congress with that proposition. Some gentleman moves to increase it $50,000 and others, perhaps, to $100,000. If you admit the

principle, gentlemen, your whole policy of protection of the National Treasury is gone. You unlock the door and throw the key away.

Mr. SHERLEY. Will the gentleman allow me?

Mr. GARDNER of Michigan. If it is only a question.

Mr. SHERLEY. If your proposition is true that we are to accept the simple statement of the heads of Departments, hadn't we better abrogate our functions and pass the Book of Estimates?

Mr. GARDNER of Michigan. No, sir; under our system we have the Book of Estimates of the Departments and they are carefully scrutinized and estimates are cut down millions of dollars.

Mr. HEMENWAY. They always ask for enough.

Mr. BELL of California. Do I understand the gentleman from Michigan to assert that the Democratic party as a party is opposed to internal improvements?

Mr. GARDNER of Michigan. It is in the record, in the book. Is the gentleman so ignorant of his party's history that he does not know that it is in the record again and again prior to the civil war?

Mr. BELL of California. Where?

Mr. GARDNER of Michigan. In all the state papers.

Mr. BELL of California. I want to ask the gentleman if it is before or after the civil war?

Mr. GARDNER of Michigan. You will find it in the state papers that James Buchanan, the last Democratic President but one, vetoed a bill for deepening the channel in the St. Clair River to 12 feet; and now my friend from Mississippi says that this river and harbor appropriation is good Democratic doctrine!

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BELL of California. Mr. Chairman, I ask unanimous consent that I may have three minutes.

The CHAIRMAN. The time for debate is exhausted by order of the committee. The question is on the amendment offered by the gentleman from Georgia [Mr. ADAMSON]; and, without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read the amendment.

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

The question was taken; and on a division (demanded by Mr. ADAMSON) there were—ayes 108, noes 86.

Mr. HEMENWAY. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. HEMENWAY and Mr. ADAMSON.

The committee again divided; and the tellers reported that there were—ayes 120, noes 87.

So the amendment was agreed to.

The Clerk read as follows:

For the preparation of the report of the mineral resources of the United States, including phosphates, which report shall be published in one octavo volume and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, $50,000.

Mr. BELL of California. Mr. Chairman, I move to strike out the last word. I desire to occupy a few minutes in reply to a rather bald statement made here by the gentleman from Michigan [Mr. GARDNER]. It has become so common in these days to charge the Democratic party with every crime on earth that I for one am unwilling that any statement shall go out unchallenged that the Democratic party of this country does not stand for internal improvements as much so as the great Republican party. I have asked the gentleman from Michigan to point to some instance, to cite some authority, and he says to consult the books, and finally he cites me to some actions of President Buchanan before the war, in relation to some river. Now, it may be true that President Buchanan as a Democratic President vetoed some measure in respect to some river, but it was only three or four days ago that the Republican chairman of the Rivers and Harbors Committee—the gentleman from Ohio [Mr. BURTON]—vetoed a certain measure in favor of a harbor at Philadelphia, and I presume that it would not be claimed that because the chairman of that committee did not deem that improvement advisable—did not deem it profitable and wise for the Government to give them as many millions as they desired—that the Republican party is therefore against internal improvements. This statement is made everywhere whenever there is a campaign on, and if the Democratic nominee happens to have a navigable stream in his district, then every Republican organ in that district sets up a great howl that the Democratic party is against the improvement of rivers and harbors. I have gone through that experience. I have the Sacramento River in my district in California, and during my campaign gentlemen of the Republican faith were reckless enough upon the platform and in Republican newspapers to declare that if I were elected to Congress that as a Democrat I would not stand for a liberal appropriation for the rivers of my district. Now, I deny that the gentleman can show any record of the Democratic party showing that it does not stand for liberal appropriations.

Mr. LITTLEFIELD. Mr. Chairman, I think the gentleman is certainly entitled to credit for being in favor of that appropriation, and I would like to say for one that I can not now remember any appropriation for that part of the country that he has not favored. [Laughter.]

Mr. BELL of California. That is true, and I tell you why. I am going to answer your question.

Mr. LITTLEFIELD. But I did not ask any question. [Laughter.]

Mr. BELL of California. Then the gentleman should not have interrupted me if he did not have a question to ask.

Mr. LITTLEFIELD. I rose to give the gentleman an indorsement. [Laughter.]

Mr. BELL of California. I will state to the gentleman from Maine why I have stood for every appropriation that I could lay my hands on for the State of California. It is because during my brief experience upon the floor of this House I have found that it is just as much a commercial body as it is a legislative body. I have seen no exalted instances upon the floor of this House of any man, upon either side of the Chamber, be he Democrat or Republican, who upon patriotic grounds is going to refuse any persimmon that may happen to hang within his individual reach.

Mr. POWERS of Maine. Mr. Chairman, I ask unanimous consent to ask the gentleman from California a question.

The CHAIRMAN. The time of the gentleman from California has expired, and the gentleman from Michigan [Mr. GARDNER] is recognized in opposition.

Mr. GARDNER of Michigan. Mr. Chairman, it seems a little surprising that one should be charged with making a false statement on the floor of this House. It is true that I can not give the page. I do not at this moment recall the message.

Mr. BELL of California. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. GARDNER of Michigan. Yes.

Mr. BELL of California. I hope the gentleman is not intimating that I have accused him of making any false statements.

Mr. GARDNER of Michigan. I so understood.

Mr. BELL of California. I certainly beg the gentleman's pardon, and call attention to the statement I did make. I said a very "bald" statement. I think there is quite a difference between "bald" and "false," otherwise many gentlemen here who are bald might be in danger of being considered something else. [Applause and laughter.] Of course, there is nothing personal in that.

Mr. LITTLEFIELD. I suppose that that is upon the theory that those who have no hair may have false hair. [Laughter.]

Mr. GARDNER of Michigan. Now, Mr. Chairman, another thing that the gentleman will not deny. I am astonished at the fact that in the matter of responsibility he compared the chairman of the Committee on Rivers and Harbors to a President of the United States. I can not reconcile such a statement as that. Now, it is a fact, and I refer you to the messages and documents where you can find it yourself. Mr. James Buchanan—now, do not feel hurt. We have had but one Democratic President since James Buchanan. You can not remember him. A man has to be a grandfather now to remember a Democratic President before Grover Cleveland, but the gentleman is not to blame for that. You have got to go to the books to find the record of the Democratic party in power. Now, you compared the honorable chairman—and I am sorry to think you have compared him with James Buchanan. It is a reflection upon the chairman of the Committee on Rivers and Harbors——

Mr. LITTLEFIELD. That is what you would call an "odorous" comparison; very much so.

Mr. GARDNER of Michigan. Yes, sir; thank you. This is a fact, and the erudite gentleman from Mississippi will bear me out in it, Mr. James Buchanan, as President of the United States, not as chairman of the Committee on Rivers and Harbors, not as a member of either House of Congress, but as President, mark you, voicing the doctrine of the Democratic party, vetoed a bill of both Houses on the ground that money appropriated for the deepening of St. Marys River, through which passes more commerce than over any other single highway in the country, was unconstitutional. Is not that so?

Mr. WILLIAMS of Mississippi. I want to ask the gentleman a question. James Buchanan vetoed that bill, but before he

got a chance to veto it it had been passed by the two Houses, had it not? Both Houses were Democratic, were they not?

Mr. GARDNER of Michigan. Go ahead, what difference does that make?

Mr. WILLIAMS of Mississippi. Then, if having vetoed——

Mr. GARDNER of Michigan. He was your President.

Mr. WILLIAMS of Mississippi. If Buchanan's veto was proof that Democracy at that time stood against internal improvements, would not that action of both Houses in indorsing the bill be equally respectable proof that the Democratic party stood for internal improvements?

Mr. GARDNER of Michigan. That passed when the House was Republican and the Senate Democratic, as I understand it.

Mr. DALZELL. They did not veto the veto.

Mr. GARDNER of Michigan. The House was Republican and the Members——

Mr. WILLIAMS of Mississippi. The gentleman will excuse me just one moment. This is so good I would not interrupt him myself, but the gentleman from Kentucky suggests that the gentleman ought to diagram the political situation at that time.

Mr. GARDNER of Michigan. Ought to have a topographical survey, you mean?

Mr. WILLIAMS of Mississippi. You and I were at public school so long ago we "parsed" things instead of "diagraming" them.

Mr. GARDNER of Michigan. You are taking up my time. I know you do not like it, but it is in the books, and I can not help it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POU. Mr. Chairman, there is one statement which the gentleman from Michigan made which certainly was not misunderstood. He made the statement in substance, if not in exact words, that the people of the South should be "grateful" to the Republican party for the appropriations which have been made for erecting our public buildings and cleaning out our rivers and harbors. Mr. Chairman, I rise to resent that statement. As God is my judge, I have no feeling of prejudice against any section of this Republic, but I do not feel that justice has been done by the Republican party to the section from which I come, and I do not feel that anything has been done by the Republican party which entitles it to the gratitude of the people of the South. Why, sir, one would think from the statement of the gentleman that the people of the South paid no taxes, but that these pitiful appropriations were not only voted by a Republican Congress, but that they were raised by taxes paid entirely by members of the Republican party. For one I wish to say that I feel that when you are voting money to erect our public buildings and clean out our rivers and harbors you are simply doing justice. If you will examine the history of this legislation you will find that but little has been done for the South compared with the enormous sums which have been voted for the improvement of other sections.

During more than thirty years of Republican rule your Presidents have taken only about half a dozen members of their Cabinets (properly speaking) from the South, and some of those who were supposed to represent that section really misrepresented its people and their wishes.

Your party has ignored the South. You have made it impossible for a Southern man to be President or Vice-President. You, yourselves, claiming to take within the circle of your love every section of the Republic, do not dare to put a Southern man on your ticket. Behold the Cabinet of the present Chief Executive! Do you think it represents properly every part of the Union?

During forty years much of the earnings of our people have been borne upon a golden stream and emptied into the lap of the North. We have not murmured. We have not become embittered. Our people, during all these years, have manfully borne up under the penalties of war. For years more than a hundred and forty millions of dollars has been voted for pensions of northern soldiers. We paid our part of this vast sum without protest, while we knew that but few dollars would return to aid in the material development of our section. Yet unrepresented, taxed to support those who crushed us and destroyed our wealth, we have accepted the inevitable as becomes a patriotic people, hoping and praying God that the day will soon come when the last remnant of sectionalism would be destroyed and when any son of the Republic, no matter where may be the place of his birth, may aspire to the highest office in the land under conditions of perfect equality with every one of his fellow-citizens.

But here to-day we are told by the gentleman from Michigan that we should be thankful, grateful, to the Republican party for its liberality to us. Liberal indeed you are when, under your tariff system, your party robs us of millions and gives us pennies in return. Do we not pay our part of your taxes? Should we be grateful for the return to us of a small part of what is ours?

Oh, Mr. Chairman, this is a little too much. I can not believe that the gentleman himself, down in his heart, thinks that the South has had a "square deal" in the legislation which the Republican party during its long lease of power has enacted into law. [Loud applause on the Democratic side.]

Mr. POWERS of Maine. Mr. Chairman, I do not intend to occupy but a moment. I belong to those who have "crossed the divide," and whose memory runs back somewhat to ante-bellum times, when the State of Maine was a Democratic State; and if I can now recall the position of the Democratic party in that State and in the nation down to 1861, in all their platforms, in their press and by their speakers, they declared that the doctrine of protection or protective legislation and also the expenditure of money for internal improvements was unconstitutional and wrong.

I have lived to see internal improvements indorsed by the Democratic party on the floor of this House, admitted to be constitutional and urged by Democrats, and even claimed by the gentleman from California, with the approval of his party, to be a Democratic doctrine. May I not hope that some man younger than myself may yet live to see the doctrine of protection to American industries, to American manufactures, to American laborers, and to American interests, as conserving the prosperity of the American home, indorsed and advocated by the Democratic party, and perhaps claimed to be simon-pure Democracy, which they now declare in their platform to be robbery? They have made some progress since the days of Buchanan in the right direction, taught in the school of adversity. I do not despair of more in the future.

Mr. WILLIAMS of Mississippi. The world is going to the dickens so rapidly that that might happen. [Laughter.]

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last two words.

I think the gentleman from California [Mr. BELL] will do well to study the history of the early days of his party before he makes the broad, sweeping proposition that I understood him to make to-day. I hold in my hands the platform of the Democratic party in 1840, which I believe was a genuine, simon-pure Democratic utterance. And here are the first two resolutions of that platform:

Resolved, That the Federal Government is one of limited powers, derived solely from the Constitution, and the grants of power shown therein ought to be strictly construed by all the departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

Resolved, That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvement.

Mr. SULZER. I will ask the gentleman from Ohio [Mr. GROSVENOR] in what year those resolutions were adopted?

Mr. GROSVENOR. In 1840.

Mr. SULZER. The statute of limitations runs against that. [Laughter.]

Mr. GROSVENOR. They repeated it in their platform of 1856, in the following words:

That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements.

Mr. BELL of California rose.

The CHAIRMAN. Will the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from California [Mr. BELL]?

Mr. GROSVENOR. Not now. The gentleman from California [Mr. BELL] will find that there never was any declaration by his party in contravention of that proposition either by State platform or national platform or by the utterance of the great leaders of the Democratic party, until long after the civil war. I remember myself, since I came to Congress, when it was a common utterance. As I remember, a very distinguished Congressman from Alabama came before the Committee on Rivers and Harbors, of which I was a member, on several occasions, and he always took pains to say, "Mr. Chairman, I belong to a party, sir, that has always held that there was no power given by the Constitution to the General Government to carry on this system of permanent improvements." Then he made a direct appeal, based on the proposition that other people were getting appropriations, and the people of the State of Alabama wanted the same favor shown to them.

The gentleman from California [Mr. BELL] will find that it was an earlier doctrine of the Democratic party, and until the period which I have named he can not find a single declaration of the Democratic party in favor of recognizing the power of

the General Government to carry on these improvements. That is all, Mr. Chairman. I yield now to the gentleman from California [Mr. BELL].

Mr. BELL of California. Mr. Chairman, I would like to ask the gentleman from Ohio [Mr. GROSVENOR] if he has any later authority than the national convention of 1840, sixty-five years ago, showing that the Democratic party did not favor internal improvements?

Mr. GROSVENOR. Yes; I can find it in a platform in 1852 and in 1856. But this is the point. Having established that as the fundamental doctrine of the Democratic party, the burden of proof is upon you to show that at some time they repealed that doctrine and came out in favor of it. And I say that you can not find that utterance at a period later than after the civil war.

Mr. BELL of California. Mr. Chairman, as I undersand the gentleman from Ohio [Mr. GROSVENOR], he does not join in the present assertion that is made and the assertion of the gentleman from Michigan [Mr. GARDNER], that the Democratic party is now opposed to a liberal system of internal improvements?

Mr. GROSVENOR. On the contrary. The gentleman admits that the Democratic party will camp to-night where the Republican party camped last night. And it is coming straight forward. In most of the States it is a protective-tariff party—namely, in Louisiana, Alabama, and in other States, and ere long it will come over bodily to our side.

Mr. BELL of California. The gentleman from Ohio will not claim that the Republican party has consistently adhered to all the principles which it has declared in its previous platforms of recent years?

Mr. GROSVENOR. I did not take the floor to discuss the history of the Republican party.

Mr. BELL of California. What is the point of the gentleman's argument, then?

Mr. GROSVENOR. I can not furnish points. [Laughter.] I rose to assert that the Democratic party in its early history denied the power of Congress to appropriate money for internal improvements. I did that because the gentleman from California made a broad, sweeping proposition that it seemed to me left a fair inference that he was not acquainted with the early history of his party.

Mr. BELL of California. The gentleman from Ohio must have misunderstood the gentleman from California, because I made no assertion as to the attitude of the Democratic party prior to 1860; but I was undertaking to show that the assertions of the Republican press and the assertions of Republican stump speakers throughout the last campaign of 1904 that the Democratic party was against a liberal system of internal improvements were not founded upon fact; and I resented a statement of a similar character upon the floor of this House to go out to the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. The gentleman from California has used my time.

Mr. BAKER. Mr. Chairman, I call the attention of the committee to the fact that for the last half hour or three-quarters of an hour the remarks that have been made have not been germane to the bill; but that when at any time the "gentleman from New York" gets up and makes any remarks on an appropriation bill he is called to order by both sides of the House when he indulges in remarks that seem not to be germane. [Laughter.] I understand that the chairman of the Committee on Appropriations has sixty-seven minutes and that the gentleman from Missouri on this side [Mr. BENTON] has forty-five minutes remaining for general debate. Now, it seems to me that if we are to have general debate there can be no better use made of that time than in discussing the condition of the country. As there seems to be no disposition to adopt this suggestion and I desire to make a few suggestions, and as everybody else seems to have strayed away from the question under consideration, there is no reason why I should not. I have very much enjoyed this competition on the part of gentlemen on both sides of the Chamber to prove that they are looking after the "interests" of their constituencies. I am not here to look after the interests of my constituents in the sense in which that language has been used here—getting appropriations for them. I deny the remark of the gentleman from California [Mr. BELL] that there is not a man upon the floor that is not trying to put his hand into the public Treasury for his constituents.

There is one man here that will not vote one dollar for that purpose. [Great laughter and applause.] I am not here for that purpose. I have appeared before no committee. [Renewed laughter.] I have appeared before no committee. [Renewed laughter and applause.] I have not appeared before any committee or asked for one solitary dollar to be expended for the city of New York or for the borough of Brooklyn. On the contrary, I am opposed to the appropriation for a large navy, in which a number of people in my district think they are especially interested. I am opposed to all such expenditures and take my stand upon this floor against them. But on this question of economy, which, I suppose, is seeing how little you can spend, that does not interest me. Why, Mr. Chairman, there are to-day in this country billions and billions of dollars of that which belongs to the public—land values—which belongs to the people of the country as a whole, which is paying no taxes, but is being privately appropriated. I am not in favor of that kind of economy that would leave that fund in private hands; I want it taken for public use. I want to abolish your system of protection. I want to abolish all other systems of indirect taxation, for which, I am sorry to say, there are almost as many friends on this side of the House as there are on that side of the House. [Laughter and applause.] I believe that, so far as that is concerned, I am the only man upon this floor that stands for the doctrine of true democracy [great laughter], for pure and undefiled democracy. [Great laughter.] I say that the Government has no right to take one iota of money from private individuals so long as any part of these land values are left in private hands. That is equal rights for all; that is special privileges for none.

Mr. FREDERICK LANDIS. Will the gentleman say what is to happen to the Democratic party and who is to take charge of the balance of the Members after the 4th of March? [Laughter.]

Mr. BAKER. Mr. Chairman, I am not worrying about the Democratic party. What I am interested in is the Democratic principle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAKER. I ask two minutes more. At least that amount of my time has been taken by the applause of my Republican friends.

The CHAIRMAN. The gentleman from New York asks that his time may be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BAKER. Mr. Chairman, deluded as millions of people are in this country who think the Republican idea of protection is a right principle, or at least a good expedient, my experience is that there is just as much true democracy among Republicans as among Democrats. I have scores of letters received in response to a little incident that took place upon this floor recently—letters from Republican preachers and college presidents, letters from Republicans who voted for Mr. Roosevelt and who regard him as the nearest to an ideal President for whom they have ever voted. I have had more letters from Republicans commending my democratic course than I have had from Democrats. But that is beside the question, Mr. Chairman. This whole matter simply resolves itself into a question of the vicious effects that flow from a vicious system of taxation. Because you are raising the revenues of this Government by indirect taxation in the nation, and because the States are raising a large part of their revenues by indirect taxation, therefore the men who pay the taxes—Democrats and Republicans—know nothing of it, and when they see that money is being ladled out of this great fund provided by indirect taxation it is natural that men who do not understand the true principles of taxation should say, "Give us a part of the swag." I say there should be no swag; there should not be a dollar collected in this way, and then we should not have competition among the Members on this floor to see who can get the largest appropriation.

[Here the hammer fell.]

Mr. MIERS of Indiana. Mr. Chairman, I move to strike out the last paragraph.

The CHAIRMAN. That is not necessary. The gentleman is recognized on the pending amendment.

Mr. MIERS of Indiana. Mr. Chairman, I am not so much concerned about ancient history, nor the Democratic platform of 1840 nor 1852, as I am about the situation which confronts us. In the language of a great Democrat, it is not a theory that confronts us, it is a condition. We have in this House committees to which bills are referred. Among them the Committee on Public Buildings and Grounds. Bills were referred to that committee. The committee had meetings, and after careful consideration presented a bill to the House and asked its consideration.

This House also has a Committee on Rules that gives or prevents an opportunity for the consideration of House bills. The Committee on Rules of this House was presented with the committee bill for the purpose of erecting public buildings over the United States—a bill that was a modest one and carried less than nine million and a half of dollars, distributed not alone to the South, not alone to the large cities, but to the interest of the

entire country. To that bill was added a petition signed by 310 Members of this House, to the Committee on Rules, not asking an approval of the bill, but simply asking that the membership of this House have the poor privilege of passing on the merits of the bill. Yet in this House, where you stand, one confronting the other, and saying that you are more loyal to internal improvements than the other, consideration of that bill can not be had.

Three hundred and ten Members have asked consideration. By reason of the rules of this House that request must be submitted to the Rules Committee, consisting of five gentlemen—three from the majority and two from the minority. The minority members are never consulted, and the Committee on Rules say we shall not have consideration of this bill. I make bold to say in this House, Mr. Chairman, that the chairman of the Committee on Rules is reported to have said that he has not even read the bill presented by the Committee on Public Buildings and Grounds; that he said more than six weeks ago, notwithstanding that committee was investigating and formulating a bill, that no bill on that subject should be considered—the inference would be, no difference what its merits were. Why? Because the revenues would not permit it.

The revenues are already overdrawn $20,000,000 at the end of the fiscal year 1905, and will be overdrawn $80,000,000, according to the gentleman from Maine [Mr. LITTLEFIELD] in 1906, and not a dollar of this expenditure is caused by reason of any public building bill. You can not consider a bill that provides for public buildings until you get consent of the Committee on Rules, and you can't get that permission, you must spend all the revenues on great battle ships; even the gentleman from Indiana [Mr. HEMENWAY], the chairman of the Committee on Appropriations, I take it, was not a very enthusiastic advocate of four great battle ships, nor even two great battle ships; but he, too, fell in and urged the appropriation for two battle ships after party lines had been drawn. Now he and the Administration say that we must have two great battle ships at least, and thereby spend all the money in the Treasury to build great battle ships, and the people who want public buildings must do without.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MIERS of Indiana. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. MIERS of Indiana. The people throughout the country are entitled to better treatment; they pay their share of the taxes and bear their portion of the burdens.

The large deficit comes not by reason of anything put in any appropriation bill or any revenue bill from this side of the House, but by reason of bills formulated and presented by the majority Members and put through by party discipline. If you would have a public building bill—yes, gentlemen of this House, if you would remain a deliberative body—I submit you must change the present mode of selecting your committee rules.

Let the majority elect the majority members of that committee, and the minority elect the minority members of that committee; then they will be responsible to the membership and not to the appointive power. If to-day the membership of the Committee on Rules was responsible to the membership of the House, and not to the Speaker who appoints them, a bill presented by a committee, accompanied by the petition of 310 Members, divided about equally on either side of the House, could have consideration. Then you would be able to illustrate whether or not you were in favor of internal improvements and have the bill considered.

Then you would be able to have consideration and say whether or not you are in favor of the bill that provided for public buildings, and do something toward making this a deliberative body, and not permit the Speaker of this House to determine what bills you may consider and turn down one of the committees and a petition of over 300 Members of the House—almost the entire representation of the House. As it is, you still have left the poor privilege of petition, but you can not even be heard to have that petition considered. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For ordinary care of Lafayette Park, $2,000.

Mr. BAKER. Mr. Chairman, I move to strike out lines 13 and 14, on page 88. I do this, Mr. Chairman, for the purpose of getting some light. When the District appropriation bill was up I called the attention of the committee to the condition of the sidewalks adjacent to the small parks in this city, pointing out that they were in a most disgraceful condition; that where the people of Washington on the business streets and many of the residential streets were cleaning the sidewalks, the sidewalks adjacent to the small parks were in a disgraceful condition, and that no attempt was made to clean them. I was told on that occasion that they had nothing to do with the District government, that the small parks were under the care of the War Department. I would like to ask the chairman of the committee how it comes, if the small parks are under the care of the War Department, that the District revenues are going to be charged one-half with the care of Franklin Park, Lafayette Park, Lincoln Park, Judiciary Park, and other parks referred to later on in this bill?

Mr. HEMENWAY. I will say to the gentleman that this charge is on the ground that these parks are used by the citizens of Washington as well as by the citizens of the nation, and, of course, to a greater extent by the citizens of Washington than they are by the citizens of the United States.

Mr. BAKER. Are they under care of the War Department?

Mr. HEMENWAY. They are under the care of the superintendent of public buildings and grounds, as is all Government property.

Mr. BAKER. And under the supervision of the Secretary of War. Now, Mr. Chairman, I want to call the attention of the country—I suppose it is no use to call the attention of the House [laughter]—I want to call the attention of the country to the fact that in addition to the $5,000,000 of money which the people of this country have got to pay toward the expenses of this city, in the District of Columbia bill there are one hundred and eighty to one hundred and ninety thousand dollars more carried in this bill, one-half of which is going to be paid for by the people of the United States.

Now, I will itemize these later on in my remarks. These expenditures are distinctly to increase and beautify and make more attractive the city of Washington. I know that it is absolutely useless to say to this House that all such expenditures reflect themselves in the value of land; that the only people who profit—Oh, I note gentlemen smiling at that remark, and yet there is not a man who will rise and refute the proposition, because there is no man that can deny it—it is an incontrovertible economic fact. Now, if the people who own land in the city of Washington are going to reap and are plainly reaping these great benefits—the unearned increment—why don't you make the people pay for the expenditures? Why do you compel the people of the United States to pay the $5,000,000—one-half of the District appropriation bill, and ninety-odd thousand dollars in this bill—one-half of the amount of these items? Why are the people of the whole country called upon to beautify the parks of Washington, which adds to the value of the adjacent land and makes Washington so much more an attractive city?

We who now come here to perform our legislative duties are met with this condition of affairs. We vote over $5,000,000 for the benefit of the people of Washington who own land here and then we get their gratitude, for we are told that gratitude is a sense of favors to come, we get that in exorbitant prices for board, for room rent, and for everything else. We who give the people of Washington $5,000,000 of the money of the people are then mulcted with a 20 to 30 per cent increase of prices in the things we must have—food, rent, etc.—while performing legislative service. Such gratitude is most wonderful, and yet no man in this House makes protest against it. Mr. Chairman, I withdraw my pro forma amendment, but I would like to insert a schedule of these expenditures in my remarks, as follows:

For care of Lafayette, Franklin, Lincoln, and Judiciary parks	$7,500
For Monument grounds	7,000
For Reservation 17	2,500
For various items	16,050
For various reservations	25,000
For laying asphalt in reservations	2,000
For broken stone for parks	2,000
For curbing, flagging, etc	2,000
For Potomac Park	65,000
For lighting	4,710
For lighting Lafayette, Franklin, Judiciary, and Lincoln parks, etc	4,500
Total	138,260

The CHAIRMAN. Without objection, the gentleman from New York will insert the schedule to which he refers.

There was no objection.

The Clerk read as follows:

Under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $1.65 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

Mr. BAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out lines 15 to 21, on page 90, and substitute the following: "Under appropriations herein contained no contract shall be made for laying asphalt pavement in the city of Washington at a higher price than $1.50 per square yard for the best quality of asphalt with a concrete foundation of not less than 6 inches in thickness."

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order on that.

Mr. BAKER. Mr. Chairman, I will state that it simply limits the price to $1.50 instead of $1.65.

Mr. HEMENWAY. Mr. Chairman, I would say to the gentleman from New York [Mr. BAKER] that perhaps I can give him an explanation which will satisfy him. We simply take the amount fixed in the District bill. This is simply for repairing, and I do not think it would be wise to make a different price here.

Mr. BAKER. Well, one of the purposes of my amendment is to be able to ask the chairman of the committee a question. In the bill as reported this paragraph says:

Under appropriations herein contained no contract shall be made for making or repairing concrete, etc., at a higher price than $1.65 per square yard.

I would read that to mean that it gives the Commissioners the power to pay $1.65 for repairs. I may be in error, but that would seem to me to be the construction to place upon it.

Mr. HEMENWAY. They have the power to pay that, but they are limited to that. Of course they do not pay it, and I do not know that they would pay it at all.

Mr. BAKER. Of course I can understand where it would apply to the making, but the use of the words "or repairing" is what I call attention to.

Mr. HEMENWAY. We must put a limit in there, and we take the limit as fixed by the District bill. The District Committee goes into the matter very carefully, and in providing for this matter we take the limit they fix.

Mr. BAKER. I would like a moment in which to call the attention of the chairman of the committee to the fact that in my home, Brooklyn, contracts have just been let by the municipal administration there, under the president of the borough of Brooklyn, at a rate of $1.40 per square yard for asphalt with concrete foundations, the figures for asphalt alone being 93 cents per square yard.

This report, which is from the Brooklyn Standard Union, February 24, states that this is a "rise" in price. It then goes on to say that—

The rise in price of asphalt is attributed to the fact that the Borough of Brooklyn has now twelve hundred thousand dollars to expend on repaving, and that most of the contracts will be let this spring.

It further says:

Last fall the local asphalt companies in trying to underbid one another forced the price down to 75 cents per square yard, at which remarkably low figure some contracts were let.

Now, I think $1.65 is too large a margin to permit the District Commissioners to make contracts under.

Mr. HEMENWAY. I will state to the gentleman that I understand the last contracts were made for much less than that. It used to be as high as $2.25, but the District engineer states that we get asphalt laid in Washington cheaper than any other city in the United States, for the reason that there is sharp competition here, because all the companies like to get these contracts as an advertisement for their concerns. The last contracts were very low, though I do not remember the exact figures.

Mr. BAKER. Of course, I do not want to raise any captious objection. I desire only to bring down the price to the lowest possible point, but if the chairman of the Committee on Appropriations expresses the opinion that $1.65 is not an extreme price, and reports that the Commissioners of the District do not think that they should be limited to $1.50, for fear that they can not contract at that figure, I will not press my amendment. But I do want to impress upon the District Commissioners, through the chairman of the Committee on Appropriations, the importance of bringing down the price of asphalt to that paid by other cities, such as Brooklyn. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For improvement and maintenance of Executive Mansion grounds (within iron fence), $4,000.

Mr. SIMS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question. I notice here, in lines 12 and 13, page 91, "for improvement and maintenance of Executive Mansion grounds, $4,000" What is that? What does that refer to?

Mr. HEMENWAY. That is the ellipse south of the fence, the White Lot, back of where they play baseball.

Mr. SIMS. Where the Marine Band concerts are held in the summer time?

Mr. HEMENWAY. I think those concerts are held in the Smithsonian grounds, but I am not here very much in the summer time. Those are the grounds south of the White House lot.

Mr. SIMS. Right immediately south of the White House itself?

Mr. HEMENWAY. Outside of the White House fence.

Mr. SIMS. Not within the Mansion grounds?

Mr. HEMENWAY. No.

Mr. SIMS. Then, "For ordinary care of greenhouses and nursery, $2,000." What greenhouses do those refer to?

Mr. HEMENWAY. There are a number of greenhouses; I think we have fifteen altogether.

Mr. SIMS. Is this connected with the Executive Mansion?

Mr. HEMENWAY. Oh, no; they are connected with public buildings and grounds.

Mr. SIMS. Now, on page 91, line 3, "For improvement, care, and maintenance of grounds of the Executive Departments, $1,000." What departments are there referred to? To these Executive Offices down there?

Mr. HEMENWAY. To the State, War, and Navy, the Treasury building, the Pension building, and all of those buildings around there.

Mr. SIMS. Now, in line 12, "For improvement and maintenance of Executive Mansion grounds (within iron fence), $4,000." Does that mean the improvement of the Executive Mansion itself?

Mr. HEMENWAY. That is the dooryard, you may call it——

Mr. SIMS. Then comes, "For care, repair, and refurnishing of Executive Mansion and for purchase, maintenance, and driving of horses and vehicles for official purposes, $35,000." Now, do not both of those sections refer substantially to the same character of improvement?

Mr. HEMENWAY. Oh, no; $35,000 is for the house.

Mr. SIMS. Well, then, line 1, page 92, "For fuel for the Executive Mansion, greenhouses, and stables, $6,000. That is an Executive Mansion item, I suppose, exclusively.

Mr. HEMENWAY. Except the greenhouses and stables are away from the Executive Mansion.

Mr. SIMS. The greenhouses are connected with it. Then, following immediately in lines 3 and 4, "For care and maintenance of conservatory and greenhouses, $9,000." Now, do these all refer to different greenhouses or to one greenhouse?

Mr. HEMENWAY. They have different greenhouses. We have about fifteen of them altogether.

Mr. SIMS. Then, immediately after, in line 5, "For repairs to and reerection of greenhouses, Executive Mansion, $3,000." Then, in lines 8 and 12——

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Tennessee to the fact that the gentleman is inquiring about matters which have not yet been read.

Mr. SIMS. I know. I am using part of my time. Then comes $20,000, beginning line 7 and ending line 13. Now, all these items it would appear pertain to the White House and surrounding grounds, including the stables and greenhouses, amounting way up to seventy-five, eighty, or a hundred thousand dollars.

Mr. HEMENWAY. The gentleman must understand the greenhouses referred to are the greenhouses that prepare the plants for all the public parks about the city, and the shrubs which go into these public parks, and these pertain to public reservations in and around Washington. The flowers and shrubs are propagated there and all those other things which go to beautify the parks in the springtime.

Mr. SIMS. You do not confine it simply to the grounds immediately adjoining and surrounding the White House?

Mr. HEMENWAY. No.

Mr. SIMS. They are so close and so connected that it looks to me as if they were bunched right together.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment is considered as withdrawn.

The Clerk read as follows:

For the employment of an engineer by the officer in charge of public buildings and grounds, $2,400.

Mr. BAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BAKER. I listened, Mr. Chairman, with a great deal——

Mr. FITZGERALD. I wish to reserve the point of order on some language in order to make some inquiries hereafter.

The CHAIRMAN. The Chair thinks the gentleman is late on the point of order. Another gentleman has been recognized and has begun a discussion.

Mr. BAKER. Mr. Chairman, I am very much interested in the explanation made by the chairman of the Committee on Appropriations as to some of these expenditures. I have picked out some little items to which I would like to call the attention of the committee. I find on page 91 that there are $4,000 of improvements independent of the Executive Mansion grounds.

On the same page, in the paragraph which is now under discussion, there are some $35,000. On page 92, the next paragraph calls for $6,000; the next, for the care and maintenance of conservatory and greenhouses, $9,000; the next, for repair and reerection of greenhouses, $3,000; then we have for the lighting of the Executive Mansion and public grounds an appropriation of $20,000, and, with the proviso, I figure out that it means that $11,600 of that amount is to be expended on the Executive Mansion and public grounds.

We have no means of knowing, from the language of the paragraph, how much of this $11,600 is for the lighting of the Executive Mansion and how much for public grounds situated away from the Executive Mansion. Then, on page 93, I find an item of $510 of the same general character.

In other words, Mr. Chairman, there are here appropriated in this bill some $69,110 for the general care and maintenance of the Executive Mansion and the adjacent grounds, for the lighting, etc.

Now, Mr. Chairman, I am not going to raise or make any criticism upon any needful expenditure of that kind, and I merely call the attention of the committee to these few figures at this time for this purpose: There has been a bill introduced, I believe, in this House, calling for an increase of the President's salary. I have read in the public press of this city—but I have not seen very much in the public press of other cities, in New York, at least, where I live—and have heard from several Members of this House indorsements of this increase of salary. I am told through the public press that no Democrats are likely to vote against or to be opposed to that increase of salary. Well, I do not know whether I am a Democrat or not, Mr. Chairman——

Mr. SULZER. I thought the gentleman from New York [Mr. BAKER] was the only simon-pure Democrat.

Mr. BAKER. I said I was the only man who preached pure Democracy upon this floor. Mr. Chairman, for one I am opposed to the increase in the salary of the President. I am not opposed to it because the President of the United States happens to be Theodore Roosevelt, or that the next President is going to be Theodore Roosevelt. I should oppose it just as strenuously if he was going to be some Democrat, for instance, William Jennings Bryan. I claim that the President of the United States is getting an ample salary. I do not believe that you can place any limit upon what you are going to give your President if you are to permit him, or if you are going to encourage him, to go into the business of competing with the crowned heads of Europe. The royal family of England costs some eight or ten millions of dollars. Of course, if you desire the President of the United States to carry things on, as has been said upon this floor, on a regal scale, $100,000 are nothing. Why stop at $100,000? You can not carry on a regal establishment for $100,000. I said on this floor then, and I repeat it now, that I thought this was a democracy, I thought this was a republic, I thought then and I think to-day that the word "regal" has no application to a republic.

The CHAIRMAN. The time of the gentleman from New York [Mr. BAKER] has expired; and, without objection, the pro forma amendment will be withdrawn.

Mr. FITZGERALD rose.

The CHAIRMAN. Will the gentleman from Indiana [Mr. HEMENWAY] recognize the gentleman from New York [Mr. FITZGERALD]?

Mr. HEMENWAY. Certainly.

Mr. FITZGERALD. Mr. Chairman, there has been inserted in this paragraph some language regarding the purchase and maintenance of horses and carriages. Is that intended to restrict the power the President has at present?

Mr. HEMENWAY. To what language does the gentleman from New York [Mr. FITZGERALD] refer?

Mr. FITZGERALD. In lines 22 and 23 on page 91.

Mr. HEMENWAY. Mr. Chairman, I thought this item was considered a while ago. I desire to have this bill passed to-night, if possible.

Mr. FITZGERALD. I beg the pardon of the gentleman from Indiana [Mr. HEMENWAY], but we are now considering this very item.

Mr. HEMENWAY. What item is it?

Mr. FITZGERALD. On page 91, lines 22 and 23.

Mr. HEMENWAY. Will the gentleman be good enough to repeat his question?

Mr. FITZGERALD. I desire to know whether the language that has been inserted in this paragraph is intended to restrict the power that the President now has?

Mr. HEMENWAY. To what language does the gentleman from New York [Mr. FITZGERALD] refer?

Mr. FITZGERALD. To the following language:

For purchase, maintenance, and driving of horses and vehicles for official purposes.

Mr. HEMENWAY. It does not.

Mr. FITZGERALD. The language is new in this bill.

Mr. HEMENWAY. Oh, no.

Mr. FITZGERALD. Oh, yes; I have the act for last year in my hand.

Mr. HEMENWAY. I will say that the gentleman from New York [Mr. FITZGERALD] is right. It is due to the fact that the law in the legislative bill prohibits the use of carriages, and so forth, and that results in putting this language in here in order that the President can purchase horses, and so forth.

Mr. FITZGERALD. Is that intended to affect the President?

Mr. HEMENWAY. Oh, no.

Mr. FITZGERALD. What I desired to know was whether this was to give the President a power that he has not now, or whether it was intended to take power from him.

Mr. HEMENWAY. To continue the same which he now has.

Mr. FITZGERALD. To continue the power?

Mr. HEMENWAY. Yes, sir.

The Clerk read as follows:

For lighting six arc electric lights at the propagating gardens, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights, $510.

Mr. LUCKING. Mr. Chairman, a million and a quarter of American citizens, native and naturalized, have been for many years past insulted, degraded, and classed as unworthy of the rights of other citizens by one of the great friendly powers of the world. These people are the Jews of America. The country degrading them is Russia, and the insult and injury consists in the refusal of passport privileges in Russia, in spite of their absolute treaty rights as American citizens.

After two years of thought and study of this question I am bound to assert that our Government and it alone is to blame. I believe the time has arrived for decisive action by our Government in respect to the treatment of American citizens of Jewish faith by the Russian Government. The question has been dealt with in milk-and-water fashion long enough. The dilatory tactics and shifty unsatisfactory answers of the Russian diplomatists have exhausted the patence of our people. We are no further advanced on the path of a just solution of the vexed question than twenty years ago. It is high time for strenuous action.

In my remarks, at the last session of Congress, I pointed out that Jewish-American citizens were denied by the Russian Government the passport privileges which were freely accorded all the rest of our citizens, and this was on account of their religious faith; that our State Department issues circulars to all persons applying for passports reciting this discrimination against Jews by Russia and acknowledging its helplessness in the premises; that this discrimination is in direct violation of the explicit terms of our treaty with Russia, made in 1832, which stipulates for freedom of travel and sojourn in Russia for all our people without distinction as to origin, race, or religion; that the treatment of the inhabitants of Russia of Jewish faith was a matter of internal administration with which, under the law of nations, we had no right to interfere, but that the insult and injury to Jewish Americans involved, in refusing to them because of their religion the common and treaty rights of all other citizens, was the deep concern of our Government, and constituted an insult to American citizenship; that our Jewish citizens are law-abiding, industrious, and peaceful, and were not excluded because their presence would be dangerous; that all religious faiths stand on an equality in the United States, and that it is the glory of our institutions that no discrimination in favor of or against any citizen on account of his creed is permitted, and that he is entitled to protection the world over in his faith; that a dishonor to an American citizen on account of his religion is a dishonor to the nation itself, and that when, as in this case, a large body of our citizen sovereigns were humiliated and degraded and deprived of their treaty rights it involved a disgrace to the nation itself.

Accordingly, sir, I expressed my sympathy and support of the Goldfogle resolution, which in substance called upon the executive department of the Government to exert every earnest effort

to secure from the Government of Russia the abolishment of this discrimination, and uniform treatment of American citizens holding passports.

This resolution was adopted by the House April 21, 1904.[a] From time to time, especially during the political campaign of last fall, newspaper articles appeared indicating more or less optimistically that progress was being made in response to the request of that resolution, but no official information appears to have been given out.

Pressed by some of my constitutents for authentic news, it occurred to me to forward to the State Department a letter of inquiry signed by a number of Members of Congress, and accordingly this was done. In response a letter from the Secretary of State was received, dated February 8, 1905, and in order to avoid misconceptions I read it in full:

DEPARTMENT OF STATE,
Washington, February 8, 1905.

To Hons. FRANK C. WACHTER, M. C., FRANCIS BURTON HARRISON, M. C., ALFRED LUCKING, M. C., THEODORE A. BELL, M. C., HENRY M. GOLDFOGLE, M. C., and ERNEST W. ROBERTS, M. C.,
House of Representatives, Washington, D. C.

GENTLEMEN: I have the honor to receive your letter of February 6, requesting to be informed whether correspondence has been held through the American ambassador at St. Petersburg since January 1, 1904, regarding United States passports held by citizens of Jewish faith; whether instructions were forwarded to our representatives in Russia on the subject; if so, whether such instructions were presented by the American ambassador at St. Petersburg to the Russian Government or to any official thereof; and whether any reply or response was made by the Russian Government to the State Department or to the American ambassador at St. Petersburg?

You also ask for copies of the correspondence so indicated. On July 1, 1904, I communicated to the American ambassador at St. Petersburg the text of the resolution adopted by the House of Representatives on the 21st of April last, whereby the President was requested to renew negotiations with the governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries, without regard to race, creed, or religious faith. Mr. McCormick was instructed that the resolution of the House of Representatives was sent to him for his information and guidance in interpreting this expression of the feeling of the people of this country through their direct representatives as to the treatment of the citizens in question. In that instruction I said:

"You will make known to his excellency the views of this Government as to the expediency of putting an end to such discrimination between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other frienly countries for business or travel. That such discriminatory treatment is naturally a matter of much concern to this Government is a proposition which his excellency will readily comprehend without dissent. In no other country in the world is a class discrimination applied to our visiting citizens. That the benefits accruing to Russia are sufficient to counterbalance the inconvenience involved is open to question from the practical standpoint. In the view of the President it is not easy to discern the compensating advantage to the Russian Government in the exclusion of a class of tourists and men of business, whose character and position in life are such as to afford, in most cases, a guaranty against any abuse of the hospitality of Russia, and whose intelligence and sterling moral qualities fit them to be typical representatives of our people and entitle them to win for themselves abroad no less degree of esteem than they enjoy in their own land."

Mr. McCormick communicated the resolution and the purport of my instruction to Count Lamsdorff on the 25th of August, 1904, in a personal interview, at which he left with the minister a note reciting the resolution of the House of Representatives and setting forth in clear detail the views of this Government in the matter.

At this interview Count Lamsdorff limited himself to commenting upon the difficulties which his Government encountered in dealing with such a question as was then presented, for which difficulties the Imperial Government was seeking a solution.

Subsequently, on September 21, 1904, Count Lamsdorff replied to Mr. McCormick's note, saying it was with special interest he had become acquainted with the considerations therein expressed relative to certain facilities to be granted to American citizens of Hebrew faith, with regard to their entry into Russia, and adding that a special commission had been instituted by supreme order on December 17, 1903, with the ministry of the interior, in view of generally revising the "passport regulations" actually in force. Count Lamsdorff further stated that the imperial ministry of foreign affairs having appointed a representative with that commission, he would not fail to bring, through such intermediary, to the knowledge of that commission the ambassador's views on the subject and the desire of the Federal Government, of which the ambassador is the interpreter.

Since then no further communication in regard to this specific question has been made to the American embassy by the Russian Government, but the ambassador has advised the Department from time to time of the extent to which the investigating commission has directed their attention to the domestic problem of the status and treatment of Jews in Russia.

Following the Department's rule of not making correspondence of this nature public by printing its text during the pendency of the negotiations, I do not at present communicate it in full, as desired. I have, however, stated its purport and present situation with sufficient fullness to answer the three inquiries propounded in your letter.

I have the honor to be, gentlemen, your obedient servant,

JOHN HAY.

[a] This was the second resolution introduced by the gentleman from New York [Mr. GOLDFOGLE], the first one having passed in April, 1902, during which interval no action of any kind was taken.

From this communication we learn officially the facts, and, in our opinion, they justify the following comments:

Instead of transmitting this resolution and accompanying instructions by wire within twenty-four hours, more than two months elapsed after the resolution was adopted by this House before it was sent to our minister at St. Petersburg. In view of this fact it is not surprising that he considered it of so little importance that he took nearly two months more (August 25) before he called it to the attention of the Russian Government. This nonstrenuous interest in and treatment of the subject by our own Government naturally evoked nothing more than polite expressions of interest on the part of the Russian foreign minister, who is a shrewd gentleman and does not need the capacity to see through a stone wall in order to comprehend when a foreign Government is pressing a matter because of real concern and when because it feels that it must do so out of deferential regard for some of the people—and thereupon he referred it to whom? To a special commission for that purpose? No. To the law officers of the Government? No. But to a commission of the interior department to revise the general passport regulation, appointed before the resolution was even introduced into this House. These regulations in Russia are a vast and complicated system, and in all human probability the resolution reposes peacefully in some pigeon hole and will never receive attention unless this Government forces it.

The fact is, the question, if dealt with in good faith, would not be referred to any commission at all. It would be disposed of by the foreign department itself. It is a question of treaty rights, not of mere internal regulations.

I am bound to say, without malice or vicious criticism, but very earnestly, that I do not think our Government has ever yet entered upon this subject with the spirit and zeal born of a porfound faith in the demand.

The correspondence seems tame and perfunctory when contrasted with some others in which the officials have displayed a deep interest.

If the Presbyterians or Methodists or Catholics were excluded and insulted by Russia because of their creed, the slow processes revealed in these diplomatic letters would be cast aside and the cables would fairly hum and sizzle with the heat of the messages transmitted. No time would be lost. Russian dilatoriness and insincerity would not avail. The heartfelt indignation of our Administration would burn its way into the slow consciousness of the Russian, and our mild protests would turn into wrathful demands, and if protests proved of no avail, our ambassador would very promptly be withdrawn.

I say, in most friendly spirit, to our State Department—in one word—treat this matter the same as if a strong Christian denomination were discriminated against and excluded on account of their religion.

One million and a quarter of our sovereign citizens are humiliated and insulted. They are American citizens. They are insulted and trampled upon because of their religious views. As American citizens their religious views are sacred, and they are entitled, as matter of right, to all the privileges abroad of other denominations.

If an American citizen abroad should receive physical injury, demands for reparation would ring out like a bugle call.

Sir, there are insults that are worse than blows, and stains that are deeper than wounds.

One of the men humiliated and insulted by Russia is a Senator of the United States, one of the most brilliant and accomplished citizens of the Republic. Several of the most able and respected and intellectual Members of this body belong to that ancient and honorable race. Tens of thousands of our most influential, prominent, and affluent citzens, and hundreds of thousands of our most industrious, peaceable, law-abiding, faithful, and honorable people are classed by a foreign and otherwise friendly power as unfit to travel or sojourn within her borders.

The million and a quarter of American Jews feel the stain more than a wound. It justly cuts them to the heart.

The Constitution and laws of the United States hold sacred the religious belief of the citizen, and the full power of the Government should be exerted to protect him in that belief and to preserve that peculiar sacredness and to save it from degradation and insult in whatever part of the world he may be. The name Jew or Gentile does not appear in the Russian treaty, and the Russian Government has no right to proscribe the one and admit the other when both are alike citizens of the United States and entitled to all the protection of our laws and treaties.

Not for purposes of criticism, Mr. Speaker, but to arouse a deeper interest in the question on the part of our State Department, I assert that a bare recital of the facts and the correspondence itself show that the action of the Department has

been purely formal and perfunctory, and fails to betray any real interest in the subject. Contrast the presentation of this case with the action of our Government against Turkey in relation to the rights of American schools in Turkey, and you will see how tame is the attitude of our Government in the present instance.

To our Jewish friends of America we desire to say, "You are too easily satisfied; entirely too modest."

Mild protests have been made for more than thirty years past by our Government from time to time, but energetic, determined action has never yet been taken. Insist on your rights or you will never attain them. Let this matter be pressed in the spirit breathed in the powerful dispatch of Secretary Bayard to Austria when that country declined to receive the American minister because his wife was a Jewess. Hear him:

I am instructed by the President to inform your Government that the ground upon which the usual ceremonial courtesy and formal respect are to be withheld from this envoy—that is to say, because his wife is alleged to be a member of a certain religious sect—can not be assented to by the Executive of the Government of the American people, but is and must be emphatically and promptly denied.

The supreme law of this land expressly declares that "no religious test shall ever be required as a qualification to any office or public trust under the United States," and by the same authority it is declared that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

This is a Government of laws, and all authority exercised must find its measure and warrant thereunder.

It is not within the power of the President nor of the Congress nor of any judicial tribunal in the United States to take, or even hear, testimony, or in any mode to inquire into or decide upon the religious belief of any official, and the proposition to allow this to be done by any foreign government is necessarily and a fortiori inadmissible.

To suffer an infraction of this essential principle would lead to a disfranchisement of our citizens because of their religious belief, and thus impair or destroy the most important end which our Constitution of Government was intended to secure. Religous liberty is the chief cornerstone of the American system of government, and provisions for its security are embedded in the written charter and interwoven in the moral fabric of its laws.

Anything that tends to invade a right so essential and sacred must be carefully guarded against, and I am satisfied that my countrymen, ever mindful of the suffering and sacrifices necessary to obtain it, will never consent to its impairment for any reason or under any pretext whatsoever.

It is not believed by the President that a doctrine and practice so destructive of religious liberty and freedom of conscience, so devoid of catholicity, and so opposed to the spirit of the age in which we live can for a moment be accepted by the great family of civilized nations or be allowed to control their diplomatic intercourse.

Certain it is it will never, in my belief, be accepted by the people of the United States nor of any Administration which represents their sentiments.

Mr. GOLDFOGLE. I have listened with interest to the gentleman's remarks. It is clear to my mind that unless Russia cease temporizing and herself abolish the odious restrictions our own Government should in no uncertain way insist firmly upon the making of a treaty as contemplated by my resolution of April, 1904. Now, I ask the gentleman from Michigan what action on the part of our Government would he advise at present to bring about the result?

Mr. LUCKING. I am glad the gentleman asks that question. No one favors any course which would lead to war. That would be too great a price to pay, and the Jews of America would not ask such a sacrifice. But, Mr. Chairman, there is a manly and effective course open to us. It has been adopted in other cases by this nation as well as by other countries. It is taken only when the offended nation has exhausted all efforts of diplomatic persuasion and when she is deeply offended and desires to show it. It does not imply or involve war. It has been described as "a mild but often efficacious remedy." I mean "the severance of diplomatic relations." In my judgment this final step would not be necessary, but if all preliminary protests and warnings failed our ambassador should be withdrawn.

The gravity of the offense to this nation in laying this heavy grievance upon one million and a quarter of our unoffending citizens fully warrants a step which has numerous precedents and which has been resorted to frequently for lesser causes both by this nation and others.

In 1827 our representative to Brazil demanded his passports and withdrew from the country because his arguments in behalf of the rights of his countrymen were disregarded and seemed useless, a step which met the approval of President Adams, as shown by his annual message to Congress. The result was that Brazil disclaimed any intention of affront and promised indemnity for all injuries to American citizens. (3 Whart. Dig. Int. Law, 317.)

In 1858 Mexico imposed a tax unduly discriminating against citizens of the United States, and for this act that great statesman and diplomatist, Lewis Cass, instructed our minister to suspend diplomatic relations and return home. (3 Whart. Dig. Int. Law, 317.)

In 1811 Mr. Pinckney, our minister to England, notified the British Government of his intention to withdraw because of its refusal or neglect for several months to appoint a minister to the United States and because of the unrepealed blockade laws of 1806. The English Government immediately appointed a minister, but the other causes of dispute remained unsettled until after the war of 1812–1815. (1 Whart. Dig. Int. Law, 81; 3 Am. State Papers, For. Rel., 414.)

In 1891 Italy expressed her profound displeasure by withdrawing her minister to the United States for reasons succinctly stated in the following note from the Italian prime minister:

ROME, *March 24, 1891.*

Our requests to the Federal Government are very simple. Some Italian subjects, acquitted by the American magistrates, have been murdered in prison while under the immediate protection of the authorities. Our right, therefore, to demand and obtain the punishment of the murderers and an indemnity for the victims is unquestionable. I wish to add that the public opinion in Italy is justly impatient, and, if concrete provisions were not at once taken, I should find myself in the painful necessity of showing openly our dissatisfaction by recalling the minister of His Majesty from a country where he is unable to obtain justice.

RUDINI.

Subsequently the United States paid $25,000 indemnity and diplomatic relations were resumed. (For. Rel. U. S., 1891, pp. 658–727; Andrews's Last Qt. Century U. S., p. 1834.)

From 1887 to 1897 diplomatic relations between England and Venezuela were suspended because of a boundary dispute. (Wilson & Tucker's Int. Law, p. 173.)

In 1834, when France failed to pay the indemnity due to the United States under the spoliation-claims treaty, this same remedy was applied. (Taylor's Int. Law, 433.)

Taylor on International Law (pp. 431–433) declares the severance of diplomatic relations to be "a negative remedy expressing displeasure rather than exacting redress." Again, he says, "Mild as this remedy appears to be, it is often efficacious."

Wharton International Law (p. 317) treats of it as "a pacific method of redress."

In 1904 the present Secretary of State, Mr. Hay, instructed our minister to Turkey to make a final demand that American schools in Turkey be accorded equal rights with like schools of France and other nations, and to notify Turkey that in case of a refusal or further evasion or delay he should demand his passports as minister on indefinite leave of absence. He did so, and the result was that Turkey yielded to the American demands.

This nation is itself insulted when one sixty-fifth of all her people are denounced and degraded and refused treaty privileges. A discrimination against them because of their religion is a stab at the vitals of our Constitution, as pointed out by Secretary Bayard. The cause of offense is far more grave and profound than in any of those instances cited above, where nations have resorted to the remedy of severance of relations.

The rights of our few schools in Turkey are no more sacred than are the rights of hundreds of thousands of our sovereign citizens to be treated on an equality with our other citizens. To spit in one's face is not so severe, in one sense, as a blow with the fist, but it is far more humiliating and insulting. The Government of Russia openly scorns and degrades a great multitude of our most honored and worthy citizens. The disgrace attaches to us all. It is the concern of our common Government. If a member of our family be insulted the other members do not receive with open arms the insulter. On the contrary, the injury to one is an affront to the whole family. And so it is the plain duty of our Government to point out earnestly, clearly, and with resolute firmness to Russia that the contumely heaped upon our Jewish citizenship because of their religion is a deep personal injury to all of us and to our fundamental institutions, and to declare with dignity and determination that unless corrected forthwith our cordial relations must cease. This step, I am fully persuaded, would bring the remedy.

The Clerk read as follows:

Repairs of building where Abraham Lincoln died: For painting and miscellaneous repairs, $400.

Mr. MIERS of Indiana. I move to strike out the last word, for the purpose of asking the chairman of the committee a question. Can the gentleman state how much is appropriated for the improvement and care of public grounds in the District of Columbia, all told? What is the entire amount carried in this bill?

Mr. HEMENWAY. I will tell the gentleman in a moment or two.

Mr. MIERS of Indiana. Then I want to ask the gentleman another question. How much is there for the maintenance of the Executive Mansion?

Mr. HEMENWAY. I would call the attention of the gentleman to the report filed with the bill, which gives the amounts.

Mr. MIERS of Indiana. What is the best estimate that the gentleman can give?

Mr. HEMENWAY. I will give it to you from page 10 of the report filed with the bill. The total expenses of the Executive Mansion, $53,000; total expense of public buildings and grounds, city of Washington, $152,850.

Mr. MIERS of Indiana. Does the gentleman know whether there are any other items in the bill or in any other appropriation bill that goes to the benefit of the Executive Mansion?

Mr. HEMENWAY. I do not know of any.

Mr. MIERS of Indiana. Then the salary of $50,000 for the Executive and $53,000 for the Executive Mansion—is that all in this bill that goes to the benefit of the Executive Mansion and the Executive expenses, I will ask the chairman?

Mr. HEMENWAY. Of course there is a clerical force performing public duties in connection with the White House that are carried on the legislative bill.

Mr. MIERS of Indiana. That is all additional.

Mr. HEMENWAY. Yes.

The Clerk read as follows:

Improving Black Warrior, Warrior, and Tombigbee rivers, Alabama: For continuing improvement, in completion of contract authorization, by the construction of locks and dams Nos. 1, 2, and 3 in the Tombigbee and Warrior rivers, $15,000.

Mr. UNDERWOOD. I move to strike out the last word, so as to ask the chairman of the committee whether or not the $15,000 carried in this item for improving Black Warrior, Warrior, and Tombigbee rivers is all that the Chief of Engineers has asked for?

Mr. HEMENWAY. We give the full estimate of the Chief of Engineers for this item.

Mr. UNDERWOOD. I merely wanted to know if this was the case.

The Clerk read as follows:

Antietam battlefield: For repair and preservation of monuments, tablets, observation tower, roads, and fences, etc., made and constructed by the United States upon public land within the limits of the Antietam battlefield, near Sharpsburg, Md., $3,000.

For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, $1,500.

Mr. BASSETT. I move to strike out the last word. The number of soldiers who die from preventable disease in our army camps could be greatly decreased by improved sanitation and by increasing the status of the Medical Corps.

Mr. HEMENWAY. I raise the point of order that the gentleman is not discussing this question. I do not want to cut off the gentleman, but it is necessary to pass this bill to-night in order to avoid long night sessions. I think I have been liberal in allowing Members to discuss matters not in this bill. Now we must go ahead and confine ourselves to this bill.

Mr. BASSETT. I was going to stop in half a minute. I was at the point of ending my remarks when the gentleman from Indiana rose. I was about to ask permission to extend my remarks in the RECORD on this subject, also to insert a statement of Lieutenant Seaman, an eyewitness of the hospital service and work of the medical corps in Japan and Manchuria.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. BASSETT. Mr. Chairman, in the early part of this session the President sent a message to Congress urging attention to the subject of increasing the status and numbers of the Medical Corps of the Regular Army. At about that time I pointed out the facts, then for the first time coming to light, showing the success of the Japanese in practically suppressing preventable disease in their Manchurian armies. Late reports confirm the statements I then made; but even allowing for past and present exaggeration, there is no doubt that a lesson is being taught not only to this country, but to the whole world, on the subject of sanitation in armies. In the Spanish war we lost twelve by preventable disease for every one killed in battle. In the various wars that this country has carried on at least four have died from diseases due to bad food and lack of sanitation for every one that has been killed in battle. In this connection a discussion of the subject by Maj. L. L. Seaman is interesting and I append it to my remarks:

[Statement of Maj. Louis Livingston Seaman, M. D., LL. B., of New York, former surgeon First United States Volunteer Engineers.]

Major SEAMAN. Mr. Chairman and gentlemen, I wish it understood that I am not here to-day representing the Surgeon-General in any way whatever. Indeed, I think in his Department I may be said to be rather a persona not grata, and therefore whatever I have to ask and plead for is not for his office, but for the men in the ranks, the enlisted men, who have never had their own rights from a sanitary standpoint. Granting these rights would mean the preventing of half the mortality, at least, in every war.

The importance of the Medical Department of the United States Army, as compared with its other staff departments, has never been recognized or appreciated.

In all the wars in which the United States have engaged, disease has carried off more than 80 per cent of the combatants who have died, more than half of which was easily preventable.

In the Spanish-American war, in a campaign lasting less than six weeks, the mortality from bullets and wounds was 268, while that from disease was 3,862, or about 14 to 1.

This in a campaign which lasted six weeks with men selected from the very flower of the country—the best and ablest men we had physically, every one of whom, excepting those who fell on the line and the possible percentage an insurance company would always allow for accidental death, etc., ought to have returned to their homes in perfect health.

Mr. PARKER. Do you count all the deaths in that campaign?

Major SEAMAN. Yes, sir.

Mr. PARKER. How many died in Cuba?

Major SEAMAN. Very, very few in proportion to those who died in sight of this Capitol, or in other military camps in this country.

Mr. PARKER. I mean very few got within the reach of bullets, did they not?

Major SEAMAN. Yes; therefore the greater disgrace with regard to the large relative number who died here.

Mr. PARKER. We are making a comparison of those who died by bullets and by disease. You can not compare those who had no chance to get at the bullets. You have to take those who were in the campaign—actually in the campaign. How many died from disease in Cuba?

Major SEAMAN. I believe 50,000 men were down in Cuba in one army and 20,000 in Porto Rico in another. That makes something like 70,000 men, and of those 268 died from bullets. I can not tell you the proportionate number that died from disease without reference to the books, but I know that in the wars of the Revolution and the rebellion and in the Mexican war the proportion of those who died from disease to those who died from casualties was, on an average, 5 to 1. In round numbers, of the 600,000 fatalities in the rebellion, 500,000 died from disease and only 100,000 from bullets and wounds.

This great mortality is not confined, of course, to the American Army. In 1894, the French in their Madagascar campaign lost over 7,000 men from preventable disease, while only 29 were killed in action.

Seven thousand men out of 14,000 died from preventable disease. Every one of them could have been saved with proper sanitary and medical provisions. Twenty-nine only died from bullets. I only want to impress upon you, if possible, the tremendous importance of fighting the silent foe that is always present as compared with the open foe in the field. The importance of fighting the silent foe is at least five times as great as the importance of fighting the declared enemy in the field.

The statistics of the wars and of the Pension Department prove that if we could prevent this tremendous and unnecessary loss from disease, we could save in pensions alone, in less than twenty years, the entire cost of each war.

We would enormously reduce the draft upon the producing adults engaged in industrial pursuits by saving four out of five who are now sacrificed.

Now, gentlemen, unless the Medical Department is put on a higher plane, where it can exercise the power of direction and supervision, unless it is elevated and fortified with the power necessary to carry out its purposes, you will have a repetition of the sad experiences of our late war in the next emergency that arises in the country. Just as sure as the heavens are above the earth, so surely you will have the same nauseating, horrible repetition of affairs that we had in the Spanish campaign if we have an army called together hastily in the summer time without a proper medical organization. You must either have the proper organization or you must take the consequences.

Every death from preventable disease is an insult to the intelligence of the age. When it occurs in an army it becomes a governmental crime. The State deprives the soldier of his liberty, prescribes his exercises, equipment, dress, diet, the locality in which he shall reside, and in the hour of danger expects him, if necessary, to lay down his life in its defense and honor. It should, therefore, give him the best sanitation and the best medical supervision that the science of the age can devise.

Recent discoveries in sanitation and modern knowledge of bacteriology enable us to eliminate preventable diseases. Proof of this statement is found in the experience of the Japanese army in Manchuria, as evidenced by the latest reports from the front. The following is an extract from the editorial page of the New York Sun of February 4:

"From the landing of Oku's army in Manchuria on May 6 last up to December 1 there had been only 40 deaths from disease. There had been 24,642 cases of sickness treated, of which it was necessary to send 5,609 back to Japan. Of those sent home just 40 died—considably less than 1 per cent. More than 18,500 cases recovered on the field and the men were ready for service in a short time. There were only 133 cases of typhoid and 342 of dysentery in Oku's army. The lamentable showing made by our own Army in typhoid alone in the Spanish war lends an emphasis to this wonderful achievement of the Japanese that suggests immediate emulation of their methods.

I was with the army—the Japanese army—last summer, and I know the condition of affairs in it. I have been through four wars, and I know what I am talking about on this matter of sanitation. I know that the Japanese would never have won that series of brilliant victories from the Yalu to Mukden unless they had had their army in the most magnificent physical condition, and they would not have been in that condition if they had not had the most magnificent sanitary government and control that any army has ever yet had in all history.

It is contended that the Japanese are built differently from our people, and that they are not subject to the same kinds of diseases, and that therefore it is not fair to make comparisons with them. Only a few years ago, in their fight with Korea, the mortality of the Japanese was nearly as great as ours in the rebellion. One disease alone, beriberi, laid out 45 per cent of their whole navy.

Now, simply because they have better sanitation and proper medical supervision and diet, there has not been a single case in the navy this year. And perhaps they have not been on the fighting line?

I have been on their torpedo boats with them before Port Arthur. Six months' continuous service in a torpedo boat in our Navy, or in the English navy, is considered about enough to incapacitate a man and make him unfit for future duty until he gets a good rest. But after

six months' service those fellows, the Japanese, were simply primed for more work. It was a delight for them to be in their positions, and you never saw a finer and better, full-blooded set of men than they were. Why? Simply because they had the proper rations and the proper sanitation and the proper government to keep them so. It is not because they are better than our men. They are not as good. I do not take any back seat to the Japanese, only we do the talking and they do the acting in regard to sanitation and diet. They learned their lessons from us, and they learned them sufficiently well to utilize them.

Mr. ESCH. Do they not go us one better in regard to sanitation and medical supplies?

Major SEAMAN. Now? Why, sir, they go us a million times better. We are not in it with them. We have never been in it with them. We are as far behind them as the disciples of Confucius were in the days of Kublai Khan. We are not to be compared with them in medical and sanitary organization. They have a medical director of their army who ranks as a lieutenant-general. They have six officers who rank as major-generals. They have one who ranks as brigadier-general with every 20,000 men in the line, and they have power to enforce their orders.

The Japanese soldier would die alongside of a tainted well—die from thirst—rather than drink water that he had been forbidden to drink. He has confidence in his officers, and even if he had not he would get severely punished if he undertook to disobey sanitary orders. It would not be necessary to go to the commanding officer of the line to get the order, either. Without the power to enforce its discipline sanitary organization would not amount to "30 cents Mex." If every request in the bill before you is granted it would not be a bagatelle in the way of stopping or preventing a repetition of the same wretched experience that we went through in the war with Spain, unless the general plane of the Medical Department is lifted to a higher level, and unless the Medical Department is vested with the power to enforce its regulations. The fixing of high rank with the emoluments that accompany it should go hand in hand with the power to enforce the regulations which might be prescribed.

Remember what occurred in Chickamauga in 1898, when a major-general of the Army, after a medical officer had declared a certain well unfit for use as containing the germs of disease, drank a glass of the water before his staff in defiance of the medical officer's prohibition, making the latter the laughingstock of his associates, saying, "The water is perfectly good; I will drink it." The condition of his stomach might be perfectly sound, and he could do it in defiance of the fact that that water was diseased, and yet a hundred men might follow his example and go down with disease contracted from drinking that water.

What occurred at Tampa, when a major-general said to the Deputy Surgeon-General, when the latter had a ship loaded with medical supplies ready to sail with the Army? "Discharge that cargo and load the vessel with mules and men," was his order. And he sent the whole Army to sea and to battle without any medical supplies whatever. You are aware of the horrible results that followed. The whole world stood aghast at such a piece of audacity. It should have resulted in that major-general being court-martialed. He would have been had he received his deserts. He would have been taught to respect a department, a medical department, that knew something about its own business.

I was at Hiroshima last summer when 9,860 men were brought from the front. Of that entire number, only 34 died. The vast majority of them got well and returned to the front.

There were 1,106 brought to Tokyo, a great many stretcher cases, and of that number not a single man died, although they were shot in almost every possible way. Six of them had bullets through the brain in different directions. Nine had bullets through their chests. Six had bullets through the abdomen, the point of exit and of entrance being discernible in all cases. And they all got well. That was principally because they were fed on a ration that is a rational ration, and they did not have their systems loaded with uric acid and other elements that excite inflammation after injury and cause death.

From personal experience with the Japanese army I must say that too much praise can not be bestowed upon the medical department of the army and navy for their splendid preparatory work for this war. The Japanese are the first to recognize the true value of an army medical corps. Care of the sick and wounded consumes but a small part of their time. The solution of the greater problem, preserving the health and fighting value of the army in the field, of preventing disease by careful supervision of the smallest detail of subsisting, clothing, and sheltering the units, is their first and most important duty. Their capacity for detail is something phenomenal. Everywhere—in the field with the scouts or in the base hospitals at home—the one great prevailing idea is the prevention of disease. The medical officer was omnipresent. He was found in countless places where in an American or British army he has no place. He was as much in front as in the rear. He was with the first screen of scouts with his microscope and chemicals, testing and labeling wells so the army to follow should drink no contaminated water. When the scouts reached a town he immediately instituted a thorough examination of its sanitary condition, and if contagion or infection was found he quarantined and placed a guard around the dangerous district. Notices were posted so the approaching column was warned, and no soldiers were billeted where danger existed. Microscopic blood tests were made in all fever cases, and bacteriological experts, fully equipped, formed part of the staff of every divisional headquarters.

The medical officer also accompanied foraging parties, and, with the commissariat officers, sampled the various foods, fruits, and vegetables sold by the natives along the line of march long before the arrival of the army. If the food was tainted or the fruit overripe or the water required boiling, notice was posted to that effect, and such is the respect and discipline of every soldier from commanding officer to the file in the ranks that obedience to its orders is absolute.

The medical officer is also found in camp, lecturing the men on sanitation and the hundred and one details of personal hygiene; how to cook, to eat, and when not to drink; to bathe, and even to the direction of the paring and cleansing of the finger nails to prevent danger from bacteria. Long before the outbreak of hostilities he was with the advance agents of the army, testing provisions that were being collected for troops that were to follow, and as a consequence of these precautions he is not now found treating thousands of cases of intestinal diseases, diarrheas or dysenteries, contagion and fevers that follow improper subsistence and neglected sanitation, diseases that have brought more campaigns to disastrous termination than the strategies of opposing generals or the bullets of their followers.

It is much too early to submit statistical proof, but from careful observation I venture to predict the records of the Japanese hospitals will show a large reduction in the percentage of mortality from casualties, especially in penetrating wounds of the skull, chest, and abdomen, and injuries to osseous structures; indeed of every variety of wounds, except, perhaps, those of the spinal cord, when compared with the statistics of former wars. Up to August 1, 9,862 cases had been received at the Reserve Hospital at Hiroshima, of whom 6,636 were wounded. Of the entire number up to that time only 34 had died.

To July 20, the hospital ship *Hakuai Maru* alone brought 2,406 casualties from the front without losing a single case in transit. Up to July 1, 1,105 wounded, a large proportion of whom were stretcher cases, were received at the hospitals in Tokyo. None died, and all but one presented favorable prognosis. It is upon this, and much additional ocular evidence that can not here be reproduced that the prediction is based.

But it is in that far more terrible and pathetic class of losses, the needless sacrifice of 400 lives by preventable diseases for 100 who die legitimately, that the most astounding reduction will be shown. If the testimony of those conversant with the facts can be accepted, supplemented by my own observations, the loss from preventable diseases in the first six months of this terrible conflict will be but a fraction of 1 per cent. This, too, in a country notoriously insanitary. Compare this with the fearful losses of the British from preventable disease in South Africa, or worse, with our own losses in the Spanish-American war.

Regardless of the ultimate outcome of this terrible war history will never furnish a more convincing demonstration of the benefit of a medical, sanitary, and commissary department thoroughly organized, equipped, and empowered to fight the silent foe. The Japanese do their killing, but they do it differently. They, too, have their tragedies, but they are legitimate tragedies of grim war, not governmental murders through criminal neglect.

When the statistics are compared with the frightful mortality in our own Army during the rebellion and the Spanish-American war, it will need no argument to prove the tremendous value of the methods pursued by this most modern nation in removing danger from preventable disease. It is stated that these statistics favor the Japanese because they are a more hardy race, not subject to the diseases common among our own people. To prove the fallacy of this assumption, it is only necessary to recall the experience of the Japanese ten years ago, when 45 per cent of her navy succumbed to beri-beri. To-day, with their modern ration, sanitation, and application of the truth, derived from the study of bacteriology, beri-beri is almost unknown there, and their losses from this cause in the navy are almost nil.

The medical officer who selects his camp with the foresight of a sanitary engineer and who regulates the camp drainage and its location of the latrines, who inspects water supplies, food and its preparation, the soldier's clothing and their cleanliness, and avoids the terrible epidemics of typhoid fever, dysentery, and diarrhea, which have decimated armies in the past, serves his country better than he who presides over the wards filled with the diseased who, after weary days or months of suffering, are invalided home or returned to the fighting line in a weakened condition.

The ration of the Japanese is controlled by the medical department, who have thoroughly experimented with it and at last brought it to a scientific basis where it does its work.

With these suggestions, merely outlined, as to the great importance of this branch of the Army, we pass to the consideration of the pending bill——

Mr. ESCH. What is the ration of the Japanese army?

Major SEAMAN. It is the simplest ration in the world—mostly rice, and a little bit of meat, a few pickles, tea which necessitates the drinking of large quantities of boiled (sterilized) water, and some dried fish. It is a ration the constitution of which would not be practicable for our people, but its chief and best characteristic is its simplicitly. It costs about one-tenth of ours. Our ration is all right for a cold country—for an arctic climate; but for a tropical country it is the height of absurdity.

The CHAIRMAN. I understood, Major, that you had some practical suggestions to make to us. I wish you would present these suggestions as soon as you can, on account of our limited time.

Major SEAMAN. I wish to say, then, that the bill is utterly deficient in that it fails to give to the Medical Department the authority which it needs. It is deficient in that it fails to give the head of the department sufficient authority. A brigadier-general must necessarily take his orders from a major-general. The head of the Medical Department should be supreme in his department. He should take orders from no one except the Secretary of War and the President of the United States. He should have sufficient rank and authority to see that his orders are absolutely and implicitly obeyed. The head of this department should be at least a major-general, with the power and emoluments attached to that rank. I tell you, gentlemen, rank and its emoluments count. Without the position, its pay and dignity, especially in the Army, it is impossible to enforce the respect and discipline necessary for obedience and order. This want is the curse and cause of failure of the British medical service also, where, instead of "sawbones," its representatives are contemptuously termed "pills" and "bubo lancers," and which in its organization is as far behind Japan as are the Americans. Herbert Spencer, in his Synthetic Philosophy, refers to the ill treatment accorded the medical officers of the English army as "a late survival of the days of feudalism and contempt for the purely scientific."

In order to fully enforce sanitary discipline, this bill should provide for at least one deputy surgeon-general with the rank of brigadier-general for every division of 20,000 men.

The bill should be elastic enough to provide, automatically, for an increase of the officers and men in proportion to the size of the Army. It can readily do this by means of the Reserve Corps, which only figures on the pay roll in times of actual service, while in times of peace the expense to the Government for this provision will be nothing.

The fact that the number now provided is insufficient will be proved at a glance by the following comparisons with the provisions of other nations of wide experience. No one claims that any nation has yet erred on the side of extravagance for the medical department.

In the field hospital alone the following comparison is instructive:

The pending bill provides for 216 beds with 8 medical officers, 16 noncommissioned, 82 privates, against:

Germany—1,200 beds with 54 officers and 232 men.
France—400 beds with 44 officers and 560 men.
Great Britain—300 beds with 15 officers and 201 men.
Russia—840 beds with 26 officers and 428 men.
Japan—1,200 beds with 48 officers and 648 men.

This is for a unit of a division consisting of approximately 20,000 men.

Japan has, I say, 1,200 beds, as against our 216; 48 officers, as against our 24; and 648 men, as against our 82.

The Japanese are not playing this war game for their health alone, or rather for the pleasure of it. Yes, I should say they are playing it for their health. They are a very poor people. Economy is the very first point upon which they have to base their calculations, and yet they can afford, and do afford, to furnish 648 men for each army division, as against what is asked for here, 82.

The same comparison holds good for the divisional ambulance establishment, for which the bill provides 6 officers, 16 noncommissioned officers, and 122 men, as against—

Germany—14 officers, 16 noncommissioned, 230 men.
France—14 officers, 25 noncommissioned, 192 men.
Great Britain—8 officers, 32 noncommissioned, 170 men.
Russia—5 officers, 235 men.
Japan—13 officers, 61 noncommissioned, 342 men.

Japan has nearly three times as many as are here asked for America—6 officers, 16 noncommissioned officers, and 122 men. Japan has 13 officers, 61 noncommissioned officers, and 342 men, and yet they have not any too many. They would not have them if they were too many. They can not afford to pay extra men. They have other business for them to do.

Mr. ESCH. What is the peace basis for the Japanese army?

Major SEAMAN. It is provided for in the reserve corps, just as this bill provides, without expense to the Government. They drop men from the service immediately when peace returns.

Mr. HAY. How many men do they have in time of peace in actual service; 20,000 men?

Major SEAMAN. I can not tell about that. I do not know that.

Mr. ESCH. In order to make the comparison proper we ought to know the peace basis.

Major SEAMAN. I had no idea of coming before you gentlemen until a few days ago, and I have not therefore figured these things out. It would, however, be easy to put these numbers before you. As a paying investment there is nothing that could possibly give the valuable results which the establishment of a thorough medical and sanitary organization would bring, because it would reduce by 50 per cent the cost of war by eliminating the costly results of war. What would be the cost of the Medical Department in comparison? Not a bagatelle.

Mr. HOLLIDAY. Would not your argument go to prove that the Japanese have a better equipped body of surgeons than we have?

Major SEAMAN. No, sir: they have not a better body of men in their country than we have. The men in our service do not obtain the same results, however, because they have not the power. Along comes an officer, as I saw once in Manila, when a hospital was overcrowded and a deputy surgeon-general asked by cable for 200 nurses and 50 more physicians, and he tells that surgeon, "No; you will not have that order sent through. If half the men in these wards were doing their duty they would be on the line. They do not belong here." That same psalm-singing gentleman in command at Manila was afraid the people at home would not believe he "had the situation well in hand," and he had the audacity to make this remark to the deputy surgeon-general when the latter needed additional help to care for the sick and dying. The idea of that officer, a major-general, giving such an order is monstrous. He was an accident and nothing more. What did he know about sanitation and about medicine that he dared to insult the representative of the surgeon-general in this manner? The need of the extra assistance in the hospital was afterwards proved, and was allowed, and the surgeon-general was given what he asked, because the death rate was so horrible that the Government had to grant it in the end.

Surely as our soldiers, who are citizens, are the best in the world, they should have provision for their health and their lives inferior to none in the world. If we do not surpass other nations in our zeal for their welfare, we should be ashamed. Pecuniary consideration is insignificant; but from this lower point of view it will prove that the increase to that of the most liberal nation will result in not only saving many lives, but in lessening the suffering, and actually in diminution of expense. The appeal to the American's pocket should be the last made, but sometimes it is not the least effective.

The bill is also defective in that it utterly fails to recognize one of the most important departments, namely, that of sanitation.

The Army should have what every city of importance has—a department of sanitation separate and apart from its hospital service. The more efficient the sanitary department is the less will be the call upon the hospital proper. The sanitary corps are the scouts and the advance guard against disease. If the sanitary corps provides the Army with a proper camp, with pure water and pure food, and can destroy all the breeding places of disease and the causes of epidemics, it will have accomplished a work second to none in winning the victory.

It is late to argue that it is more important to prevent a soldier from becoming unfit for service than to cure him after he has become diseased. This would seem to be axiomatic. And yet Congress has apparently attempted to legislate in utter disregard of this truism.

The bill is further deficient in that it fails to provide a separate transport system. By "separate transport system" is not meant necessarily one distinct from the army transport, nor that the Quartermaster's Department should not have charge of it, but it is meant that all transportation requisite for the Medical Department should be under its exclusive control; and that the Medical Department should have the authority to compel, if necessary, the Quartermaster's Department to provide it with as much as its needs require. This is true on land as well as on sea.

Mr. HAY. Could you use a hospital ship in time of peace?

Major SEAMAN. Why not? The Japanese had three. They built them in advance. When they were finished they let them out as liners, and with the income that was derived they bought supplies for their Red Cross system—medical supplies requisite for the army in enormous quantity.

Mr. HAY. I mean, could you use a hospital ship between here, for example, and the Philippines? Are there men enough who would be sick?

Major SEAMAN. There should not be. There would not be if they were given proper sanitation. There is no reason why men could not live as healthy in the Philippines as in the city of Washington.

Mr. HAY. Would it not be an unnecessary expense in time of peace to build a hospital ship?

Major SEAMAN. I do not think so. On the contrary, it is a precaution that ought to be enforced. It is too late to do these things when a war opens.

Mr. HAY. But you might not have a war for twenty years, and then the hospital ship would not be useful.

Major SEAMAN. It could pay big dividends, and it would be invaluable by the prevention of disease and by being ready to stop trouble before it attained headway, as in the case of any epidemic. It could pay its cost and expense a hundred times over on one single mission.

The effect of such a provision is again demonstrated by the experience of the Japanese. Before war was declared they had their separate hospital transport ships carefully equipped. Of the thousands of wounded in the desperate campaign of last year, who were brought back to Japan, their loss in transit was practically nil.

Compare this with an incident in the late Spanish war, when that commanding general at Tampa discharged a cargo of medical supplies and loaded the vessel with men and mules, sending the entire army to sea and to battle without any medical supplies whatever, an act that amazed the civilized world.

I will read you, if I may, a note from Mr. George Lynch, correspondent of the London Chronicle, as to what occurred on board of one of the transports he was on in the war.

The CHAIRMAN. Was that a Government transport? Was it leased, or did the Government own it?

Major SEAMAN. I will have to refer you to Mr. ALGER for an answer to that question.

The CHAIRMAN. If it was a leased boat that has not any bearing on this case. We will admit that we picked up any kind of a boat that we could at that time. Unless that was a Government boat which the Government owned, that comparison would not be worth putting in, because the Government now has the transport service pretty well in hand.

Mr. PATTERSON. What do you think of the facilities of the transport service?

Major SEAMAN. Very good, sir. But I think they are too much used. If proper sanitary and commissary precautions were taken they would not be needed. I believe in preventing diseases instead of curing them. This medical reorganization might not show the subjective results, yet it would show the objective ones.

As further evidence of the necessity for the thorough reformation of this department, the expression of those best able to judge, the Association of Military Surgeons, at its International Congress held at St. Louis last October, when it adopted the following resolution by unanimous vote, is pertinent:

"That the Association of Military Surgeons of the United States, now assembled, respectfully petition Congress at its next session to reorganize the medical departments of the United States Army and Navy on a broad basis, similar to that of the countries most advanced in military sanitation, giving to their officers equivalent rank, dignity, and power, and to their personnel ample numbers for the proper care of the ill and injured in military and naval service."

If all that is asked for in the bill before you is granted, it will not be sufficient to prevent a repetition of the lamentable experiences in the late Spanish-American war should an army of equal size be hastily called together again during a hot season.

The reorganization could be made at little expense, because most of it could be provided for in the reserve corps. That corps would be on the pay rolls only in case of active service, and it would result in tremendous saving of life and of sickness in the emergency of war. The utter disregard of the average man on this point is well illustrated by a letter from Prof. William H. Thomson, former president of the New York Academy of Medicine, who, on December 9, wrote me as follows:

"There is nothing so amazing as the want of recognition by the ordinary man of the waste of life in war as conducted by Anglo-Saxon peoples. I knew of it most impressively in my boyhood, when I was out in Syria during the Crimean war, when the British regiments died away, instead of being killed off, and yet that large object lesson did not make a bit of difference with the subsequent management of the English army up to the South African war.

"I think, however, in the Spanish campaign we carried off the palm for utter defiance of common sense in dealing with the question of how an army should live.

"Back of all, however, lies the adamant wall of professional tradition among both English and American army officers and war offices. An old general is as impervious to the claims of the medical army officers to any consideration as a mud turtle is to mathematics. That a man who would save eight soldiers out of ten who are buried is to have any consideration by the side of a line officer can not once enter his lofty cranium.

"It is therefore so well in keeping with the needs of our times that you should demonstrate so clearly that these wonderful Japanese are developing more sense in one hospital alone than is to be found in the entire cranial cavities of the American and British war departments."

That is from a gentleman who knows what war is, although he is a learned man and a man of authority, and formerly the president of the Academy of Medicine at New York.

The Medical Department should also have proper authority over the Commissary Department, at least to the extent of the veto power, and provision for it should be incorporated in this bill.

It does not seem to be remembered that the Medical Department has to carry on a warfare against a foe that causes a mortality five times greater than that of all the other branches of the enemy's service. If Congress can be brought to recognize the fact that disease, most of which is preventable, has caused over 80 per cent of the mortality in every war in which America has ever engaged, there will be no difficulty in enlisting support for the establishment of a medical organization becoming the dignity and importance to which it is entitled.

Unless there is a corps prepared to fight germs and disease in advance of the fighting army, the Medical Department might as well go out of business altogether.

Think of the sick rate that might be reduced to almost nil, as it is in the Japanese army to-day. Only forty deaths from disease in General Oku's army since May 6. In all the Japanese hospitals there was last summer a very small percentage of sickness in comparison to wounds. I saw ward after ward for the treatment of internal diseases, diarrhea, dysentery, typhoid, and so on, comparatively empty. They do not have these diseases. They take proper care of their men in advance, so they do not contract these diseases. Their hospitals are for the care of casualties caused by shell and shrapnel. The other cases are absent. It is preventable disease more than wounds that cause the deaths and losses that swell the pension list. The Japanese took their lessons from us, but, as I said before, they practice them instead of talking about them.

In enacting this reform measure Congress would have the hearty support not only of the medical profession at large, but of the entire country. The saving in pensions alone would in a few years amount to more than the entire original cost of the wars. On economic grounds, then, if on no other, Congress would find such a measure a paying investment; and as cash seems to be the basis on which most

bills are passed a full appreciation of the merits of this one properly amended will promptly insure its success.

If you gentlemen could be brought to recognize and appreciate the fact that diseases which are preventable cause more than half the cost of all wars, you would not hesitate one minute to grant everything that is necessary for that prevention. I know that you gentlemen mean to legislate for the good of the country and for the good of the Army. I do not ask any favors for those who fall on the field or for the officers. It is for the poor devils whose lives are wantonly thrown away by disease—disease that could be readily prevented, and disease which will continue until you give the Army the protection of proper sanitation, that I plead. Until this is granted you have not done your full duty to your constituents.

Our Government will never tolerate the maintenance of a large army in time of peace, its presence being considered (justly or otherwise) a menace to republican institutions. It is, therefore, more necessary to us than to any other country in existence to have the best equipped and most efficient medical department of any service in the world, a department whose elasticity will be sufficiently great to permit of its rapid extension in the emergency of war.

At such times, of course, it must draw its working forces from civil life, and if the best element of the profession at large is to be enlisted it is only fair and just to that profession that it should receive due recognition in the form of rank and emoluments.

History has repeatedly proven that the best military surgeons have been drawn from civil life from the days of Ambroise Pare, Larrey, Pierigoff, to those of Von Bergmann, Von Esmarch, Billroth, and Lister, as well as conspicuous examples in our own land, among whom might be named the nestor of American surgery, Gross, and Shrady, Austin Flint, Stephen Smith, Agnew, and Wier Mitchell. If such representative men renounce their lucrative practices and personal comfort to serve their country, it is but fair and just that they should have full recognition in the way of rank and emolument, and an amendment to that effect should be incorporated in this bill, as well as one for the employment of a reserve corps.

It is such men as these who are now known as "contracts," and although they did magnificent service all through the war of the rebellion, they are not even permitted to wear the button of the Loyal Legion, and are only known as civil employees—"contracts." They are ineligible to membership in the Loyal Legion. Had their lives been lost in the service of their country their families would not be entitled to pensions.

Gentlemen, as I said at the beginning, I am not here for the Surgeon-General, and, unfortunately, in the Department he represents I fear I am persona non grata, because I oppose this bill. But I ask these promotions and increased powers for him and for his assistants in the name of my profession, whose dignity and importance entitle it to this tardy recognition.

Until the Surgeon-General's Department is lifted to a plain far above its present level and is given power to enforce its prerogatives its fight against the silent foe that has killed 80 per cent in every war in which America has ever engaged can not be crowned with victory. It is not for the officer, but for the file in the ranks, who bears the brunt of the battle, that I make this appeal.

Mr. SLAYDEN. Is that remarkable statement true which I see in the newspapers—the newspapers of a few days ago—that only 40 people had been lost by disease in the Japanese-Russian war?

Major SEAMAN. That is the statement made by General Oku. The four months' observation I had in Japan and Manchuria certainly confirm it.

Mr. HOLLIDAY. Is it not to be taken into consideration that Manchuria is a healthy country, whereas Cuba badly needed sanitation?

Major SEAMAN. I have merely to say that Manchuria is a notoriously insanitary country. There is absolutely no provision made for decency or any kind of sanitation among the Koreans or Manchurians. The "family friend," in the form of a growling, hungry dog, or a grunting pig, is the sanitary expert of every family, and he attends to all requirements in that line. The people never think of bathing. They do not know what a bath is. The country itself is a healthy country—so is Cuba—just as healthy as this one here; more so, indeed, in many respects. But the extremes of heat and cold in Manchuria are greater than they are here. At the battle of Hycheng, when I was near by, General Kuropatkin said he lost more men from heat than from bullets—more prostrations from heat because the men were heavily clothed, and the heat did more execution than bullets. The thermometer stood at 120° in the sun that day; now it is about 40° below zero. So that they have both extremes to meet instead of the one.

The CHAIRMAN. We are very much obliged to you, Mr. Officer.

Major SEAMAN. I thank you. I have finished.

[Letter filed by Maj. Louis L. Seaman, of New York.]

HABANA, CUBA, *January 21, 1905.*

Maj. J. R. KEAN,
Surgeon, U. S. Army, Office of the Surgeon-General,
Washington, D. C.

MY DEAR MAJOR KEAN: I have the honor to acknowledge the receipt of your favor, together with a copy of the bill "To increase the efficiency of the Medical Department of the United States Army," accompanied by the indorsement of the Secretary of War and the brief of the Surgeon-General.

I must confess that I think the bill itself is far better than the brief of the Surgeon-General, for the Surgeon-General is altogether too modest and underestimates the necessities of his department.

Why did he not cite the organization of the medical department of the Japanese in his comparisons, or even that of Germany, which approaches next in order of efficiency, instead of using the British, which service is as hopelessly defective as our own? The British service as marked by utter incompetency, as was proven in its record in South Africa, and was only equaled by our own lamentable showing in the Spanish-American war.

The Surgeon-General should have asked not only for more men, but for advanced rank, power, and emoluments for himself as well as them, and to which the dignity and importance of his department are entitled. It should be understood that without rank and its accompanying emoluments and power discipline and respect can not be enforced, and the sooner Congress knows it the better for the country as well as for itself.

It is about time to stop citing the "nobility and altruistic regard for medical officers in army life," when, in reality, in the British service they are termed "sawbones" and "bubo lancers" and regarded so contemptuously that half the military clubs of London, and all the most prominent ones, refuse membership to medical representatives. The contemptible treatment accorded to the medical officers of the British army is stated by Herbert Spencer "as a late survival of the days of feudalism" and "contempt for the purely scientific."

In our own Army it is but little better. Witness the ignominious treatment of the Surgeon-General by Shafter at Tampa, when he compelled the unloading of a shipload of medical supplies and put an army to sea and to battle without any materials for succor—an act that deserved his court-martial and dismissal. The Medical Department should have its independent transport system and provision should be made for it in this reorganization bill.

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The recent rulings of the Judge-Advocate-General recall most forcefully a letter recently received by me from the former president of the New York Academy of Medicine, Dr. William H. Thomson, of which the following is an abstract:

"There is nothing so amazing as the want of recognition by the ordinary man of the waste of life in war as conducted by Anglo-Saxon peoples. I knew of it most impressively in my boyhood, when I was out in Syria during the Crimean war, when the British regiments died away instead of being killed off, and yet that large object lesson did not make a bit of difference with the subsequent management of the English army up to the South African war.

"I think, however, in the Spanish campaign we carried off the palm for utter defiance of common sense in dealing with the question of how an army should live.

"Back of all, however, lies the adamant wall of professional tradition among both English and American army officers and war offices. An old general is as impervious to the claims of the medical army officers to any consideration as a mud turtle is to mathematics. That a man who would save eight soldiers out of ten who are buried is to have any consideration by the side of a line officer can not once enter his lofty cranium.

"It is therefore so well in keeping with the needs of our times that you should demonstrate so clearly in your book that these wonderful Japanese are developing more sense in one hospital alone than is to be found in the entire cranial cavities of the military staffs of the American and British war departments."

The copy of the bill you so kindly sent me is the first I have seen. In my opinion the Surgeon-General has not asked for anything like all that is essential and necessary for the good of the service. He should have based his estimates on those of countries which have the best medical organizations and placed the responsibility for refusing upon Congress, if Congress cared to assume such a load. In this way alone could he hope to escape the condemnation that is bound to follow in the event of another war. If all he asks is granted, it will not be sufficient to prevent a repetition of the lamentable experiences of the late Spanish war, should the Army be called together again hastily during a hot season.

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It does not seem to be remembered that the Medical Department has to carry on a warfare against a foe that causes a mortality five times greater than that of all the other branches of the enemy's service.

If Congress can be brought to recognize the fact that disease—most of which is preventable—has caused over 80 per cent of the mortality of every war in which America has ever engaged, there will be no difficulty in enlisting support for the establishment of a medical organization becoming the dignity and the importance to which it is entitled. And in enacting this measure Congress would have the hearty support not only of the medical profession at large, but of the entire country. The saving in pensions alone would in a few years amount to more than the entire original cost of the wars. On economic grounds then, if on no other, Congress would find such a measure a paying investment; and as cash seems to be the basis on which most bills are passed, a full appreciation of the merits of this one, properly amended, will promptly insure its success.

Our Government will never tolerate the maintenance of a large army in times of peace, its presence being considered—justly or otherwise—as a menace to republican institutions. It is therefore more necessary to us than to any other country in existence to have the best equipped and most efficient medical department of any service in the world—a department whose elasticity will be sufficiently great to permit of its rapid extension in the emergency of war.

At such times, of course, it must draw its working forces from civil life, and if the best element of the profession at large is to be enlisted it is only fair and just to that profession that it should receive due recognition in the form of rank and emoluments. History has repeatedly proven that the best military surgeons have been drawn from civil life, from the days of Ambroise Paré, Larrey, Pierigoff, to those of Von Bergmann, Von Esmarch, Billroth, and Lister, as well as conspicuous examples in our own land, among whom might be named the nestor of American surgery, Gross, and Shrady, Austin, Flint, Stephens, Smith, Agnew, and Wier Mitchell. If such representative men renounce lucrative practices and personal comfort to serve their country it is but fair and just that they should have full recognition on the part of the Government, and an amendment to that effect should be incorporated in this bill, as well as one for the employment of a reserve corps.

* * * * * * *

Believe me, my dear Major Kean, yours, very sincerely,

LOUIS L. SEAMAN.

P. S.—

NEW YORK, *January 26.*

DEAR MAJOR: Am just home, and am sending you a copy of this week's Outlook under separate cover. I do hope the Surgeon-General will demand more, and that the Medical Department may get it deserts. I will gladly help in any way if you wish it.

SEAMAN.

Mr. SMITH of Kentucky. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

For the settlement of claims for damages to private property incident to the Army maneuvers near West Point, Ky., and Fort Riley, Kans., in the months of September and October, 1903.

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

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Army general hospital: For the purchase of a site for and toward the construction of an army general hospital, $200,000, to be imme-

diately available; and the total cost of said hospital, including site therefor, under a contract which is hereby authorized therefor, shall not exceed the sum of $400,000.

Mr. BARTLETT. Mr. Chairman, I desire to raise the point of order against this paragraph that it is not authorized by any law.

Mr. HEMENWAY. The point of order is well taken.

The CHAIRMAN. The point of order is sustained.

Mr. WILLIAMS of Mississippi. I move to strike out the last word. I do it merely for the purpose of congratulating the gentleman from Indiana upon the fact of this saving $200,000 of expenditure. The gentleman was so distressed about the $100,000 that he thought we ought not to spend that I have called his attention to the saving of $200,000, which I thought would make him feel better—the saving made by the gentleman from Georgia [Mr. BARTLETT] by his point of order.

Mr. HEMENWAY. Mr. Chairman, I want to call the attention of the gentleman from Mississippi [Mr. WILLIAMS] to the fact that the $100,000 he speaks of is, in my judgment, money absolutely thrown away. On the other hand, the hospital just stricken out of this bill is the hospital that teaches camp sanitation, teaches how to care for the lives of the soldier boys who go out to fight for their country. It is the hospital where the nurses are educated to care for them when they are injured, and so forth. If the gentleman thinks that the service performed in that line is not a proper service, I have no objection to the item going out.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think that a great many of these military incidents could go out of these appropriation bills without any great harm. Now, on a preceding page, 103, there is an item:

To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees who have died.

And all that. Why, we are getting to be like the Chinese. When a man dies anywhere in the world his body must be carried back and put in sacred soil. It seems to me the gentleman could find a lot of little things like this to economize on.

Mr. HEMENWAY. If the gentleman thinks it is wrong to bring back to their homes the boys who have died in the Philippines, he is welcome to that opinion.

Mr. WILLIAMS of Mississippi. Oh, if I happened to go to Europe next summer with the Speaker of this House, and one of us happened to die, I should think it would be rather a tax upon the farmers and the mechanics of this country to burden them with bringing the body of either of us back. I think either one of us could sleep just as well in the soil of France, after we were once good and dead, as we could in the soil of America.

Mr. HEMENWAY. The gentleman underestimates the love of the people of this country for himself and the Speaker.

Mr. WILLIAMS of Mississippi. Perhaps that is the case.

Mr. HEMENWAY. And we would be sure to bring either of them back home if they died in a foreign country.

Mr. BARTLETT. Mr. Chairman, I desire briefly to reply to the criticism of the gentleman from Indiana [Mr. HEMENWAY] upon the fact that the point of order was made against the paragraph on page 105, containing a provision for a general hospital, the purchase of a site for $200,000, and commencing to erect a hospital thereon, and to appropriate $400,000 for that ultimate purpose.

It is well known that a provision of that sort belongs to the Committee on Public Buildings and Grounds. It is well known that no other proposition looking to the purchase of a site for any public building could get into this bill without a point of order being raised by the gentleman from Indiana in charge of it. It is not fair to this House and it is not proper legislation, tied as we are by the rules, that the Committee on Appropriations, of all others, should violate that rule which prohibits an enactment of legislation upon appropriation bills. I am not opposed to the Government erecting hospitals for its sick soldiers or for teaching sanitation or for training nurses or for taking care of sick soldiers who may be engaged in the defense of their country, but the gentleman from Indiana and the Appropriations Committee ought to learn, if they have not yet learned, that it is a violation of the rules of this House to legislate upon appropriation bills. They ought not to be permitted to do so any more than the humblest Member of this House. [Applause on the Democratic side.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Enlargement of Governors Island, New York: For continuing plan of improvement for the enlargement of Governors Island, New York Harbor, by wharf work, dredging, bulkhead, and filling, $100,000.

Mr. SMITH of Kentucky. Mr. Chairman, I move to strike out the last word.

I believe it is entirely right to temper our official acts in this House with charity and humanity. It is all right, in my judgment, to take care of the remains of the boys who die in distant lands while trying to defend their country and their country's rights. But there are some other things, Mr. Chairman, that have equally just and strong claims upon the Members of the American Congress. A few moments ago I offered an amendment to this bill providing for the payment of honest claims against this Government, growing out of the army maneuvers at Westpoint, Ky., and Fort Riley, Kans. The military forces of the United States occupied lands in these communities for maneuvers under a contract to reimburse the people for any damages committed, to be ascertained by a board appointed by the War Department. In these cases the boards were appointed, and sealed these honest claims far below the limit fixed by justice and reason, made their returns of the amounts due to those people, and yet two years and more have elapsed without their payment. And now when I propose an amendment requiring their payment, the gentleman from Indiana defeats it by making a point of order. While we are exercising humanity and charity toward our soldiers in the field——

Mr. JAMES. And toward civilians, too.

Mr. SMITH of Kentucky. And even toward civilians who have died abroad, let us not forget our worthy citizens at home Let us not forget that the honest, toiling citizen down in the country, who is bearing the burdens of the Government, is entitled to some consideration and respectful treatment at the hands of this Congress. [Applause on the Democratic side.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For completing the improvement of the Yellowstone National Park in accordance with the approved project, $83,000; for maintenance and repair of existing improvements, $50,000; in all, $133,000, to be expended under the direction of the Secretary of War; to be immediately available and to remain available until expended: *Provided*, That of this amount $30,000, or so much thereof as may be necessary, may, in the discretion of the Secretary of War, be expended in the Yellowstone Forest Reserve east and south of the park.

Mr. CUSHMAN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 107, line 16, after the word "park," insert the following: "Mount Rainier National Park: For continuing the construction of the road from the west, heretofore commenced under the direction of the Secretary of War, $20,000, and for the commencement of the road from the east into said park, under the Secretary of War, in accordance with the survey made under the provisions of the last sundry civil act, $10,000; in all, $30,000."

Mr. HEMENWAY. Mr. Chairman, I make the point of order that that is a change of existing law.

The CHAIRMAN. Is it not the continuance of a work now in progress?

Mr. HEMENWAY. A certain portion of the amendment, if the Chair will read it, is not authorized by existing law. If the gentleman from Washington wishes to say something about his amendment, I will reserve the point of order.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Indiana to the fact that the amendment on its face provides for the continuing of the construction of a road. That is the continuance of a work now in progress. The latter part of the amendment is not in order.

Mr. HEMENWAY. And if a portion of it be subject to a point of order the whole is subject to a point of order. But I will reserve the point of order.

Mr. CUSHMAN. Mr. Chairman, just a word on this amendment. The amendment in substance provides for the appropriation of $30,000 for the continuation of improvements in the only national park there is in the State of Washington. Now, I see, in looking over this bill, that there are a number of items of appropriation made for other national parks for large amounts; for the expenditure of some $130,000 for the continuation of improvements in the Yellowstone National Park.

I desire to say in this connection that I agree that this is a year in which the Appropriation Committee must exercise a great degree of economy, and I do not complain of that ordinarily. But there are certain facts that make it unusually unfortunate; indeed it would virtually be a hardship if this improvement can not now be made, and this amendment offered by me should be included in the bill. For many years these appropriations have been made for the other national parks in the United States. For the last six years my colleague and myself have been endeavoring to procure certain surveys to be made in this the only national park in our State. It was necessary for us to first procure the surveys before we could have our park improved as other parks were being improved. Now, in this year, this is the first time we have succeeded in getting these surveys in shape, so that this is the first year that we have had an opportunity to procure a small appropriation for this

national park. I regret that we should have procured these surveys in the same year when a spasm of economy has struck the Appropriation Committee of this House. [Laughter.]

Now, the record in relation to this matter is about as follows: The War Department has practically recommended the appropriation this year of about $200,000 to carry on this work. We realize that it would be unreasonable to ask this year to have such a large amount appropriated for our park, and we have dropped down from $200,000 to the modest sum of $30,000, which we would like to have inserted in this bill as the first step toward carrying on the work recommended by the War Department. Mr. Chairman, the hour is very late, I have much more that I could say, but I will submit this matter with this brief statement.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of commissioners, maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance; completing the inclosing of Point Park; the purchase of small tracts of lands the purchase of which has heretofore been authorized by law; in all, $27,000.

Mr. MADDOX. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee, after we have paid the fixed charges how much they will have left?

Mr. HEMENWAY. I have prepared a statement which shows that nearly all of this or a great proportion of it goes to pay salaries. I have a statement as to the consolidation of the parks.

Mr. MADDOX. I wish the gentleman would put it in the RECORD.

Mr. HEMENWAY. It is on page 20 of the report, and the report has already been printed in the RECORD.

Mr. BARTLETT. The salaries amount to about $20,000, and the appropriation is $27,000.

Mr. MADDOX. Only about $7,000 for work on the park. There is no use in trying to stop this; I have tried it time and time again.

The Clerk read as follows:

The Secretary of War is authorized and directed to organize and substitute, on or before July 1, 1905, for existing commissions in charge of the several military parks, a commission of not exceeding three members to be appointed by the Secretary of War, which commission shall on and after its appointment and qualification be clothed with and have and exercise all powers and duties previously had and exercised under law by the respective commissions for said parks. The compensation of members of said commission shall be fixed by the Secretary of War and be paid out of and equitably charged against the respective appropriations made in this act for said parks.

Mr. WILLIAMS of Mississippi. Mr. Chairman, reserving the point of order to the paragraph just read, I would like to have the attention of the chairman of the committee to see if an amendment can not be inserted here.

Mr. BIRDSALL. Mr. Chairman, I make the point of order against the paragraph that it changes existing law.

The CHAIRMAN. The point of order is sustained.

Mr. PARKER. Mr. Chairman, I move to strike out the last word of the paragraph just read.

The CHAIRMAN. The paragraph has gone out on a point of order.

Mr. PARKER. I know that, but I desire to call the attention of the House to a matter that I consider of very great importance. At present we have three great national parks. There are some fifteen proposed by various bills before the Committee on Military Affairs. At the last session there were hearings lasting three months, and no one who looks at the matter can deny that while on the one hand the nation can not afford to put fifty or seventy-five million dollars into so many new national parks, yet on the other hand the old soldiers who know where the deeds of heroism were done in the last war are dying, and the points where these deeds were performed should be marked while they yet live. Go a few miles north from the Capitol to Fort Stevens and we find a mark, placed without authority by the Secretary of War, showing where Lincoln stood in the battle fought there; but at Atlanta, where fighting prevailed at points 20 miles in every direction, or in Virginia 20 or 30 miles south of where we stand, in the great battlefields of the Wilderness, Fredericksburg, and Chancellorsville, there is no mark to show where heroic work was done, and even the site of the Bloody Angle may some day be forgotten. The Committee on Military Affairs at last session, following like action in the Fifty-seventh Congress, reported a bill which merged the three great military park commissions now existing, and composed of nine members, into a national military park commission of five, to be composed of soldiers from the North and from the South. That bill gives to the National Military Park Commission, under the supervision of the Secretary of War, the power to mark, restore, and maintain points of interest in battlefields, forts, cemeteries, and lines of battle of the colonial, Revolutionary, Indian, and civil wars. It gives them, as is necessary, the power, within any appropriation in their hands, to acquire small tracts of land at a cost not to exceed $500 for any single isolated tract and to allow the erection of monuments thereon. It provides that they should not expend any more than is appropriated in any one year; that they might report to and advise with Congress about any purchase involving further expense, and that they should report their expenses annually in detail through the Secretary of War to Congress, and it appropriated $25,000 in order to let that work be begun. It is a work that is due to the memory of the dead as well as of the living.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for three minutes more.

The CHAIRMAN. Is there objection?

Mr. HEMENWAY. Mr. Chairman, I served notice a little while ago that we must progress with this bill. There are forty pages yet to pass, and if we fail to pass this bill to-night it means an all-night session.

The CHAIRMAN. Does the gentleman object?

Mr. HEMENWAY. I object.

Mr. PARKER. Then, Mr. Chairman, I ask leave to file as part of my remarks the amendment which I would have proposed.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The amendment is as follows:

Insert after line 20, on page 109, the following:

"Said Commission shall be known as the 'National Military Park Commission,' and shall have power, subject to the direction of the Secretary of War, to mark, preserve, restore, and maintain battlefields, forts, cemeteries, lines of battle and points of interest, or parts thereof of the colonial, Revolutionary, Indian, and civil wars, or other wars of the United States, and to acquire therefor parcels of land at a cost of not over $500 for any separate tract, or the whole of any contiguous tracts, and to allow the erection of monuments thereon and to lease the same, on agreement to occupy, care for, and cultivate, without disturbance of the buildings, roads, erections, or wood, but no payment shall be made or contracted for in excess of the appropriations then available, and the sum of $25,000 is hereby appropriated to enable the Secretary of War and said National Military Park Commision to begin to carry out the purposes aforesaid; and said Commission shall report their expenses annually in detail through the Secretary of War to Congress, and may report and advise any purchase of land at greater expense than aforesaid for special action of Congress: *Provided*, That the existing Commision as to the military park at Vicksburg shall nevertheless continue in charge thereof and of the appropriations therefor under existing law until June 30, 1908."

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, including not exceeding $650, to be immediately available, for the purchase of additional land, $18,000.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 118, in line 25, and on page 119, in lines 1 and 2, strike out the words:

"Including not exceeding $650, to be immediately available, for the purchase of additional land."

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

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

Mr. CURTIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert in line 21, page 118, after the word "dollars," the following: "For addition to quartermaster's building, $6,000."

Mr. GILLETT of Massachusetts. Mr. Chairman, I reserve the point of order against that. I think that we have passed that.

Mr. CURTIS. No; it has not been passed.

Mr. LIVINGSTON. Mr. Chairman, if the amendment goes on there a point of order can not be made later. We must make the point of order now or not at all.

Mr. GILLETT of Massachusetts. Mr. Chairman, I reserve the point of order. Let the Clerk report the amendment again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection; and the Clerk again reported the amendment.

Mr. LIVINGSTON. This is no place for that.

Mr. GILLETT of Massachusetts. Mr. Chairman, I withdraw the point of order.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I make the

point of order on the amendment. If I have understood it correctly, it is new legislation.

Mr. LIVINGSTON. And it increases the appropriation, also.

Mr. CURTIS. Mr. Chairman, it is the same kind of an appropriation that is made on this bill each and every year, the provision for an addition to a building being made at the Homes every year. It is simply following out the same course. It was recommended by the Department to the committee in the usual way. It is clearly not subject to a point of order.

Mr. WILLIAMS of Mississippi. If I understand it, it is an amendment to appropriate a certain amount of money for the erection of a building.

Mr. CURTIS. Yes; the same that is done every year under this bill.

Mr. WILLIAMS of Mississippi. Well, that may be; but if that is the case it is undoubtedly new legislation.

The CHAIRMAN. It is clear to the Chair that the provision is in order. The Chair overrules the point of order. The question is on agreeing to the amendment.

The Chair did not understand the gentleman from Mississippi. Did the gentleman from Mississippi withdraw the point of order?

Mr. WILLIAMS of Mississippi. No, sir; he did not. I think the point of order is good.

The CHAIRMAN. The point of order is overruled.

Mr. GILLETT of Massachusetts. Mr. Chairman, I trust that this amendment will not prevail.

Mr. WILLIAMS of Mississippi. Has the Chair ruled upon the point of order?

The CHAIRMAN. The Chair has; he has overruled the point of order.

Mr. WILLIAMS of Mississippi. The Chair rules that it is not new legislation?

The CHAIRMAN. The Chair does not hear the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Does the Chair rule that this is not new legislation?

The CHAIRMAN. The Chair rules the amendment is in order as being an addition to a work which is now in progress. Unless the Chair is shown there is a limitation, and the Chair has not been so shown, the Chair holds that it is in order.

Mr. WILLIAMS of Mississippi. This is an entirely new building. The Chair did not understand the amendment.

The CHAIRMAN. The amendment itself reads this is an addition.

Mr. WILLIAMS of Mississippi. Oh, no; the matter in the bill is an addition, and the amendment there is for an entirely new structure, if I caught it right. I, however, ask that the amendment be read again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again reported the amendment.

Mr. WILLIAMS of Mississippi. I did not hear it, Mr. Chairman.

The CHAIRMAN. The point of order is overruled.

Mr. GILLETT of Massachusetts. Mr. Chairman, I trust that the House will not adopt this amendment. For this Western Branch, in Kansas, the Committee on Appropriations exercised its discretion and considered that it was liberal toward this Home. As Members will see, there are a number of additions here authorized. We felt we could not give everything that was suggested, and we declined to give them this addition which is now moved by the gentleman from Kansas. It is a year certainly for economy and the committee felt clearly that what we gave was quite as much as the finances of the Government would endure this year. I trust that the amendment will not prevail.

Mr. CURTIS. Mr. Chairman, I am not complaining of the Committee on Appropriations, and as Representative from that district I want to return my thanks and those of the people of Leavenworth to the committee for its generosity toward the various Government institutions located there, but the truth is that the membership of the Home has increased very largely. There is not sufficient room in the present building to take care of the Government supplies, and I hope this amendment will be agreed to.

Mr. GARDNER of Michigan. Mr. Chairman, the same argument may be made with reference to nearly every other Home. If this obtains we can grant them to others. The committee acted on its best judgment in making these limitations, and I hope the House will sustain the committee in its action.

Mr. LITTLEFIELD. Mr. Chairman, was not an estimate made?

Mr. CURTIS. There was an estimate made by the Board of Managers. They asked for it.

Mr. LITTLEFIELD. How much?

Mr. CURTIS. The amount offered in the amendment, $6,000.

Mr. LITTLEFIELD. They have been all heard before the committee.

Mr. CURTIS. Certainly.

Mr. LITTLEFIELD. And the committee made as large an appropriation as they thought was warranted. I hope we will vote it down.

The question was taken; and the amendment was rejected.

Mr. CURTIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers another amendment, which the Clerk will report.

The Clerk read as follows:

Insert in line 23, page 118, after the word "dollars," the following: "For mess hall and kithchen connected with barracks, $15,000."

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For powder house, $275.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word while I ask the chairman of the committee a question.

I see that on line 2, page 121, an appropriation "for powder house, $275." And I gather from lines 3, 4, 5, and 6 on page 120 that this is an appropriation for the Soldiers' Home at Marion Branch, at Marion, Ind. I would like to ask the chairman of the committee what use a Soldiers' Home has for a powder house, and what a powder house is, anyhow?

Mr. HEMENWAY. A powder house will cost $275. They fire a morning and evening salute, and at funerals they fire a salute, and so forth, and they have not a safe place in which to put the powder. The house is a very small one.

Mr. WILLIAMS of Mississippi. Is this for the erection of a powder house?

Mr. HEMENWAY. Yes.

Mr. WILLIAMS of Mississippi. Then it is new legislation.

Mr. HEMENWAY. Well, it is a public work in progress. Here is a Soldiers' Home, as I explained to the gentleman—I do not know whether he caught my explanation or not—and they fire a gun in the morning and in the evening, and at military funerals they fire a salute. They have to have the powder there for that purpose.

Mr. WILLIAMS of Mississippi. I undersand all that is quite European and quite un-American. Now, are we to erect a house at this price to hold the powder to send off a morning and evening salute?

Mr. HEMENWAY. That is it.

Mr. WILLIAMS of Mississippi. Is that the idea?

Mr. HEMENWAY. Yes.

Mr. WILLIAMS of Mississippi. What have they done hitherto, before they had the house?

Mr. HEMENWAY. The powder was stored there, of course, but it was dangerous to the other buildings to have powder stored in or near them, and this building is provided for with a view to taking the powder away from the place where it is stored. In case of fire, the gentleman from Mississippi [Mr. WILLIAMS] can see that it will be very dangerous to have that powder around there.

Mr. WILLIAMS of Mississippi. As I understand the situation, if we have to keep up the salutes, then, in order to preserve the health and possibly the lives of the inmates, we have got to have a house to hold the powder?

Mr. HEMENWAY. I should say so.

Mr. WILLIAMS of Mississippi. Is that the idea?

Mr. HEMENWAY. That is it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, as I am animated by no sort of desire to injure the old soldiers, I will not make the point of order, but it seems to me that we might become American enough and non-European enough to quit the morning and evening salute business.

Mr. HEMENWAY. Even our boys want to fire shooting crackers.

Mr. WILLIAMS of Mississippi. I expect that our boys are just about at the age when they would consider this thing quite patriotic.

By the way, Mr. Chairman, that reminds me of a thing that occurred at the Metropolitan Hotel the other day. It seems to me that a great many Americans have the idea that the negro, Tom, at the Metropolitan Hotel had. My friend, "Bill" Sterrett, who honorably represents the press of the State of Texas, came down all at once in a brand new puff shirt and a very enlarged dress suit. And this darkey, Tom, who came from the State of

Virginia quite recently, saw him and said, "Mistah Sterrett, you sho' do look patriotic to-day. I ain't seed nothin' dressed up like yo' for a month a'most." [Laughter.] The gentleman from Indiana [Mr. HEMENWAY] and a great many other people have the idea that in order to be patriotic we have got to be quite military, don't you know, and we have got to have morning and evening salutes of some sort or another, and a whole lot of bad-smelling gunpowder. For a morning and evening salute we were told it would cost 5 cents or 10 or 15—I do not know what. The Appropriations Committee comes in later on and provides the House to hold the powder for the salutes for fear the lingering patriots may be exploded.

It seems to me that if the gentleman from Indiana [Mr. HEMENWAY] is seeking economy, he can find a little of it in a very infinitesimal way along some of these lines.

Mr. HEMENWAY. I suggest, Mr. Chairman——

Mr. WILLIAMS of Mississippi. Mr. Chairman, I shall not make the point of order here, because if an explosion occurred in that Indiana Soldiers' Home in the next two hundred and seventy-five years some Republican would arise on this floor and say that a Democratic leader was the remote cause of it. I suggest to the gentleman from Indiana [Mr. HEMENWAY] that it is possible for Americans to live, and to exist, to be prosperous, and to lead the van of civilization, without gunpowder provided for morning and evening salutes.

Mr. HEMENWAY. Mr. Chairman, I would suggest to the gentleman from Mississippi [Mr. WILLIAMS] that his notion of economy is being well brought out by striking out $275 and voting in one hundred thousand or one hundred and fifty thousand dollars.

Mr. WILLIAMS of Mississippi. Mr. Chairman, a day or two ago the Democracy on this floor, aided by some Republicans who are far more American than they are Republicans—in fact, the American people represented on this floor—struck out the National City Bank item from this bill. Upon a point of order made by a Democrat $200,000 went out upon a perfectly useless item. Now, I decline to make a point of order upon another absolutely useless item, because I know that with the present "militaristic"—what shall I call it?—régime, or something of that sort—I better put it in French, so as to be polite—"the morning and evening salute," or "powder consumption," will continue anyhow. Possibly a few old soldiers might be blown up if this item was not allowed, and I would dislike to see that, even more than the gentleman from Indiana might dislike it.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

State or Territorial homes for disabled soldiers and sailors: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, $1,075,000: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section 4 of an act approved March 3, 1883, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes; but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained: *And provided further*, That no part of this appropriated shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

Mr. RIDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 125, line 11, strike out all after the word "maintained" down to and including the word "sold," in line 14.

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

Mr. SULZER. One moment. Mr. Chairman, the gentleman wants to be heard on his amendment.

Mr. RIDER. I desire to be recognized.

The CHAIRMAN. Does the gentleman ask for recognition on the amendment?

Mr. RIDER. Mr. Chairman, I do. Last year this clause was put into this bill at the suggestion of the gentleman from California [Mr. BELL], and the experiment of doing away with the canteen in Soldiers' Homes throughout this country was tried. I have here a letter from the commandant of the Soldiers' Home at Bath, in New York State. In speaking of this provision he says:

The provision in the sundry civil appropriation bill of last year withholding any payment to State Soldiers' Homes which maintain a canteen should have been entitled "An act for the benefit of saloon keepers in the vicinity of Soldiers' Homes." As a result, at this time the use of intoxicating liquors has not been diminished, and the profits on the sale of $25,000 worth of stock have been diverted from the Home relief fund, where it would be of great good, to the pockets of outside dealers.

And then in stronger words he condemns this provision which was inserted last year.

The testimony of General McMahan before the Committee on Appropriations in reference to this matter is particularly strong, and he says that the sentiment back of this provision grows out of the mismanagement of a Home located in California. The Homes throughout this country, with this one exception, have maintained and kept within proper restrictions the canteens within their limits. You throw open a wide door——

Mr. BELL of California. Is not the gentleman from New York in error in that statement? Is it not true that out of thirty State Homes only two have ever maintained a canteen—one in New York and the other in California.

Mr. RIDER. If that be true, nevertheless there is no reason why because of the mismanagement of one Home another Home should suffer. Furthermore, in all National Homes the canteen is maintained. By keeping this matter within proper restrictions you not only do away with the abuse, but you conserve the moral welfare of the old soldier. The veterans, according to the testimony of General McMahan, will indulge in their beer, and in the canteens in the East and elsewhere there has been no intoxicant stronger than beer sold. The old soldier can go in there, get his glass of beer and his sandwich, and read the newspapers without going outside to the grogshops which have grown up in the immediate vicinity of our Homes. This amendment is offered with the best intentions, and in the interest of the soldiers who are inmates of the Homes. The testimony of the governor of the National Home, William Thompson, of the Southern Branch, is also to the same effect. The testimony of everyone who was heard on this matter before the Committee on Appropriations is on this same line, that this proviso should be stricken out.

Secondarily, if you please, this is in the interest of economy, for hundreds of old soldiers, in consequence of the passage of this act, will leave State Homes and go to National Homes, where the canteen is maintained, thus entailing an additional expense to the Federal Government.

Now, Mr. Chairman, I trust that in the truest and best interests of the old soldiers of this country who are now inmates of the State and Territorial Homes this amendment will be adopted and this proviso stricken out.

NATIONAL SOLDIERS' HOME, ELIZABETH CITY COUNTY, VA.,
February 2, 1905.

Hon. J. A. GOULDEN,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the operations and benefits of the canteen at this Branch, I would state as follows:

The canteen has been in operation at this Branch of the National Home for Disabled Volunteer Soldiers about twenty-six or twenty-seven years. Immediately after commencing the sale of beer, it is said that the number of arrests for drunkenness showed a marked decrease, and the increase of drunkenness has at no time outstripped the increase in the numbers "present" in the Home. The sale of beer to the members is surrounded with such rules of restriction—and which rules are rigidly enforced—that no man can remain in the canteen and drink beer until he shows the effect of it, and therefore the members of the Branch are protected against their own dispositions and the importunities of their comrades and serious trouble which would and does occur to them when going outside the Home with the innocent purpose of simply getting a glass of beer.

Whatever may be said by well-meaning people to the contrary, it is a fact that these old men who have all their lives been in the habit of drinking when they wish, and as much as they wish, are none the worse for drinking a glass or two of beer at the canteen.

It has been asserted that the increase in the number of saloons in the vicinity of this Branch was due to the increase in the appetite of the members, fostered by the sale of beer to them in the canteen. It would almost seem that such a charge is too silly to be noticed, and the very conditions existing should make this fact self-evident.

When the canteen was established at this Branch the present town of Phoebus was represented by six saloons and only two or three other houses, and the membership in the Branch amounted to less than 500; where now there is a population in Phoebus of 2,000, with 2,800 members "present" in the Home, and thirty saloons in the town. Thus you will see that, where there were six saloons, with less than 700 people in and out of the Home, there are now but thirty saloons for 4,800 people in and out of the Home.

Beyond this is also the fact that the garrison of Fort Monroe is now about 800 strong, whereas twenty-six or twenty-seven years ago I understand it to have been less than 500.

The fact that the canteen is not a demoralizing feature of the Home was very forcibly illustrated during the prevalence of the yellow-fever epidemic at this Branch in the summer of 1899. During six weeks, from the 29th of July to September 10, a strong guard, armed with shotguns, with armed boats patrolling the water front, was established around the Branch, and no person during that time found egress though this guard.

The members were all moved from their barracks into tents and lived in unusual discomfort, while the receiving of supplies was under the most difficult conditions; and yet, although more beer was sold during that six weeks than in any like period in any year before or after, not a single arrest was made; and the conduct of all the men was marked by kindness and consideration for each other.

If no other test of the matter had been made this in itself would clearly establish the harmlessness of the canteen in the Soldiers' Home.

But, beyond its mere harmlessness, the sale of beer is of vast benefit in that its profits support the library, furnish all reading matter, including the great newspapers of all the cities, and about twenty magazines. It supports the Home band; it provides for all theatricals, in season, and outdoor amusements, as baseball, football, etc., and, in short, meets every want and desire of the members of the Branch not otherwise provided for by Congressional appropriation.

I believe these statements are sufficient to indicate what the canteen is to the Home, and that no argument is necessary in this communication; and I have only further to state that beer is sold to none but members and employees within the Branch.

Very respectfully,

WM. THOMPSON, *Governor.*

Mr. BELL of California. Mr. Chairman, at the last session of Congress this matter was taken up and discussed very fully. It was well considered, and the House by a very substantial vote adopted the provision that now appears in the sundry civil appropriation bill. It did not appear in the bill presented and submitted by the committee at the last session, but was adopted as an amendment. The committee has now seen fit to incorporate the provision in the present bill. Nothing has occurred since last winter to cause us to change our minds. Now, Mr. Chairman, the State Home in New York, to which the gentleman alludes, is situated in the town of Bath, and the good people of that town have just adopted prohibition for the next two years; so that the Home at Bath could not maintain the canteen in the New York State Home without violating at least the spirit if not the letter of the law that the people have adopted there.

Mr. RIDER. Will the gentleman yield a moment for a suggestion?

Mr. BELL of California. Yes.

Mr. RIDER. In consequence of the passage of this amendment, there have grown up in Bath alone within the past year thirty-five speakeasies that the soldiers patronize.

Mr. BELL of California. That does not speak well for the administration of your law.

Mr. RIDER. That does not make any difference.

Mr. BELL of California. The town of Bath has just adopted prohibition for the next two years, has it not? Is not that true?

Mr. RIDER. I believe so.

Mr. BELL of California. The only other Home affected by this amendment probably at the present time is the California Home. There was some protest last winter after this amendment was submitted by myself and adopted here; but has anybody upon the floor of this House received a single word of communication from any member of the California Home or from any member of the board of directors of that Home asking that this provision be stricken out? It was an issue in the last campaign. In that Home Mr. Roosevelt received a majority of over 200. I carried the Home as a Democrat by 18 majority, simply because I told them that if I were returned to Congress I would stand for this same legislation and prevent the restoration of the canteen, which formerly had made that Home a hell-hole. It is now a home in every sense of the word. The old men there do not want the canteen restored.

Mr. GOLDFOGLE. I understood my colleague from New York [Mr. RIDER] to say that those in charge of the Home at Bath were perfectly willing that the canteen should be restored.

Mr. BELL of California. Yes.

Mr. GOLDFOGLE. And that no possible harm would come to the inmates of the home from the restoration of the canteen. Now, why should there be such a difference of opinion between those in charge of the Home in California and those in charge of the Home in New York, which is a splendidly regulated institution?

Mr. BELL of California. I will tell the gentleman the difference. Your canteen in New York was probably well managed, and the canteen in the Soldiers' Home at California was badly managed.

Mr. GOLDFOGLE. Then do not mismanage it.

Mr. BELL of California. There was too much license allowed there in respect to drinking.

Mr. GOLDFOGLE. What harm can it do?

Mr. SULZER. Mr. Chairman, I wish to make a parliamentary inquiry. Is not this provision subject to a point of order?

The CHAIRMAN. The time when a point of order could have been made in any event has passed. Therefore it is not incumbent upon the Chair to decide that question.

Mr. SULZER. This matter is under discussion.

The CHAIRMAN. Precisely, and after the discussion has been begun a point of order can not be raised against it.

Mr. BELL of California. I submit that nothing has occurred to cause us to change our minds upon this subject.

Mr. GOLDFOGLE. I want to ask the gentleman a question.

Mr. BELL of California. I will yield for a question.

Mr. GOLDFOGLE. Does not the gentleman from California believe that it is better to allow the soldiers, under proper restrictions, to have beer supplied in the Homes than to have them go out looking for beer in the saloons that are necessarily established in the neighborhood of these Homes?

Mr. BELL of California. That is a question that is very hard to answer positively, and I——

The CHAIRMAN. The gentleman's time has expired. The question is on the amendment offered by the gentleman from New York [Mr. RIDER].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. RIDER demanded a division.

The committee divided; and there were—ayes 22, noes 97.

Accordingly, the amendment was rejected.

Mr. BELL of California. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend by striking out the period after the word "sold," line 14, page 125, and insert a colon, and add the following: *"And provided further,* That no part of the appropriation shall be apportioned to any State or Territorial Home whose laws, rules, or regulations for the fiscal year beginning July 1, 1905, do not permit its members who were such on January 1, 1905, to receive from the Home the sum of $25 per quarter while on furlough from the Home in lieu of maintenance and support therein.

Mr. HEMENWAY. Mr. Chairman, I make the point of order against that amendment.

Mr. BELL of California. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from California on the point of order.

Mr. BELL of California. Mr. Chairman, this presents the same situation that confronted us at the last session of Congress, when I offered the amendment limiting the appropriation to Homes that should adopt certain rules in respect to the disposition of pensions. At that time the subject was gone into very thoroughly. The Chair held that it was merely a limitation on the appropriation. The Chair can very readily see the great similarity between this amendment and the amendment inserted in the bill last winter. That amendment of last winter, which has been read, says:

That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section 4 of an act approved March 3, 1883, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained.

The Chair at that time, in overruling the point of order, quoted from the digest, where it is held that "while it is not in order to legislate as to the qualification of the recipient of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications." Now, if we have the right to say that no part of the appropriation shall go to a Home until it adopts certain laws and rules and regulations conforming to the United States Home, we have the same right to add this proposed limitation to the appropriation.

The CHAIRMAN. The Chair is of the opinion that this amendment is legislative in its nature, and sustains the point of order.

Prosecution of crimes: For the detection and prosecution of crimes against the United States, preliminary to indictment; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of United States prisoners and prisons; to be expended under the direction of the Attorney-General, and to include salaries of all necessary agents in Washington, D. C., $45,000.

Mr. SULZER. Mr. Chairman, I move to strike out the paragraph. I move that the committee do now rise.

Mr. HEMENWAY. I hope the committee will not rise at this time. There are only twenty pages remaining of the bill.

The CHAIRMAN. The question is on the motion of the gentleman from New York.

Mr. HEMENWAY. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The motion is that the committee do now rise, which is not debatable.

Mr. SULZER. Will the gentleman from Indiana move that the committee rise at 6 o'clock?

Mr. HEMENWAY. No; if the gentleman will listen to me, I think he will not insist on his motion.

Mr. SULZER. Mr. Chairman, I withdraw the motion.

The Clerk read as follows:

Enforcement of antitrust laws: That the balance of the appropriation of $500,000 for the enforcement of the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof or supplemental thereto, and other acts mentioned in said appropriation, made in the legislative, executive, and

judicial appropriation act for the fiscal year 1904, approved February 25, 1903, shall continue available during the fiscal year 1906.

Mr. SHOBER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. SHOBER. Mr. Chairman, in anything I have to say I do not desire to be considered as opposing this appropriation or its continuance. I would very much prefer, on the other hand, that this paragraph might be suitably framed, and printed in large letters and placed upon the desk of the Attorney-General with the inscription above and below and all around it, the somewhat commonplace but expressive command, "Get busy." "Get busy," as Attorney-Generals in the past have not, and since this appropriation was made, apparently, have not desired to. Something like only $38,500 of this money has been expended in two years.

We have not heard of anything being done in the prosecution of the trusts. I wish the Attorney-General might "get busy," as the people of Kansas have been getting busy, with the oil trust; as Representative WILLIAM R. HEARST, a Member of this House, has been getting busy with the coal trust and the gas trust in Chicago and in New York and Boston. "Get busy" in a real honest, earnest way after corporations that illegally exist. The President of the United States himself, as interpreted by the gentleman from Iowa the other day, seems to be of the opinion that they are in existence in defiance of law, and that there is sufficient law to curb and control them.

As the President himself said on one occasion, "Words are good when backed up by deeds, and only so." I wish, therefore, Mr. Chairman, that the Executive and the newly appointed Attorney-General might seriously take to heart the meaning of this appropriation of $500,000 and proceed in a vigorous way against these unlawful, illegal combinations of capital, for the curbing of which it was originally made.

I believe that evidence has been placed in the hands of the Executive and in the hands of the distinguished Attorney-General who preceded the one who now holds that position, calling attention to the illegal practices of a corporation located in this city, known as the Eastern Railroad Association, and the proof submitted has been said by eminent lawyers to be quite sufficient to form an excellent case against it. Let them proceed against some such flagrant violators of the law as the association I have just named, and thus show the good faith which the words of the Chief Executive would warrant. The money to prosecute is here. Then let them prosecute. Mr. Chairman, I withdraw the pro forma amendment.

Mr. BAKER. Mr. Chairman, I move to strike out the last two words. I am not going to say anything in opposition to this appropriation or the continuation of it in this bill, but I do want to call attention of this House to the fact that under the methods of parliamentary government in this country it is not possible for us to do what it would be possible for us to do if the plan of the English Parliament were in operation here. Any Member of this House could then on any day put a notice in that basket notifying the Attorney-General or any other head of a Department that we wanted an answer on the morrow to certain specific questions that we wanted to know—I would want to know, for instance, and I think some other Members of this House would want to know—why the Attorney-General had exhausted so small a proportion of this appropriation, made over two years ago, of $500,000 as $38,000. We would want to know whether the Attorney-General had ever heard of the Standard Oil trust, which, I believe, during the last few days has excited the widespread interest of the people of the Central West; so widespread, in fact, as to amount to a revolt. We are estopped under our method of government—under our parliamentary system—from putting the question directly to the person who is responsible for the enforcement of the law.

We can get up and say to the chairman of the Committee on Appropriations, Will you explain why the Attorney-General has not done something?—but the chairman of the Committee on Appropriations is not responsible for the actions of the Attorney-General; he is not responsible for the head of any other Department, and therefore he can properly say, "It is none of my business," and it none of his business. I therefore do say it would be far better if it were possible to put those questions direct to the heads of the Departments in this country, the same as the English members of Parliament are doing day by day. I wish the Cabinet officers of this Government were members of this legislative body and would take part in the discussion of these matters and that they would come upon this floor, as they would have to, of course, if they were members, and explain the actions of their several Departments. Then it would be possible for the country to know from the Attorney-General why so little had been done in the enforcement of the antitrust law. Why he has never investigated and reported as to the crimes of the Standard oil trust. I recognize the fact that something has been done, and I want to say that nobody on this floor will applaud Mr. Roosevelt more heartily than I will if he carries out his apparent present intention. I shall be glad to come back to this House as a Republican if Mr. Roosevelt will persist in his war against trusts to the end, which is naturally and logically the abolition of all special privileges—that is real Democracy. [Applause and laughter.]

Mr. Chairman, I withdraw my pro forma amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Indiana [Mr. HEMENWAY] if he does not think it would be well for us to rise now. It is ten minutes of 6 o'clock, and a few gentlemen will want some unanimous consents from the Speaker after the committee rises. I am not going to make the usual objection to unanimous consents after 5 o'clock. That will keep us here until half past 6 o'cock at best.

Mr. HEMENWAY. If this committee rises now, it means that the bill can not be printed to-night and go to the Senate to-morrow, and could not get to the Senate before Wednesday. That would, in all probability, result in a night session of this House. We have only a few more pages of the bill left.

Mr. WILLIAMS of Mississippi. Oh, we will have to have a night session anyhow.

Mr. HEMENWAY. Well, an extra night session of this House. By this committee sitting for an hour more—and it ought not to take over twenty minutes to finish this bill—we would save sitting up all night waiting for conference reports. I think the Members would be very foolish to stay up all night later on in this week in order to get away from here thirty minutes earlier to-night.

Mr. BURTON. Mr. Chairman, will the gentleman yield for a question?

Mr. HEMENWAY. Yes.

Mr. BURTON. Is it true that there are other appropriation bills pending in the Senate, so that this bill could not possibly be taken up there?

Mr. WILLIAMS of Mississippi. No, it can not be.

Mr. BURTON. Until perhaps Thursday.

Mr. HEMENWAY. I would say to the gentleman from Ohio that the Committee on Appropriations of the Senate has no bill pending before it. They are waiting for this bill, and the bill must be printed to-night and get to the Senate to-morrow if we hope to get out to avoid a night session, say, Friday night of this week or Thursday night of this week.

Mr. BURTON. Will the gentleman from Indiana yield to a further question?

Mr. HEMENWAY. Yes.

Mr. BURTON. Is the gentleman not aware that the Senate Committee on Appropriations has been considering this bill and will be ready almost within a very few hours to report it as soon as it arrives there?

Mr. HEMENWAY. I am not aware of any thing of the kind. I do not see how they can consider the bill in any intelligent way until the bill has passed the House.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Mississippi?

Mr. WILLIAMS of Mississippi. I think the gentleman from Mississippi has the floor. I yielded to the gentleman from Indiana, Mr. Chairman. I do not see how the gentleman is avoiding a night session to-morrow or the day after by giving us one now. I had just as soon have it then and later on rather if I have to have it at all. Of course, there is a night session the 3d of March when we have to have a night session; we always do, and we can not help it.

Whether we will have one earlier than that time is a question. I hope not. The House is going to meet, I understand, at 11 o'clock every morning now, and I am perfectly willing to agree that the House shall run on until half past 5 and then let the committee rise and let the Speaker recognize gentlemen for unanimous consent until 6 o'clock.

Mr. SMITH of Kentucky. It is ten minutes to 6 now.

Mr. WILLIAMS of Mississippi. That will give us——

Mr. HEMENWAY. I suggest we continue until half past 6. We can pass this bill by half past 6.

Mr. WILLIAMS of Mississippi. I will ask unanimous consent, or I would suggest the gentleman ask unanimous consent, for a minority Member ought not to do it—it does not look proper or courteous, at any rate—I suggest that the gentleman from Indiana ask unanimous consent that the House meet hereafter at 11 o'clock.

Mr. HEMENWAY. I will say to the gentleman I shall move that when we adjourn we adjourn to meet at 11 o'clock to-morrow morning.

Mr. WILLIAMS of Mississippi. This House can go on until half-past 5, then any committee in session can then rise, and the House continue in session until 6 o'clock for other purposes.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the request of the gentleman from Mississippi is not in order. We are in Committee of the Whole House.

Mr. PAYNE. I want to say to the gentleman we can not make any such agreement as that. We may have to sit continually for two or three days.

Mr. WILLIAMS of Mississippi. I understand that, but afterwards this agreement can be amended later on, and——

Mr. HEMENWAY. The House could go on and finish this bill——

Mr. WILLIAMS of Mississippi. I am merely saying——

Mr. HEMENWAY. We can pass this bill while we are discussing this point.

Mr. WILLIAMS of Mississippi. I suggest to the gentleman from Indiana that he move that the committee rise.

Mr. HEMENWAY. I will not take the responsibility for a motion of that kind. I think the House will make a great mistake to rise at this time.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Mississippi moves that the Committee do now rise.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. WILLIAMS of Mississippi. Division, Mr. Chairman.

The committee divided; and there were—ayes 85, noes 86.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Indiana [Mr. HEMENWAY] will take their places as tellers.

The question was again taken; and the tellers announced—ayes 84, noes 86.

So the motion was rejected.

The Clerk read as follows:

For fees of United States district attorney for the District of Columbia, $23,800.

Mr. SPALDING. Mr. Chairman, I offer the following amendment.

The Clerk read the amendment, as follows:

On page 133, line 21, after the word "dollars," insert:
"*Provided*, That from and after the approval of this act the marshal and deputy marshals of the district of North Dakota shall not be entitled to charge and receive double fees."

Mr. HEMENWAY. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For payment of assistants to the Attorney-General and to United States district attorneys employed by the Attorney-General to aid in special cases, $85,000. This appropriation shall be available also for the payment of foreign counsel employed by the Attorney-General in special cases, and such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States.

For fees of clerks, $240,000.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee [Mr. HEMENWAY] for information, because I do not know whether this is new legislation or not.

Mr. HEMENWAY. Does the gentleman mean the proviso?

Mr. WILLIAMS of Mississippi. I refer to lines 23, 24, and 25, on page 132, and lines 1, 2, 3, 4, and 5, on page 133.

Mr. HEMENWAY. That is not new legislation. The proviso commencing on line 8, page 133, I believe is new. That is all language of the old bill.

Mr. BOWIE. The gentleman from Indiana [Mr. HEMENWAY] is mistaken. That is new legislation, according to the report.

Mr. WILLIAMS of Mississippi. My attention had been called to the matter and I asked the chairman of the committee if it was new legislation. The Chair did not understand me probably. I mean in lines 23, 24, and 25, on page 132, and lines from 1 to 5, inclusive, on page 133.

Mr. HEMENWAY. On page 132 it reads that "this appropriation shall be available also for the payment of foreign counsel employed by the Attorney-General in special cases." That is new.

Mr. WILLIAMS of Mississippi. That is new?

Mr. HEMENWAY. Yes. The expenditure has heretofore been made, but there is a question as to whether the Attorney-General had the right to make it. There is once in a while an occasion for employing an attorney in some foreign country to represent us—in Canada, for instance, very often. Heretofore it has been paid out of different funds, and there has been a slight question as to whether or not he had the right to pay it, and the Attorney-General recommended that we put in this authority so that there would be no doubt as to his right to hire counsel in cases.

Mr. WILLIAMS of Mississippi. Then this is for the payment of foreign counsel?

Mr. HEMENWAY. Yes.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am inclined to think that it is possibly good legislation. I shall not make the point of order.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. WILLIAMS] withdraw his amendment?

Mr. WILLIAMS of Mississippi. I withdraw the amendment.

The Clerk read as follows:

Provided, That hereafter no part of any money appropriated shall be used in payment of per diem compensation to any clerk for attendance in court except for days when the court is actually in session opened in the presence of the judge, which fact shall be certified in the approval of the account.

Mr. WM. ALDEN SMITH, Mr. SIMS, Mr. MACON, Mr. SULZER, and others rose.

The CHAIRMAN. The gentleman from Michigan [Mr. WM. ALDEN SMITH] is recognized.

Mr. WM. ALDEN SMITH. Mr. Chairman, I make a point of order against the proviso.

Mr. HEMENWAY. Mr. Chairman, I believe the point of order is well taken.

The CHAIRMAN. The point of order made by the gentleman from Michigan [Mr. WM. ALDEN SMITH] is sustained.

The Clerk read as follows:

For rent of rooms for the United States courts and judicial officers, $80,000.

Mr. SPALDING. Mr. Chairman, I move to strike out the last word. I offered an amendment here a few minutes ago which I submitted to the chairman of the committee, and which I understood met his opproval, relating to the fees of marshals in the district of North Dakota. I desire to explain the object of that amendment. At an early day Congress provided that marshals should receive double fees, because the means of travel were so limited and the fees provided elsewhere were not adequate for local conditions. Since the State has become more thickly populated and the means of travel have increased there is no longer any reason for an exception to the general law regarding fees, and double fees are very burdensome to litigants in United States courts. The marshal receives a salary and the change will in no way affect him, and the judge of the United States court has requested me to propose this amendment. I trust the chairman will withdraw the point of order that it changes existing law.

Mr. HEMENWAY. I wish to make the point of order that the item is passed. The gentleman can ask leave to print.

Mr. SPALDING. Mr. Chairman, I renew my offer of that as an amendment at this time. I do not wish leave to print.

Mr. HEMENWAY. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk again read the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] raises the point of order against the amendment. The point of order is sustained.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals, not to exceed $10 per day; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $165,000.

Mr. OLMSTED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 134, line 5, after the word "districts," strike out "not to exceed $10 per day each" and insert in lieu thereof the following: "The liquidated sum of $10 for each day necessarily occupied in travel and attendance at any term of court so held by any such judge outside of his own district."

Mr. PARKER. I offer a substitute.

Mr. HEMENWAY. I reserve the point of order. I feel like

the House ought to be allowed a vote on this question, and I reserve the point of order so that if anyone wants to make it they can do so. I think it right in this connection that I be allowed to reserve the point of order on this amendment. The effect of this amendment would be to make the pay of judges $10 a day straight when away from their districts. Now, then——

Mr. WILLIAMS of Mississippi. That certainly is not new legislation, because the Senate of the United States has determined that this is already the law.

Mr. HEMENWAY. I reserve the point of order, so that if anyone wants to make the point of order they can do so.

Mr. WILLIAMS of Mississippi. The Senate is the supreme legislative body.

The CHAIRMAN. The point of order is reserved.

Mr. OLMSTED. Mr. Chairman, I think the committee will recognize without much argument the propriety of this amendment. In the CONGRESSIONAL RECORD of February 3 certain tables are printed showing the payments for expenses to judges of the fifth, seventh, and ninth circuits, from which, it has been argued, it appears that certain judges are in the habit of charging $10 per day regardless of the amount expended by them. It is claimed that certain judges hold that that is the proper construction of the present law, and that they are collecting $10 for each day, regardless of their actual expenses. Now, then, the further fact is found from tables which I have in my hand showing the amount charged by and paid to the judges of the third circuit, which embraces my own State of Pennsylvania and also New Jersey, that the judges there are not in the habit of charging $10 a day. They charge only their actual expenses.

I notice, for instance, in this table, which is signed by the Secretary of the Treasury, that for expenses of holding court five days at Trenton Judge Bradford charged $23.55. For holding court at the same place two days Judge McPherson charged $6.23. He lives in Philadelphia. On another occasion for going to Trenton and holding court one day he charged only $2.24, and on another occasion $1.35. Judge Archbald, who lives at Scranton, more than 100 miles away, went to Philadelphia and held court five days and charged as his expenses not $10 a day, or $50, but $32.90. Judge Gray, who lives at Wilmington, Del., held court in Philadelphia seven days. His bill for expenses was not $70, but $21. Judge Buffington, who lives at Pittsburg, journeyed to Philadelphia, 353 miles, and back again and held court twenty-nine days. He did not charge $290, but only $162. Judge Acheson, who also lives in Pittsburg, held sixteen days' court in Philadelphia and collected for expenses $96.90. Judge Kirkpatrick held court twelve days and charged for expenses only $57.53. In no instance did any judge in that circuit charge as much as $10 a day. They are all judges of great ability, and being exceedingly conscientious and construing the law for themselves precisely as they would construe it in the case of suitors coming before them, they have allowed themselves only their actual expenses. I have here statements showing the amounts paid judges in the other eight circuits of the United States. In every table there appear plenty of cases showing plainly that the judges did not charge $10 a day. There are other entries from which it may be inferred that certain judges have charged simply a lump sum equal to $10 per day.

While I have a very decided view upon the subject, I do not stop now at this time and in this place to discuss the right of any judge to collect more than he has actually expended, but I do say that if the law is open to that construction, or if some judges can with impunity collect $10 per day, then it is an absolute injustice to other judges who construe the law as I do and conscientiously certify to and collect only their actual expenses, that there should be such a disparity permitted. The intention of Congress in this respect ought to be made perfectly plain, so that all judges may stand upon precisely the same basis and either all be limited to their actual expenses or else all be permitted to receive $10 per day in lieu of expenses. My amendment proposes the latter course. It relieves judges of the necessity of keeping any account of their expenses or of certifying to the amount thereof and gives them the liquidated sum of $10 per day for time actually occupied in travel and attendance in holding court outside of their own districts.

I trust that the gentleman from Indiana will not make a point of order against this amendment, but permit the proposition to be submitted to a vote, in which event I feel very sure that it will be adopted.

Mr. HEMENWAY. As I am advised by Members around me that they will make the point of order, I will make it now.

The CHAIRMAN. The point of order is sustained.

Mr. PARKER. Will the gentleman allow me simply to offer my substitute for the amendment offered by the gentleman from Pennsylvania, so that they can both appear in the RECORD?

Mr. HEMENWAY. I have no objection to that.

Mr. PARKER. I wish it to appear in the RECORD, and I ask unanimous consent that my remarks may be extended in the RECORD.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the proposed substitute may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The substitute is as follows:

Strike out in lines 3 to 10, page 134, after the words "during vacation," the following: "of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals not to exceed $10 per day," and insert in lieu thereof, "for travel and attendance of district judges and judges of the circuit courts of appeal at the rate of $10 a day for every day of necessary absence to travel and attend court away from their respective residences to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States, and shall be in lieu of all allowances to such judges for expenses of travel and attendance now provided for by law."

Mr. OLMSTED. Mr. Chairman, do I understand that the point of order has been sustained?

The CHAIRMAN. It has.

Mr. OLMSTED. I should like to have been heard on that.

The CHAIRMAN. The gentleman from Texas [Mr. BEALL] offers an amendment.

The Clerk read as follows:

After the word "reasonable," in line 3, page 134, insert the word "actual."

Mr. MUDD. A point of order.

The CHAIRMAN. The gentleman from Maryland makes the point of order against the amendment. The Chair sustains the point of order.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word. Now, I suggest that it will be very evident to the gentleman from Indiana now, although it would not earlier, that it is well for the committee to rise, unless we are going to have a night session to-night.

Mr. HEMENWAY. If the gentleman will wait for a while——

Mr. WILLIAMS of Mississippi. It is now a quarter past 6 o'clock.

Mr. HEMENWAY. This is really the last item in the bill that is likely to raise any controversy, and the bill will be read in a few minutes.

Mr. WILLIAMS of Mississippi. I suggest to the gentleman that I think it is proper that the committee do rise.

Mr. HEMENWAY. Let us go on with the bill.

Mr. SMITH of Kentucky. I am going to object to any request for unanimous consent.

Mr. HEMENWAY. I will say to the gentleman, just be patient for a few minutes; this is the last item of the bill that is likely to result in controversy. It will only be a few minutes when the bill will be finished and sent to the Senate, and that will save us a great deal of time.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, if we begin this early to have evening sessions, and run into a night session incidentally or accidentally without any previous agreement almost, we are going to have night sessions right along. It simply means now that we are going to have night sessions——

Mr. HEMENWAY. If the business of the House requires them.

Mr. WILLIAMS of Mississippi. Every night, including to-night, a part of a night session at any rate. Therefore I renew my motion that the committee do now rise.

Mr. HEMENWAY. If the gentleman will withhold that motion a minute——

Mr. WILLIAMS of Mississippi. I will withhold it for a moment.

Mr. HEMENWAY. There are many Members of the House who want unanimous consent to get through their little measures. Now, if they are to have that opportunity, why not get rid of this bill, which may, if started on again to-morrow, take two or three hours, when it can be completed in thirty minutes to-night, and gentlemen have opportunity to present their requests for unanimous consent to-morrow?

Mr. WILLIAMS of Mississippi. The gentlemen who wish to present requests for unanimous consent could have gotten that chance this very evening but for the action of the gentleman from Indiana.

When I moved that the committee rise I stated that if we rose we would remain in session a half an hour to give the Speaker a chance to recognize gentlemen who wish to present requests for unanimous consent.

Mr. HEMENWAY. But the gentleman from Mississippi can not control the House by his agreement that the House shall

remain in session thirty minutes for requests for unanimous consent.

Mr. WILLIAMS of Mississippi. I never imagined that "the gentleman from Mississippi" could, but "the gentleman from Mississippi" at least made that proposition and "the gentleman from Mississippi" can control himself; and the object of his proposition was to control himself.

Mr. HEMENWAY. He is not the only man who can object.

Mr. PAYNE. Mr. Chairman, I want to suggest to my friend from Mississippi that it is a good deal more important to pass these appropriation bills than it is to pass these other bills by unanimous consent.

Mr. WILLIAMS of Mississippi. I want to have them all passed, but I want to proceed with reason.

Mr. PAYNE. Let us pass the appropriation bill first. Let us do that to-night. It will save us a good deal of time to-morrow.

Mr. SMITH of Kentucky. Will you adjourn when you pass the appropriation bill to-night?

Mr. WILLIAMS of Mississippi. Pass the appropriation bill to-morrow, and we can give Members a chance for unanimous consent too. I will make the effort once more, Mr. Chairman, at any rate, to have the committee rise, and I am not going to filibuster. I never do that.

The CHAIRMAN. The gentleman from Mississippi moves that the committee do now rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of Kentucky. Division.

Mr. WILLIAMS of Mississippi. Mr. Chairman, in order to save time, let us have tellers at once.

The CHAIRMAN. The gentleman from Mississippi demands tellers.

The committee again divided; and the tellers reported—ayes 84, noes 88.

The CHAIRMAN. On this vote the tellers report—ayes 84, noes 88. Accordingly, the motion of the gentleman from Mississippi is rejected.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word in order to say that that announcement is exactly right. [Laughter.]

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 134, line 4, after the word "expenses," insert "actually incurred and paid."

Mr. MUDD. Mr. Chairman, a point of order.

Mr. OLMSTED. I should like to be heard on that point of order.

The CHAIRMAN. The gentleman from Maryland makes a point of order on the amendment.

Mr. OLMSTED. Mr. Chairman, I offered an amendment providing that it shall be a liquidated sum in lieu of expenses. That was ruled out of order. I now offer an amendment that it shall be the amount actually paid. Now, this provision in the bill, "reasonable expenses not to exceed $10," must mean something. If it does not mean $10 as a liquidated amount of expenses it means the amount actually incurred and paid for reasonable expenses, in which event my amendment is in order. Certainly one or the other is in order.

The CHAIRMAN. Will the gentleman from Pennsylvania inform the Chair what the statute now is?

Mr. LITTLEFIELD. Mr. Chairman, may I inquire how far the reading has gone on that paragraph?

The CHAIRMAN. Line 15.

Mr. LITTLEFIELD. I understood——

The CHAIRMAN. The proviso has not been read.

Mr. LITTLEFIELD. I understood the Clerk had stopped at the word "judges," in line 7.

The CHAIRMAN. The Clerk had concluded the reading of the paragraph. Will the gentleman from Pennsylvania [Mr. OLMSTED] inform the Chair whether the proviso is the existing statute?

Mr. OLMSTED. I understand that there is no law upon the subject, except what is found in the last appropriation bill, appropriating for the year ending June 30, 1905, which I believe to be substantially in the same language as this, perhaps identical with it. Upon that point I am not sure, but there is no law upon the subject, except as it appears in the appropriation bill of last year. There is no permanent provision of law.

The CHAIRMAN. Does the last act contain the exact language of the present bill?

Mr. HEMENWAY. The exact language of the present bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OLMSTED. Mr. Chairman, I move to strike out, in line 5, the word "ten" and insert the word "six."

Mr. HEMENWAY. To that I make a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OLMSTED. Isn't that a limitation?

The CHAIRMAN. The Chair thinks not. The Chair thinks it is a change of existing law. The point of order is sustained.

Mr. OLMSTED. Mr. Chairman, is it not possible to put a limitation to an appropriation?

The CHAIRMAN. Certainly it is, but it is not possible to change existing law on an appropriation bill against a point of order. The Chair understands that this is a change of existing law and not a limitation. The Chair has ruled that the point of order is well taken.

Mr. BEALL of Texas. Mr. Chairman, I offer the following amendment: To strike out, in line 3, on page 134, the word "reasonable" and insert the word "actual."

Mr. HEMENWAY. I make a point of order against that.

The CHAIRMAN. The Chair sustains the point of order against that amendment.

Mr. OLMSTED. Mr. Chairman, I move to strike out the whole paragraph.

The question was taken; and on a division (demanded by Mr. HEMENWAY) there were—ayes 77, noes 86.

So the amendment was rejected.

Mr. UNDERWOOD. Mr. Chairman, I move to amend by adding the following words: "*Provided*, That no portion of this appropriation shall be available for the payment of district judges until the judge has filed an itemized statement of actual expenses."

Mr. Chairman, I think that is a limitation on the law.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the proviso:

"No portion of this appropriation shall be available for the pay of district judges until said judges shall file itemized statements of their actual expenses."

Mr. HEMENWAY. I make a point of order against that, Mr. Chairman.

Mr. WACHTER. I raise a point of order to that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OLMSTED. Mr. Chairman, I now move to strike out the words beginning in line 3, after the word "vacation," down to and including the word "day" in line 10, and on that I desire to be heard.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Pennsylvania to this single ruling to be found on page 352 of the Digest:

A paragraph in an appropriation bill reenacting a permanent provision of law may not be amended.

This is a reenactment of a permanent provision of law. If this were not in the bill it would be a law; it would continue. You may strike out the whole provision, and it is the law, because it was in last year's bill.

Mr. OLMSTED. I do not understand, Mr. Chairman, that there is a point of order against this.

Mr. HEMENWAY. I made a point of order.

The CHAIRMAN. The gentleman from Maryland made a point of order also.

Mr. OLMSTED. Mr. Chairman, I understand it has been ruled over and over again that we are not bound to appropriate even though there may be an act of Congress authorizing us so to do. We have frequently declined to appropriate or have appropriated a less amount than we were authorized to do. My amendment strikes out the appropriation. The present law is not a permanent law and its operation does not in any event extend beyond the 30th of June next and would not authorize any payment beyond that date. I am moving to strike out the appropriation, and under various rulings which I will not stop now to look up it is a perfectly proper amendment and in order.

Mr. HEMENWAY. Mr. Chairman, I suggest to the gentleman that he has once moved to strike out the paragraph and that was the only motion in order. That motion has been voted down, and now no motion to amend the paragraph is in order under the rule.

Mr. OLMSTED. There are several appropriations included in the one paragraph, and originally I moved to strike out the whole paragraph. This is another proposition. It strikes out only the pay for expenses of district judges. I do this only because every other method I have suggested of providing for uniformity and substantial justice between them has been ruled out, and I am unwilling that some shall receive two or three times as much as others.

The CHAIRMAN. And the gentleman from Maryland has raised the point of order to that provision.

Mr. MUDD. Mr. Chairman, in all frankness I think I ought to say that it is a fact that I did not make the point of order.

Mr. HEMENWAY. Mr. Chairman, I made the point of order.

The CHAIRMAN. The Chair did not refer to the gentleman from Maryland, Mr. MUDD, but to the gentleman from Maryland, Mr. WACHTER, who at the time he made the point of order sat in the front seat.

Mr. MAHON. Mr. Chairman, I renew the point of order.

Mr. MUDD. Mr. Chairman, I beg the Chair's pardon.

Without objection, the Clerk again reported the amendment.

The CHAIRMAN. The Chair thinks that that motion is in order. That simply refuses to appropriate.

Mr. OLMSTED. Mr. Chairman, I desire to be heard for a few minutes, if I may, although I dislike to take up the time of the committee at this late hour. Mr. Chairman, I have offered this amendment simply for the purpose of doing justice and providing equality among the judges who render these services and incur these expenses. I have reason to believe that some judges charge $10 a day as a liquidated sum. I do not discuss the propriety of their so doing at this time, but I have heard that, and I believe it to be true. I also know and have the evidence of it in my hand that every judge in the third circuit at least construes the law differently and collects only his actual expenses, in some instances as low as $1.35 a day, and in no instance as high as $10 a day.

I was perfectly willing to give all the judges $10 a day as a liquidated sum, and a few minutes ago I offered an amendment to that effect, which was ruled out on a point of order. I wish there might have been a vote upon it. If that can not be done and it is also out of order, as the Chair has ruled, to provide in this bill that no judge shall be paid more than his actual expenses, I move to strike out the whole matter. I desire to say that when in 1903 the bill was passed increasing the salaries of the Federal judges there was a provision in the bill as it passed the Senate and was reported unanimously by the Judiciary Committee cutting off all allowances for and requiring the judges to bear their own expenses. I moved to strike out that paragraph, and it was upon my amendment, which carried by a majority of eleven, that they have been drawing their expenses ever since. If we can not have in any other way justice and equality among the judges in this matter, I hope the amendment I have now offered will pass.

Mr. PARKER. Mr. Chairman, how will the gentleman get rid of the expenses of the circuit judges of appeals, which are mentioned there in the last part of what he would strike out, and which are provided for not by an appropriation bill, but by the act which creates the circuit court of appeals?

Mr. OLMSTED. Well, if the gentleman chooses to move to strike that out, I have not the slightest objection. We are not bound to appropriate even if an appropriation is authorized by the act creating the court.

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

The question was taken; and on a division (demanded by Mr. SMITH of Kentucky) there were—ayes 75, noes 91.

So the amendment was rejected.

The Clerk read as follows:

Provided, That from and after the approval of this act office deputy marshals shall receive no compensation in addition to their salaries as deputy marshals for acting as criers of the courts.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that proviso.

Mr. HEMENWAY. It is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Provided, That from and after the approval of this act when circuit and district court is held by the same judge on the same day and in the same place, per diems shall be allowed for attendance of not exceeding three bailiffs and one crier, except that in the southern district of New York not exceding five bailiffs may be employed and paid in such cases.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that proviso.

Mr. HEMENWAY. It is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That from and after July 1, 1905, sections 6, 13, 14, 15, and 18 of the act of May 28, 1896, making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, shall be applicable to the office of the district attorney for the southern district of New York and his assistants; and section 8 of said act shall also be applicable to the office of the said district attorney and his assistants, except in so far as it limits the maximum salary of an assistant district attorney to $2,500 per annum; and said district attorney shall receive a salary of $6,000 per annum, and each of his assistants shall be paid such salary as the Attorney-General may from time to time determine as to each, which shall in no case exceed $3,500 per annum.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that paragraph.

The CHAIRMAN. The gentleman from New York makes the point of order against the paragraph. It seems to the Chair that it is legislative. Does the gentleman from Indiana advise the Chair otherwise?

Mr. HEMENWAY. I think the Chair is right.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HEMENWAY. It has been stated that this officer sometimes gets as high as nearly a hundred thousand dollars a year, and I am trying to correct it.

The Clerk read as follows:

That from and after July 1, 1905, all of the expenses of the supreme court of the District of Columbia and of the court of appeals, District of Columbia, the office of the United States marshal for said District, and the office of the district attorney for said District, including the salaries of the judges of the supreme court, the salaries of the judges and clerk and assistant clerk of the court of appeals, the salaries of the district attorney and his assistants, all fees of witnesses, fees of jurors, pay of bailiffs and criers, and all the miscellaneous expenses of said courts, and all other lawful expenses of said courts and their officers shall be paid one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided further*, That one half of the fees collected and deposited by the marshal after June 30, 1905, for services rendered by him and his deputies shall be deposited to the credit of the District of Columbia and the other half to the credit of the United States, and the excess of the earnings of the clerk of the supreme court of the District of Columbia and the fees of the clerk of the said court of appeals shall be deposited in like manner: *Provided further*, That if a balance shall be found due the clerk of the supreme court of the District of Columbia under section 182 of the Code of the District of Columbia such balance shall be payable one half from the revenues of the District of Columbia and one half from the revenues of the United States: *Provided further*, That estimates for all expenditures hereunder shall, for the fiscal year 1907 and annually thereafter, be submitted through the Commissioners of the District.

Mr. MUDD. Mr. Chairman, I make the point of order on that paragraph, beginning in line 12, page 136, and ending with line 16, page 137.

Mr. HEMENWAY. Mr. Chairman, the Evening Star, I believe, thinks that it is right and proper, but there is no doubt it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

For continuation of construction of building for the Department of Agriculture under the present limit, $700,000.

Mr. MAHON. Mr. Chairman, I move to strike out the word "seven" and insert the word "three."

Mr. HEMENWAY. I would suggest to the gentleman that the architect in charge of the building says it will be necessary to have $700,000 this year.

Mr. MAHON. I do not think they will need more than three hundred thousand for the Department of Agriculture building this year, and I therefore move to strike out "seven" and insert "three."

Mr. HEMENWAY. It has been stated to us that this is necessary for the building authorized.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 15, page 144, strike out the word "seven" and insert the word "three;" so as to read "three hundred thousand dollars."

Mr. MAHON. That is all that can be used next year.

The question was taken; and the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

Mr. BURTON. Mr. Chairman, I ask for recognition.

Mr. HEMENWAY. The motion is not debatable, Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. BURTON. Mr. Chairman, I rise for the sake of asking unanimous consent that we return to page 3, lines 17, 18, and 19.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana.

Mr. BURTON. Mr. Chairman, am I not entitled to the request?

The CHAIRMAN. Not if the gentleman from Indiana insists upon the motion, which he does.

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. BURLESON. Division, Mr. Chairman.

The committee divided; and there were—ayes 72, noes 82.

Mr. HEMENWAY. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Indiana [Mr. HEM-

ENWAY] and the gentleman from Ohio [Mr. BURTON] will take their place as tellers.

The committee again divided; and the tellers reported—ayes 51, noes 97.

So the committee refused to rise. [Applause.]

Mr. BURTON. Mr. Chairman, I renew my request for unanimous consent to return to the paragraph.

Mr. HEMENWAY. Mr. Chairman, I object.

The CHAIRMAN. Will the gentleman indicate what is his request?

Mr. BURTON. That we return to page 3, lines 17, 18, and 19.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to page 3, lines 17, 18, and 19. Is there objection?

Mr. HEMENWAY. I object.

Mr. CHAIRMAN. The gentleman from Indiana objects.

Mr. BURTON. Mr. Chairman, I now move that we recur to that paragraph.

Mr. HEMENWAY. Mr. Chairman, I make the point of order that the motion to return to an item upon a bill after having been passed and read is not in order.

Mr. BURTON. On that subject does the Chair desire to rule?

The CHAIRMAN. Does the gentleman from Indiana desire to discuss the order or does the gentleman from Ohio desire to be heard on the point of order?

Mr. HEMENWAY. Mr. Chairman, the proposition I make is so well understood as a rule of this House that I do not care to discuss it.

Mr. BURTON. I challenge the gentleman from Indiana [Mr. HEMENWAY] or any other gentleman of the House to find a rule under which this motion is shut out. It is true it has been the usual custom to read the bill from the beginning to the end and not go back except by unanimous consent. But suppose there was a serious error—the word "millions" written in instead of "thousands"—does the Chair undertake to say, or does the gentleman from Indiana [Mr. HEMENWAY] undertake to say, that a motion would not lie to recur. A search has been made for the precedents, and it is true that there are two cases that seem to be against the right to make such a motion. Both of them are quite old. One is a case, however, in which a point of order was raised and the other a case in which there was a motion to amend; but both were without any motion to recur. If there is no rule, no paragraph, nothing forbidding such action, can not this House decide that in such case as this it will not shut out the right of a Member to go back to a paragraph?

Mr. ROBERTSON of Louisiana. You can not carry it against BURTON. [Laughter and applause.]

Mr. BURTON. Further, the circumstances in this case are exceptional. If there is no precedent, it is proper for us right here and now to create one.

Without deciding the general question, what are the circumstances here? There was an agreement in the House last Friday for four hours of general debate upon this bill. In two hours and a half that general debate ceased and the reading of the paragraphs commenced. I think the gentlemen of this House take it for granted that when there is an order in the Committee of the Whole they may go about other business. But to sustain this motion it is not necessary to rely upon the order for four hours' debate. The situation is one which, in my recollection, never happened in this House before. At the end of two hours and a half general debate was not finished, but the unprecedented action was taken of reaching unanimous consent that general debate could be resumed during the reading under the five-minute rule. I challenge any Member of this House to call attention to a case where that ever happened here before. Under those circumstances the reading of this bill commenced and progressed for a page or two beyond the paragraph to which I refer, before I was able to submit the amendment. Then the gentleman from Indiana [Mr. HEMENWAY], as he has to-night, promptly objected. I make this motion in the interest of fair play. [Applause.] A consideration which, as against a doubtful custom, should prevail every time. [Applause.]

Mr. HEMENWAY. Mr. Chairman, I desire to be heard. I have not had the pleasure of distributing favors coming from any of the great bills introduced. The gentleman from Ohio [Mr. BURTON] says there is no precedent for debate breaking down before the time fixed by the limit. Time and time again debate has broken down.

Mr. BURTON. I did not make so strong a statement as that.

Mr. HEMENWAY. Well, the gentleman from Ohio [Mr. BURTON] came near making it.

Mr. BURTON. Mr. Chairman, I say now, as I said a moment ago, that this case was exceptional. I said it was exceptional to a degree never known before.

Mr. HEMENWAY. Well, the action of the gentleman from Ohio [Mr. BURTON] in this case is exceptional to a degree never known before. And I serve notice now that its intention will not be carried out. It is an effort, evidently, to say that the rules of the House are to be overridden, because the gentleman from Ohio [Mr. BURTON] says that if there is no precedent we will make one now. The gentleman from Ohio [Mr. BURTON] has been studying this question for several days. He knows there is a precedent. As he states himself, in two decisions there seems to have been a precedent made. And why? Why, if we could go back, after we have passed an item in a bill, time and time and time again, on the suggestion of any Member of this House, when would any general appropriation bill come out of the Committee of the Whole? Why, it would be an endless debate, and for that reason the rules have been made for this House, and provide that when an item is passed, and an opportunity to amend has been offered, you can not return without unanimous consent. And the gentleman from Ohio [Mr. BURTON] knows as well as I do that under the rules of this House you can not return to this item without unanimous consent.

Now, again, will the Members of this House, for some reason that I can not understand, overrule the Chair when he has decided this case right? If they do, they do wrong; they will do something that will come back later on to curse them. The only orderly way to do business is to do it under the rules of the House. I know it is not necessary for me to stand here and argue to a gentleman so well acquainted with the rules as the gentleman from New York, who now occupies the Chair, that this would be a violation of the rules of the House.

The CHAIRMAN. The Chair is ready to rule. It is true that this matter was called to the attention of the Chair yesterday, and the Chair looked for a direct ruling upon this point and failed to find one where the precise point was raised. But during a service in the House of better than fifteen years of the present occupant of the chair he does not recollect a single instance where a motion made to return to a paragraph after passing it was held in order.

Wherever that has been done, it has always been by unanimous consent; and although there is no special rule that so directly holds, that course should be followed. It does seem to the Chair that the orderly procedure is the ordinary procedure which dictates that there is but one course to follow, and that is when the reading of the bill has been begun that that must be continued to the end, and that that course can be deviated from only by unanimous consent of the committee. And the indicated ruling of the Chair seems very appropriate, because it does not end the matter; it is not final. Any gentleman thereafter has recourse in the House to bring up the matter which he desires disposed of when the bill is reported to the House itself.

Even if the previous question were demanded, a negative vote would afford an opportunity to consider the proposition. Therefore, holding that opinion, the Chair sustains the point of order made by the gentleman from Indiana.

Mr. BURTON. I most respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Ohio appeals from the decision of the Chair; and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 75, noes 82.

Mr. HEMENWAY. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] and the gentleman from Ohio [Mr. BURTON] will take their places as tellers.

The committee again divided; and tellers reported—ayes 71, noes 89.

So the decision of the Chair was not sustained.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio.

Mr. BURTON. I desire to offer an amendment.

The CHAIRMAN. One moment. The question is on the motion of the gentleman from Ohio, to return to page 3, lines 17, 18, and 19.

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

Mr. BURTON. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 3, at the end of line 19, add the following:

"*Provided*, That no part of the money herein appropriated shall be used in the construction of the exterior or outer walls of a material other than granite."

Mr. HEMENWAY. Mr. Chairman, I make the point of order that the amendment changes existing law.

The CHAIRMAN. The gentleman from Indiana makes the

point of order against the amendment. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. BURTON. Mr. Chairman, this is not subject to the point of order. It is clearly a limitation upon an appropriation. I will read a few precedents from the Digest, beginning on page 347:

The House may by limitation provide that no part of an appropriation shall be used for a certain purpose.

The House may provide that no part of an appropriation shall be used except in a certain way, even though executive discretion be thereby restricted.

A provision that no part of certain moneys appropriated for a naval station should be used until the United States had acquired the title to a certain needed tract of land was held to be a limitation.

A provision that no part of an appropriation for pay of retired army officers should go to one receiving pay for services as civil employee was held to be a limitation.

Then, in the middle of the page:

A provision that no part of a sum appropriated for armor plate should be expended except for armor of a certain cost and quality was held to be a limitation.

That is a very much stronger case than this:

A provision that no greater price should be paid for armor plate than was paid in this country by other governments for the same article was held to be a limitation.

While it is not in order to legislate as to the qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications.

It is in order to provide by a limitation that a certain proportion of an appropriation shall be withheld from recipients lacking certain qualifications.

Now, on a point of order, which I myself raised here some six or eight years ago, there was a provision to the effect that the mail on the Detroit River should be carried only in a certain way. I raised the point of order to that. The ruling of the Chair was prompt, to the effect that an appropriation for a specific method of transportation was held to be a limitation.

In an appropriation for marine free-delivery mail service at Detroit, Mich., a proviso that the service should be performed by rowboats was held to be a limitation.

That is, the Postmaster-General was delivering mail by launches, and there was a restriction that it should only be by rowboats.

There has been a decision in this House also, recently, that no money should be expended for the construction of a building unless the money should be used only for a building of certain dimensions. To say that you can not in this case make a limitation of this kind would destroy that supervisory power that Congress has over all appropriations.

Suppose a building had been constructed to the roof, and then it was found that the plans for the roof were entirely defective, or suppose a new variety of roof had been invented. Does anyone have the temerity to say that we could not provide that that roof should not be constructed of improper material, by a limitation upon an appropriation bill? Such a limitation as this goes to the very substance of our power. Unlike the question raised a few minutes ago, it is one where there is a multitude of precedents, and all of them assert the power of Congress in appropriation bills to make limitations of this kind.

Mr. Chairman, I believe that is all I desire to say.

The CHAIRMAN. The Chair will hear the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Mr. Chairman, the law authorizing the construction of this building provides that it is to be constructed of material selected under the direction of the Secretary of the Treasury, under the Tarsney Act, as the building material is always selected by the Secretary of the Treasury. In fact, I have no recollection of any public-building bill ever passing that did not provide this. Now, here a bill has passed which provides that the selection of the material shall be under this law. The Secretary of the Treasury has taken action. I understand the contract has been let. Am I mistaken about that?

Mr. BURTON. I beg the gentleman's pardon. A contract has been made in which there is an option between granite and sandstone, an option still open and not yet exercised.

Mr. HEMENWAY. The Secretary of the Treasury, acting under the law, is given the selection of this material. No one who will read this act will contend for a minute that the Secretary of the Treasury has not the power and is not directed by this act to select the material. Now, the gentleman proposes to amend this bill by limiting this appropriation to be expended for granite only. Does not that change the law? Why, it is not an open question.

Mr. BURTON. Will the gentleman yield for a question?

Mr. HEMENWAY. I will.

Mr. BURTON. Is the gentleman not aware that the language of the Tarsney Act is to the effect that the drawings and specifications shall be subject to—

modification and change relating to plan or arrangement of building and selection of material therefor by the Secretary of the Treasury.

This is the apparent limit of his power.

Mr. HEMENWAY. Why, certainly, the gentleman has the right to go to the Secretary of the Treasury, and the Secretary of the Treasury has the power to determine whether or not this building shall be constructed of granite or some other material. Now, that is the law.

Mr. BURTON. Will the gentleman yield for another question?

Mr. HEMENWAY. That is the law now. The gentleman seeks to change the law by directing that the money shall not be expended except for granite. Now, I understand the gentlemen who are talking over here on my left so fast that they interrupt me, are willing to vote for any proposition suggested by the gentleman from Ohio. Let us get at the facts.

If the gentleman does not seek to change the law, why does he present this amendment? His public building is authorized, the money is appropriated, part of the contract entered into, nothing can stop it going ahead. The Secretary of the Treasury has a right to determine the material and has determined the material.

Mr. BURTON. I beg the gentleman's pardon; an option is still remaining. The building thus far is built of granite.

Mr. HEMENWAY. Does not the gentleman seek to take from the Secretary of the Treasury some power that he now has?

Mr. BURTON. We seek to exercise the power on the part of Congress to direct how he shall exercise his discretion.

Mr. HEMENWAY. And you can not do it without a change of law.

Mr. BURTON. We can in this way——

Mr. HEMENWAY. Why do you come and ask this provision if you do not ask to change the law?

Mr. BURTON. Because we want to be certain that he will exercise it for granite.

Mr. HEMENWAY. Doesn't the gentleman seek to change the law so that the Secretary of the Treasury can not exercise a power which he now has?

Mr. BURTON. I think so, as I understand the Secretary's probable action.

Mr. HEMENWAY. Now, is this House willing, in the face of that admission of the gentleman from Ohio, for that is what he seeks to do, and will the House overrule the Chair because the Chair can not decide it but one way?

Mr. BURTON. Will the gentleman yield for a question?

Mr. HEMENWAY. Certainly.

Mr. BURTON. Does the gentleman claim that this Congress has no right by limitation to direct how the discretion of an executive officer shall be exercised? Suppose an executive officer was in doubt what to do.

Mr. HEMENWAY. But the executive officer here is not in doubt. I want to answer the gentleman's question fairly. I claim that under the guise of a limitation you have no right to change the law on an appropriation bill. Now, this is a plain, open-faced proposition to change the law on an appropriation bill; to take away from the Secretary of the Treasury a power which he now has by change of law.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman from Indiana if he contends that under the rules of the House Congress can not limit the exercise of the discretion of the Secretary of the Treasury?

Mr. HEMENWAY. Certainly; it can by an act, but you can not legislate a change of law on an appropriation bill.

Mr. WILLIAMS of Mississippi. Does the gentleman contend that Congress can not limit the exercise of the discretion of the Secretary?

Mr. HEMENWAY. I have answered that it can by an act. Now, Mr. Chairman, the gentleman from Ohio himself states that he seeks by legislation on this bill to take away from the Secretary of the Treasury the authority that he now has. It is a change of law, absolutely so. He seeks to prevent something from being done that now can be done under law, and the only way to do it is to change the law, and that is not in order on an appropriation bill.

Mr. MIERS of Indiana. Mr. Chairman, the question raised, and I imagined raised in earnest, is whether or not this is a change of existing law. What is the existing law? By an act of Congress passed February, 1893——

Mr. BOWIE. Will the gentleman yield for a question?

Mr. MIERS of Indiana. Yes, if it is a short one.

Mr. BOWIE. Congress has the power to appropriate or not appropriate as it sees fit for any public work. The fact that you pass a bill authorizing a building does not bind a future Congress to appropriate for it?

Mr. MIERS of Indiana. No. Certainly not.

Mr. BOWIE. When Congress makes an appropriation has it not been uniformly held that that Congress which makes the

appropriation can limit it—that it shall be optional with Congress to make the appropriation—and this being merely a limitation on this appropriation, why is it not in order?

Mr. MIERS of Indiana. That is where the gentleman is wrong. This is more than a limitation; it goes further and changes existing law.

Mr. TAWNEY. Does the gentleman from Texas claim that this is a limitation or a direction?

Mr. BOWIE. I claim it is a limitation on the appropriation.

Mr. TAWNEY. It is a direction and not a limitation.

Mr. MACON. Will the gentleman from Indiana yield to me for a question?

Mr. MIERS of Indiana. Yes; certainly.

Mr. MACON. The gentleman says that this will be a change of law. I would like to know what we are here for if it is not to change the law? [Laughter.]

Mr. MIERS of Indiana. Mr. Chairman, in reply to the question of the gentleman from Arkansas [Mr. MACON], while we may be here for the purpose of changing the law, we will certainly change the law in an orderly and lawful way and not on an appropriation bill in violation of the law.

Mr. LITTLEFIELD. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MIERS of Indiana. Yes; certainly.

Mr. LITTLEFIELD. I would like to inquire of the gentleman from Indiana if it is not true that this amendment which is here proposed is expressly confined to this $250,000 and does not go beyond it?

If it does go beyond this $250,000, I would like to have the gentleman from Indiana point out where it goes beyond that specific $250,000.

Mr. HEMENWAY. It changes the law as to that.

Mr. MIERS of Indiana. While it does not go beyond the $250,000, it does change the law now on the statute books, and if the gentleman from Maine [Mr. LITTLEFIELD] will allow me a moment, I would like to call his attention to the statute law as it now exists.

Mr. LITTLEFIELD. I would like to ask the gentleman this question.

Mr. MIERS of Indiana. The gentleman will not for a moment, until I shall have had one word. I prefer to state my contention. I shall refer to the law to which I called the Chair's attention a moment ago. At the close of the section—I will not read it all, and I shall be glad to pass it to the Chair in a moment—that law provides, among other things, as follows:

> To be subject at all times to modification and change relating to plans and arrangement of the building and selection of material thereof as may be directed by the Secretary of the Treasury.

The law of 1893 provides that the material shall be collected by the Supervising Architect, at the discretion and by the direction of the Secretary of the Treasury, and the law is not only that he has the right to select the material by reason of the enactment of the law that provided for the appropriation which gave him the option to select granite or sandstone, but the law of 1893, which binds not only the Secretary of the Treasury as it relates to this building, but all contracts for the erection of public buildings, and has been on the statute books for twelve years, gives the Secretary the right to select the material.

Then if the Secretary under the law has the right to select the material, can the gentleman under the guise of a limitation say that he shall not use the discretion which is given him in the act that provided for the appropriation, and that he shall not select the material, when existing law says he shall? I grant you the right to change the law, but not by an enactment in an appropriation bill. This amendment is a selection of the material by this House, thereby changing existing law. The law vests the Secretary with the right to select the material. If this House passes the amendment offered by the gentleman from Ohio [Mr. BURTON] it would change the statute law. This House can not select the material without changing existing law, and this can not be done by enactment in an appropriation bill. I submit, therefore, Mr. Chairman, that this amendment is more than a limitation on an appropriation. It changes existing law.

Mr. MAHON. Mr. Chairman, I am satisfied that this is purely an administrative proposition. I am the owner of the largest sandstone quarry in Pennsylvania, and I would not recommend my own quarry to build a Government building. It is not fit. It is not the proper stone to put into a public building. [Applause.] So far as Ohio is concerned, I can produce a better sandstone than the sandstone of the State of Ohio, and I say now it is absolutely unfit to put in a public building.

Mr. MIERS of Indiana. That would be a very good argument to use to the Secretary.

Mr. WATSON. But the gentleman from Pennsylvania does not believe that Congress ought to have the power to do this?

Mr. MAHON. No; it is purely an administrative proposition. Let the proper authorities select the proper stone to go into this building. Why, the proposition is so clear, Mr. Chairman, that all the Chair can do is to overrule the point of order.

Mr. LITTLEFIELD. Mr. Chairman, I would like to say that in the first place I do not understand that anybody yet has undertaken to deny that there is precedent after precedent in the rulings of the Chairman of the Committee of the Whole in this House that sustains the propriety of the pending amendment.

Mr. BURTON. Mr. Chairman, will the gentleman from Maine yield to a suggestion?

Mr. LITTLEFIELD. Yes.

Mr. BURTON. In this very bill, on page 22, there is a limitation.

Mr. LITTLEFIELD. Oh, I can pick them out by the dozen.

Mr. BURTON. It is as follows:

> That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. TAWNEY. Will the gentleman from Maine explain in what respect this is a limitation rather than a direction?

Mr. LITTLEFIELD. He will be glad to do it in a minute.

Mr. MAHON. Will the gentleman from Maine allow me to ask him a question?

Mr. LITTLEFIELD. Yes.

Mr. MAHON. Does the gentleman from Maine think that the sandstone of Ohio or any other State is fit to put into a public building?

Mr. LITTLEFIELD. Mr. Chairman, I feel bound to say in all frankness that, in my judgment, the relative qualities of the two stones do not necessarily determine the validity of this proposition. Now, this amendment, if the Chair pleases, is confined to the $250,000. The $250,000 appropriated in this bill is to be limited by this pending amendment, and when the distinguished gentleman from Indiana conceded that this amendment did not go beyond this $250,000 he conceded the whole proposition, and he demonstrated that the balance of his argument was without any logical foundation, and it did not even for a moment sustain the proposition for which he contended, because this limitation does not go beyond the $250,000, it does not in any way affect any other appropriation if it has been made. It does not affect any contract that may have been made. It does not affect any condition.

If it does not go beyond the $250,000 it stops there and does not go beyond. That is what the gentleman conceded, and if the gentleman from Minnesota will hear me for a moment that is exactly where this is a limitation. If the Secretary of the Treasury has made a contract for sandstone, if he has $500,000 appropriation or a million he can expend it for sandstone, notwithstanding this appropriation passes with this limitation. Why? Because he can not use this $250,000 for the building unless it is of granite. He can go on with the balance of his building; it will not affect a contract. In terms it is confined to this $250,000.

Mr. TAWNEY. Will the gentleman state whether or not this appropriation was made for the construction of this building out of a certain material?

Mr. LITTLEFIELD. This appropriation is made general, and if this amendment——

Mr. TAWNEY. For a building to be constructed out of such material as the Secretary of the Treasury may select.

Mr. LITTLEFIELD. The appropriation, if there was no limitation upon it, he could use this $250,000 for any purpose that he liked. Now, I want to say when we put this limitation on this appropriation we simply say that here is $250,000 he can have upon what condition? Why, upon the condition that he puts up a building made of granite.

Mr. TAWNEY. Is not that a direction instead of a limitation?

Mr. LITTLEFIELD. Not at all; not the slightest. The gentleman can see that when he gets cooled off.

Mr. TAWNEY. I am not warm.

Mr. LITTLEFIELD. It is simply a limitation.

Mr. PAYNE. Certainly, in this one, but when the next appropriation comes up the limitation could be put on that, and so on, until the two and a half millions of appropriation is used.

Mr. LITTLEFIELD. Yes.

Mr. PAYNE. Now, at what point could it cease to be a limitation and cease to be operative upon the discretion of the Secretary and cease to become law?

Mr. LITTLEFIELD. It would never cease to be a limitation. If the Secretary does not see fit to use it for this building and for granite it remains in the Treasury.

Mr. PAYNE. Does the gentleman from Maine suppose the purpose of the gentleman from Ohio is to nullify his appropriation?

Mr. LITTLEFIELD. I do not care what the purpose of the gentleman from Ohio is. It does not affect the legal standing of this proposition before the committee, on which the Chair must rule. Of what consequence is it to the Chair what the gentleman from Ohio wants?

Mr. PAYNE. Why, the Chair will want to know the construction the gentleman from Ohio puts upon his own amendment and which the gentleman from Maine puts upon the amendment.

Mr. LITTLEFIELD. He is getting the construction the gentleman from Maine puts upon it. The ultimate purpose of the gentleman from Ohio does not affect the legal proposition pending here. He can not change the terms of this proposition; he can not change parliamentary law just because he happens to want something done. His purpose and his desire do not change it. It neither adds to it nor takes away from it. What do we care what he wants? What do we care what he thinks? It is for the Chair to say. I submit whether this language on its face limits this to the $250,000 and stops, as the gentleman from Indiana says it does, and every other Member in this House must see it does, with that $250,000, and does not go any further. That is just exactly what it does. [Applause.]

Mr. HULL. If that is true, in the next Congress, on another appropriation bill, they can put in a limitation that the next must be sandstone.

Mr. LITTLEFIELD. Undoubtedly they can put in a proposition.

Mr. HULL. Then does not the gentleman from Maine [Mr. LITTLEFIELD] believe that the present law is wiser? The less the discretion, the less the change of law that vests that discretion.

Mr. LITTLEFIELD. We do not need to appropriate. It is within the power of the House, if it sees fit, not to appropriate. We can clearly impose a condition that will neutralize the appropriation. We can thus indirectly fail to appropriate. We can impose any condition upon an appropriation.

Mr. HULL. The discretion is now vested in a certain officer. Congress can come the next time, according to the theory of the gentleman from Maine [Mr. LITTLEFIELD], and legislate on an appropriation bill to change the stone.

Mr. LITTLEFIELD. On my theory, you can not legislate on an appropriation bill. The gentleman understands it perfectly.

Mr. OLMSTED. Mr. Chairman, will the gentleman from Maine [Mr. LITTLEFIELD] yield to me for one question?

Mr. LITTLEFIELD. Certainly.

Mr. OLMSTED. Mr. Chairman, it strikes me that the test may lie in this proposition, and I ask, without expressing the preference myself, whether the gentleman thinks that if this bill should pass with the amendment proposed it would be optional with the Secretary of the Treasury to expend the money or allow it to stay in the Treasury, or would it be a direction to him to spend it in a certain manner or for certain purposes?

Mr. LITTLEFIELD. I do not think he could use this money for any purpose except for building the exterior, which was granted. If he did not see fit to use it, it would remain in the Treasury. Then it would simply wait until another Congress met.

Mr. OLMSTED. This was the point—whether this would be a direction to him to use it, or whether he could, without violating this law, fail to use it at all.

Mr. LITTLEFIELD. I do not think he is obliged to use it. If he sees fit not to use it, it can remain in the Treasury. If he used this particular $250,000, it would be a direction to use that sum, and no more than that sum, for granite.

Mr. BEIDLER. Would not that delay the building for a year, until another Congress, and is not that the motive of the whole thing?

Mr. LITTLEFIELD. I do not know what the motive is in that regard.

Mr. BEIDLER. Look out!

Mr. GROSVENOR rose.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] is recognized.

Mr. GROSVENOR. Mr. Chairman, I promise to occupy but a very brief time. I do not care whether this is granted for sandstone, or soapstone, or marble. The rule of this House and the orderly disposition of business is far more important to me than the question of who wins on this scramble between two interests, corruptly or not corruptly, as the case may be, in manipulating this vote.

Mr. LITTLEFIELD. What do I understand the intimation of the gentleman from Ohio [Mr. GROSVENOR] to be by "corruptly or incorruptly?"

Mr. GROSVENOR. The gentleman from Maine [Mr. LITTLEFIELD] can take his choice.

Mr. LITTLEFIELD. Do I understand the gentleman to intimate that there is any corruption involved in this proposition?

Mr. GROSVENOR. I did not know that the gentleman from Maine [Mr. LITTLEFIELD] had any interest in it.

Mr. LITTLEFIELD. I just made a statement about it, and the gentleman from Ohio [Mr. GROSVENOR] is suggesting that there may be corruption or incorruption.

Mr. GROSVENOR. I have not said anything about your statement, and do not intend to. I have been talking about the outside manipulation. Do not kick until you are spurred.

Mr. MACON. Can not insinuation sometimes, sir, go a long ways?

Mr. GROSVENOR. Will not the gentleman keep still?

Mr. MACON. Not until you do. [Laughter.]

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] has the floor.

Mr. GROSVENOR. Mr. Chairman, I quite agree with the gentleman from Ohio [Mr. BURTON] that every ruling that he has found is the straightforward parliamentary law of this House, and has always been administered. Now, what are they? I was amazed that a gentleman should have introduced those authorities here as reflecting in any degree upon this question involved at the present time. They lay down the proposition, clear cut and easily understood, that for years it has not been disputed that a limitation upon an expenditure of money in an appropriation can be made, and if this goes no further than that——

Mr. BURTON. Will my colleague [Mr. GROSVENOR] yield for a question?

Mr. GROSVENOR. The gentleman from Ohio [Mr. BURTON] has used almost all the time in his occupation of the floor, and will he not let me come to my point?

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] prefers not to yield.

Mr. GROSVENOR. Let me get my point stated to the House, and then I will answer the question.

Now, if this goes no further than that, if the proposition submitted here as an amendment to this appropriation bill goes no further than a limitation upon the expenditure of his money, then clearly it is within the scope and power of the House to do just what the gentleman is asking, and what is clearly covered by the decisions that he has cited.

But now let us see whether it goes any further or not. If it goes a particle further, then it is unlawful. Why is it here? What is the proposition here for? Is it not because there is a law on the statute books that stands in the way of the purposes of the gentleman from Ohio? If not, what is he here for? Let us see now whether this is only a limitation. The House has a right to pass a limitation.

The House can put a limitation upon the expenditure of every dollar hereafter appropriated for that building. Nobody doubts that; but this is a question of procedure under our rules, and the sole and only question is, does this amendment change the status of the Cleveland public building? Now, that is the only thing that I care anything at all about. I should like to see Cleveland get a marble building if she can, but I do not want to see the rules of the House broken to pieces.

Mr. BOWIE rose.

Mr. GROSVENOR. Now, let me finish.

Pass this amendment and put it into this bill and let the Senate pass it and the President sign it, and what have you done? Whereas the Secretary of the Treasury, by existing law, was authorized to contract, as he has contracted, for the construction of that building out of either sandstone or granite, it takes away from him one of the provisions of the statute and strips him of his option and compels him to do one of two things. It either repeals the law that authorizes him to build the buildings, or it puts on a limitation that repeals his option. Now, that is all I have to say, and I do not care where it hits or where it cuts. It simply is an effort upon my part, which doubtless will be wholly unavailing, to uphold the rules of this House.

Gentlemen, let me caution you that two sides can work at this thing of repealing the rules of the House. Two divisions of the House can overrule the Chairman, can overrule the rules of the House, and force measures through here. But can we

afford to do it? Is that the part of statesmanship? Is that the part of wisdom? Is there so much involved in this scheme as that the gentleman from Ohio [Mr. BURTON] is willing to assault the Chairman and assault the rules of the House, and to secure in this manner a majority? I do not believe that if he could look forward to the career that is ahead of him in the House of Representatives he could afford to lead a movement of this kind, as plainly and completely in violation of the rules of the House as is possible for any provision or proposition to be.

Now, if the gentleman wants to ask me a question, I shall be glad to answer it.

Mr. BURTON. Is the gentleman not aware that there is a plain option outstanding between the two kinds of materials?

Mr. GROSVENOR. And the Secretary has the right to exercise that option.

Mr. BURTON. Under the contract.

Mr. GROSVENOR. If this bill is passed, is that right left to him?

Mr. BURTON. No. And is not my colleague also aware that the exercise of that option was intentionally postponed until this winter, in order that Congress might act upon it?

Mr. GROSVENOR. That has not anything to do with this question of law. The sole question, my colleague, is, Do you by this measure propose now to affect the law under which you say this option exists? If not, then you are spending idle time. If you do, you can only do it by the processes that you are invoking and by overruling the plain rule and the long-established custom of this House.

Mr. BURTON. Is not the gentleman aware that in ten cases at this session—or during the life of this Congress, at least—we have exercised by limitation similar restrictive powers upon executive officers?

Mr. GROSVENOR. I know nothing of that. I know that if we want to put a limitation upon an executive officer we have the clear right to say that this building shall be built out of onyx. But the question is not as to the exercise of a constitutional power. That is the difference between the gentleman and myself. It is not a question of the power of the House. It is a question whether it can be exercised in this way.

Mr. BURTON. Will the gentleman from Ohio answer this question? Suppose that with the express assent and consent of the Secretary of the Treasury that work has been postponed upon this building until the meeting of Congress, so that Congress might act as it thought proper, if Congress, in view of that postponement, should exercise that option by placing this construction on it at this time?

Mr. GROSVENOR. I will say, as a matter of course, if that is the condition existing, that Congress might well act and could act absolutely independently; but I am arguing that this is an illegal manner of doing a legal thing. That is all.

Mr. BURTON. If the erection of this building has been postponed until Congress could act, is it an illegal act for Congress to act?

Mr. GROSVENOR. That makes no sort of difference. The proper way to do it would be to repeal the act instituting the Cleveland public building. That would be the right way to do it, and I would gladly vote to do it, but I will not vote to break down the rules of the House. [Cries of "Rule!"]

The CHAIRMAN. The impression of the Chair when the matter was first brought to his attention was that it was clearly a limitation. The Chair has since given the matter a great deal of attention, has examined the law, and listened as best he could to the arguments upon both sides of the proposition, and, without detaining the committee with an elaborate opinion which he has in his head, the Chair will sustain the point of order.

Mr. BURTON. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Ohio appeals from the decision of the Chair.

Mr. HEMENWAY. I move that the committe do now rise.

The CHAIRMAN. The gentleman from Indiana makes a motion, which is in order, that the committee do now rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WILLIAMS and others. Division!

The committee divided; and there were—ayes 72; noes 100.

So the committee refused to rise.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 65, noes 89.

So the decision of the Chair was not sustained.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. HEMENWAY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HEMENWAY. I rise to discuss the amendment.

[Cries of "Regular order!"]

The CHAIRMAN. The amendment is debatable.

Mr. HEMENWAY. Mr. Chairman, about two years ago, after many years of trial, we concluded in a central State to construct a great public building of material other than granite. We did not have any such an active fight, because at the time—this building was authorized to be constructed in the city of Indianapolis—those who believe that granite is so much better than our western building materials were not so active as the gentleman from Ohio; but, after a long struggle, we induced the Government, through the Secretary of the Treasury, to construct the building at Indianapolis of limestone.

Mr. WATSON. Indiana limestone.

Mr. HEMENWAY. Indiana limestone, as my colleague suggests—just as good building material as granite. I see before me on the other side of the House gentlemen from Georgia, that produces marble. I wonder what their constituents will say when they allow this thing to drop back to the old proposition—that nothing but granite can be used in the construction of a public building? I see some Kentucky friends, representing large beds of limestone, the best building material in the world, lining up here and saying again that nothing but granite shall be used. I see other gentlemen here, who have in their States the best of building material, going back now to the old plan of saying our building materials shall remain in the quarries and we will go over to the State of Maine or Vermont and ship granite away out to our separate communities.

Gentlemen, you have a right to vote that way, but I shall record my vote in favor of building our buildings in western and central States out of the materials we have, giving to our industries the profits, and not sending to Maine and Vermont to get granite for central States to use in public buildings.

Mr. MIERS of Indiana. Mr. Chairman, since 1893 we have had the opportunity of having propositions submitted for the purpose of saying whether a building should be erected of granite, limestone, or of any other material. The Secretary of the Treasury, by the law of 1893, was authorized to advertise for alternative bids of that kind. This House, in the Fifty-seventh Congress, passed an appropriation bill providing for the erection of the public building over at Cleveland, Ohio, and gave the Secretary of the Treasury the option to say whether it should be in Ohio sandstone or granite. On the advice of the citizens of Cleveland he exercised that option, and the contract was let for the erection of the building in sandstone.

Mr. BURTON. Will the gentleman from Indiana yield?

Mr. MIERS of Indiana. Yes.

Mr. BURTON. The gentleman is aware that that building was built fifty years ago and is not as large as this, as it was built when Cleveland was a city of 30,000, as against 450,000 now.

Mr. MIERS of Indiana. I am not talking about the building. I am talking about the appropriation made, I believe, in the Fifty-seventh Congress, and about the country having the opportunity of competition by alternate bids. You propose not only to violate the statute law, but you propose by the action of the House to take the discretion away from the Secretary of the Treasury and deny him the right to determine, but compel him to say that the only material that is competent and fit to go into a public building is granite. We are not asking this to discredit granite. We only ask that neither be discredited and the Secretary left the right to use his option as the law directs.

By this action you take away from the Secretary of the Treasury the discretion given him by law and say that he shall not advertise for competition, but shall make the building of granite; that he shall not receive bids from any source; you shut off all competition and if you instruct him to say granite in this instance, then he may conclude this is not different from other buildings and make all contracts in granite. Mr. Chairman, it is good law and good common sense that we should have competition. I say there are other materials that the Secretary of the Treasury, under the law as it now stands, has the right to determine whether they shall go into public buildings or not, and thereby prevent the granite people from establishing a monopoly. Over in my district I represent a building material that is the equal of any other building material on earth, not only for small buildings, but buildings the size of this one. It is the equal of the best granite in Maine or Vermont.

I do not ask this House to say it shall go into this building, but I do beg of you not to discredit all other building material than granite. Our Indiana stone has won its place and is now used in all the great cities of the United States. Our Indiana Federal building is being erected of Indiana oolitic limestone and is the pride of every Hoosier and the delight of everyone

who sees it. It is not involved in this controversy, but I do not want this House to do anything that may be cited as a precedent in the future. What I want is fair play and open competition. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I can not allow the last few remarks made by the gentleman from Indiana to go in without some sort of a reply. I for one have not sat here to-night for the proposition that "only granite" would do to put in a public building. I know nothing about granite; I know nothing about sandstone; I know nothing about limestone, except what I have gathered from reading and from conversation. Personally I would hardly know one from the other when I faced them in a building unless they had been there for so long a time that the atmospheric action had had its due effect.

The gentleman is very careful, and his colleague from Indiana [Mr. HEMENWAY] has been very careful to commingle and confuse limestone with sandstone. I do not know much about building material, but I do know enough to know that limestone and sandstone are not the same thing.

What I have stood for here to-night is fair play. [Applause.] What I stand for is if a Member of the House happens under exceptional circumstances to be off the floor for a few minutes and is cut off by a purely parliamentary technical rule from an opportunity to appeal to the House itself to settle a question which is before the House, that a mere technicality should not preclude him. That is all there is in this question, and the gentleman knows that I have no limestone, no sandstone, nor granite in my district. [Applause.]

I am perhaps one of the few men on this floor who, while with a gentleman who was engaged in a joint discussion, met me and made the charge that I had got nothing for my district, could respond that I was proud of the fact that I had never asked the United States Treasury to dispose of a dollar for my district except what was so evidently fair, obviously and plainly due, that it did not require my personal appearance before the committee to get it.

Now, Mr. Chairman, I am sorry that the question has been put in that way, but since it has been put in that way, it is incumbent upon me, representing myself, at any rate, and some others of us, to say that we have stood here for the right of this House to express its opinion regardless of mere technicalities. [Applause.]

Mr. HEMENWAY. Well, now the gentleman's purpose has been accomplished, the House is back at this item, we are now dealing on the merits of the proposition, and what is the amendment? On page 3, at the end of line 19, it says: "*Provided*, That no part of the amount herein appropriated shall be used in the construction of the exterior of the outer wall of material other than granite." It confines it to granite alone; there is no competition; everything else is shut out.

Mr. WILLIAMS of Mississippi. The gentleman from Indiana has asked me a question and I will answer it. As far as this building is concerned, if the American Republic wants to build as ancient Rome did, for perpetuity and all time, it ought to build out of the best building material.

Now, I do not know whether granite is or is not the best building material; as far as this particular case is concerned it decides nothing except that for the outer walls and the foundation nothing but granite shall be used in this particular building.

There may be other buildings to be erected with other specifications, a different pressure of weight, a different climatic condition, and a dozen other different conditions, and then other building materials may be required. In this connection I wish to thank the gentleman from Indiana [Mr. HEMENWAY], who a moment ago twitted the South and the West with the idea that they were standing for Vermont and New Hampshire for some industry, which he perhaps understands better than I do, having been for a longer time a representative of particular industries, not only because he is individually so, but because also he belongs to the party that peculiarly advocates particular industries——

Mr. HEMENWAY. I am not standing for granite as against competition. I stand for competition and the gentleman from Mississippi for particular industries.

Mr. WILLIAMS of Mississippi. And I desire to close by congratulating the gentleman upon having for the first time stood against special industries and for having deserted Vermont and New Hampshire for the first time in his political life. [Applause and laughter.]

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

The question was taken; and there were on a division (demanded by Mr. HEMENWAY)—ayes 115, noes 47.

So the amendment was agreed to.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments.

The motion was agreed to.

Accordingly the committee rose; and Mr. SHERMAN, 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. 18969, the sundry civil appropriation bill, and had directed him to report the same back to the House with sundry amendments, with a recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

SHELTER OF THE ARMY IN THE PHILIPPINES.

The SPEAKER. The Chair lays before the House the following message from the President of the United States:

To the Senate and House of Representatives:

In further compliance with the provision of the act making appropriation for the support of the Army, approved June 30, 1902, relating to "the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands," etc., I transmit herewith a letter from the Secretary of War, together with a supplemental statement from the Quartermaster-General of the Army, showing additional expenditures.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 27, 1905.*

The SPEAKER. The message and accompanying documents are referred to the Committee on Military Affairs, and ordered printed.

ADDITIONAL CLERKS FOR COMMITTEE ON ENROLLED BILLS.

Mr. CURRIER. Mr. Speaker, I offer the following privileged report, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolution No. 513.

Resolved, That the chairman of the Committee on Enrolled Bills is hereby authorized to appoint two additional clerks for said committee, to be paid out of the contingent fund of the House at the rate of $6 per day each, for the remainder of the present Congress.

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

Mr. BAKER. Mr. Speaker, a parliamentary inquiry. Do I understand that this motion takes precedence of the motion of the Chairman of the Committee of the Whole?

The SPEAKER. The House is not in Committee of the Whole.

Mr. BAKER. But the Chairman of the Committee of the Whole made a motion.

The SPEAKER. The Chairman of the Committee of the Whole is not now Chairman of the Committee of the Whole, nor is anyone else.

Mr. BAKER. But he made a motion before the House.

The SPEAKER. The gentleman from New Hampshire [Mr. CURRIER], from the Committee on Accounts, rose to a privileged report, and is the only gentleman who did rise. No Member has risen except the gentleman from New York [Mr. BAKER] since that time.

The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to

REVENUE FOR PHILIPPINE ISLANDS.

Mr. PAYNE, by direction of the Committee on Ways and Means, reported the bill (H. R. 17752) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union, and ordered printed.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAMS of Mississippi. Mr. Speaker, the gentleman from New York has offered a report from the Committee on Ways and Means, and I desire to file simultaneously with it a substitute bill and minority report.

The SPEAKER. The gentleman from Mississippi presents the views of the minority, and the views of the minority will be filed and printed with the report of the majority.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Did the Chairman of the Committee of the Whole House upon the state of the Union make a report to the Speaker?

The SPEAKER. Oh, yes; and the Chair announced it to the House.

Mr. WILLIAMS of Mississippi. May I ask, Mr. Speaker,

what the report made by the Chairman of the Committee of the Whole House on the state of the Union to the Speaker was?

The SPEAKER. Yes. The Chair has announced it, but without objection, he will again announce it, as follows: The Chairman of the Committee of the Whole House reported, by direction of that committee, the sundry civil appropriation bill, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry now, Mr. Speaker, following that.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Is it not rather unusual for a report of that sort not to be accompanied by a motion to pass the bill with the amendments, and be accompanied afterwards with a demand for the previous question, I may say?

The SPEAKER. The Chair might suggest that under the rules of the House the report made from the Committee of the Whole is a privileged matter, to be called up by any gentleman who desires to call it up—primarily by the gentleman in charge of the bill.

Mr. WILLIAMS of Mississippi. Another parliamentary inquiry, Mr. Speaker. It is a privileged matter, as the Chair has just stated——

The SPEAKER. Undoubtedly.

Mr. WILLIAMS of Mississippi. Is it privileged to the point of taking precedence over a motion to adjourn?

The SPEAKER. It is not.

Mr. WILLIAMS of Mississippi. One more parliamentary inquiry, Mr. Speaker.

Mr. PAYNE. How long are these parliamentary inquiries going to continue?

The SPEAKER. The Chair is desirous of imparting all the information——

Mr. WILLIAMS of Mississippi. All the information that I need, and it is multitudinous. One more parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. If the House then desires to vote the bill through with the amendments, the only way to do it would be to vote down the motion for adjournment, would it not?

The SPEAKER. Yes.

Mr. HEMENWAY. Mr. Speaker, I suggest there are five amendments to be voted upon. I renew my motion to adjourn.

The SPEAKER. What is the gentleman's motion?

Mr. HEMENWAY. I move that the House do now adjourn until 11 o'clock to-morrow.

Mr. SULZER. Division, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that when the House adjourns it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks unanimous consent that when the House does adjourn that it adjourn to meet to-morrow at 11 o'clock. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. I move that the House do now adjourn.

The SPEAKER. The gentleman from Indiana moves that the House do now adjourn.

The question was taken.

The SPEAKER. The "noes" not only make the most noise, but have the most votes. [Laughter.]

Mr. HEMENWAY. I ask unanimous consent to make a statement.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] asks unanimous consent to make a statement.

A MEMBER. How long?

The SPEAKER. Is there objection?

Mr. HEFLIN. Mr. Speaker, I object.

Mr. HEMENWAY. Mr. Speaker, I am not going to waste time in answer to the question how long I shall take. I ask for the yeas and nays on the motion to adjourn.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HEMENWAY] may make a statement to the House.

The SPEAKER. The question has already been put to the House, and objection has been made. The regular order is demanded.

Mr. HEMENWAY. Mr. Speaker, I demand the yeas and nays.

Mr. HEFLIN. Mr. Speaker, I withdraw the objection.

Mr. WATSON. Mr. Speaker, on the motion of my colleague from Indiana [Mr. HEMENWAY] to adjourn, I demand the yeas and nays.

Mr. UNDERWOOD. Mr. Speaker, I demand the previous question on the bill——

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is not recognized for that purpose at this moment. A motion of higher privilege is pending.

As many as are in favor of ordering the yeas and nays on the motion to adjourn will rise and stand until counted.

The affirmative vote was taken.

The SPEAKER. Forty-nine gentlemen have arisen in support of the demand for the yeas and nays. Those opposed to ordering the yeas and nays will rise and stand until counted.

The negative vote was taken.

The SPEAKER. One hundred and thirty-three gentlemen have voted in the negative. Upon this question, the demand for the yeas and nays, the ayes are 49, and those opposed to the demand are 133.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent, pending the call, to make a statement.

The SPEAKER. Is there objection?

Mr. HEMENWAY. Before I make that point, I desire to call the attention of the House——

Mr. WILLIAMS of Mississippi. Mr. Speaker, one moment. I am not going to object to the gentleman from Indiana [Mr. HEMENWAY] making a statement. I desire to ask the Speaker whether the yeas and nays were ordered upon the motion to adjourn or not.

The SPEAKER. They were.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I understand, pending that, the gentleman from Indiana [Mr. HEMENWAY] asks unanimous consent to make a statement. I hope that that will not be objected to.

Mr. BURTON. Mr. Speaker, I desire to join in the same request, that there be no objection to the gentleman from Indiana [Mr. HEMENWAY] making a statement.

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

Mr. HEMENWAY. All that I desire to say is that there is an amendment on page 10 in regard to the New York custom-house, where we will have to have the yeas and nays. There is an amendment raising the appropriation for surveys of public lands $100,000, for which I shall demand the yeas and nays, and there is an amendment on page 77, increasing the appropriation for the topographical survey $50,000, on which I shall demand the yeas and nays. Now, it is evident that the gentleman from Ohio [Mr. BURTON] has almost two-thirds of this House with him. To hold the House here to-night to have the yeas and nays——

Mr. BURTON. Will the gentleman from Indiana [Mr. HEMENWAY] yield for a question? Is not this amendment we have just adopted the first on the list?

Mr. HEMENWAY. I think it is.

Mr. BURTON. Will the gentleman from Indiana consent that the vote be taken on that right now?

Mr. HEMENWAY. I do not think it ought to have any preference over any other amendment in the bill.

Mr. BURTON. Is it not the first?

Mr. HEMENWAY. The gentleman from Ohio [Mr. BURTON] has two-thirds of the vote of this House, and——

Mr. BURTON. What I want to say to the gentleman from Indiana [Mr. HEMENWAY] is that I wanted to demonstrate that.

Mr. TAWNEY. Mr. Speaker, have the yeas and nays been ordered?

The SPEAKER. They have.

Mr. TAWNEY. Then I make a point of order that the only thing in order is the taking of the yeas and nays.

The SPEAKER. As many as are in favor of the motion to adjourn will, as their names are called, answer "aye," and as many as are opposed will answer "nay;" and the Clerk will call the roll.

The Clerk proceeded to call the roll.

Mr. WILLIAMS of Mississippi (interrupting the roll call). Mr. Speaker, if it is in order, I will ask unanimous consent that the roll call be discontinued, and that the sundry civil bill (H. R. 18969) be put on its passage.

Mr. HEMENWAY. No; just make your request to discontinue the roll call.

Mr. ROBERTSON of Louisiana. I object.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the roll call be discontinued.

The SPEAKER. The Chair will say to the gentleman that by unanimous consent almost anything can be done.

Mr. ROBERTSON of Louisiana. I withdraw my objection.

The SPEAKER. Does the gentleman ask unanimous consent to dispense with a further call of the roll, and that the call be vacated up to this time?

Mr. WILLIAMS of Mississippi. I ask unanimous consent to vacate the roll call up to this time and to put the bill H. R. 18969, with its amendments, upon its passage.

The SPEAKER. The Chair understands what the gentleman is trying to arrive at. It seems that the gentleman had better ask unanimous consent to vacate the roll call and the motion to adjourn.

Mr. WILLIAMS of Mississippi. Then we will proceed to a vote.

Mr. HEMENWAY. Ask unanimous consent that the roll call be vacated.

Mr. WILLIAMS of Mississippi. I ask unanimous consent to vacate the roll call and the motion to adjourn.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to vacate the roll call and to withdraw the motion to adjourn. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. I move that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment, if not the vote will be taken on the amendments en bloc.

A separate vote was not demanded.

The question was taken, and the amendments were agreed to en bloc.

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

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

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COCKRAN of New York, until Wednesday, to attend funeral of friend.

To Mr. VAN DUZER, on account of illness.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 20, 1905:

H. R. 12152. An act relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane.

On February 21, 1905:

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.

On February 23, 1905:

H. R. 17746. An act authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia;

H. R. 18126. An act to close and open an alley in square No. 806 in the city of Washington, D. C.; and

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. R. 1263. An act granting an increase of pension to David Phillips;

H. R. 2114. An act granting an increase of pension to William McCloud;

H. R. 3080. An act granting an increase of pension to David P. Foster;

H. R. 3273. An act granting an increase of pension to William E. Hill;

H. R. 3427. An act granting an increase of pension to Albert Fetterhoff;

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. 5113. An act granting an increase of pension to Almon W. Gould;

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. 5284. An act granting an increase of pension to John Maupin;

H. R. 5876. An act granting an increase of pension to Elijah S. Carleton;

H. R. 5887. An act granting an increase of pension to William H. Swinney;

H. R. 5995. An act granting an increase of pension to Joseph Fulton;

H. R. 6507. An act granting an increase of pension to James J. Champlin;

H. R. 6702. An act granting an increase of pension to James Slater;

H. R. 6957. An act granting an increase of pension to Alexander C. Bowen;

H. R. 7014. An act granting an increase of pension to James J. Boyd;

H. R. 7097. An act granting an increase of pension to John White;

H. R. 7350. An act granting an increase of pension to John C. Besier;

H. R. 7378. An act granting an increase of pension to Israel Purdy;

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. 13640. An act granting an increase of pension to Eugene Hepp;

H. R. 15768. An act granting an increase of pension to R. Howard Wallace;

H. R. 15769. An act granting an increase of pension to Henry Peoples;

H. R. 15775. An act granting an increase of pension to Daniel W. Smith;

H. R. 15776. An act granting an increase of pension to Harrison Ball; and

H. R. 15787. An act granting an increase of pension to Thorndike P. Heath.

On February 24, 1905:

H. R. 9548. An act for the allowance of certain claims reported by the Court of Claims, and for other purposes;

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. 8834. An act granting an increase of pension to Joseph H. Richardson;

H. R. 12479. An act granting an increase of pension to Lucretia T. Cartmell;

H. R. 15718. An act granting an increase of pension to James Parmele;

H. R. 16398. An act granting an increase of pension to Michael Keating;

H. R. 16629. An act granting an increase of pension to Nathan C. D. Bond;

H. R. 16686. An act granting an increase of pension to Benjamin T. Martin;

H. R. 16859. An act granting an increase of pension to James Shaw;

H. R. 16961. An act granting an increase of pension to Lydia McCardell;

H. R. 17411. An act granting an increase of pension to Abel Grovenor;

H. R. 18187. An act granting an increase of pension to William W. Moore;

H. R. 18188. An act granting an increase of pension to William Mock;

H. R. 18512. An act granting a pension to Mary O'Dea;

H. R. 14575. An act granting an increase of pension to Laura P. Swentzel;

H. R. 15489. An act granting an increase of pension to Oliver F. Martin; and

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.

On February 25, 1905:

H. R. 659. An act correcting the record of Harris Graffen;

H. R. 17331. An act relating to a dam across Rainy River;

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;

H. R. 10558. An act referring the claim of Hannah S. Crane and others to the Court of Claims;

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

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

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

H. R. 8477. An act granting a pension to John W. Guest;
H. R. 9062. An act granting a pension to John Goodspeed;
H. R. 9405. An act granting a pension to Andrew Long;
H. R. 9410. An act granting a pension to Rosa Miller;
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. 12155. An act granting a pension to Nancy Hill;
H. R. 12341. An act granting a pension to John Stilts;
H. R. 13332. An act granting a pension to Honora Sullivan;
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. 14485. An act granting a pension to Charlotte M. Wylie;
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. 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. 15305. An act granting a pension to Isaac F. Clayton;
H. R. 15328. An act granting a pension to William H. H. Simpkins;
H. R. 15491. An act granting a pension to Theresa M. Kennedy;
H. R. 15535. An act granting a pension to John Crotty;
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. 15655. An act granting a pension to Mattie M. Bond;
H. R. 15891. An act granting a pension to Harriette Stanley;
H. R. 16384. An act granting a pension to Thomas Poag;
H. R. 16471. An act granting a pension to Martha C. Watkins;
H. R. 16472. An act granting a pension to Francis A. McQuiston;
H. R. 16540. An act granting a pension to Annie B. Orr;
H. R. 16625. An act granting a pension to Laura A. Baughey;
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. 16849. An act granting a pension to Edward H. Holden;
H. R. 16932. An act granting a pension to Louisa E. Cummings;
H. R. 17151. An act granting a pension to Avery Dalton;
H. R. 17261. An act granting a pension to Mary A. Gibson;
H. R. 17274. An act granting a pension to Louis A. Lavalley;
H. R. 17635. An act granting a pension to John Burke;
H. R. 4385. An act granting an increase of pension to Thomas Thompson;
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. 8839. An act granting an increase of pension to Thomas M. Hicks;
H. R. 18268. An act granting a pension to Annie Crawford;
H. R. 8983. An act granting an increase of pension to Jonathan R. Cox;
H. R. 9065. An act granting an increase of pension to Albert Z. Morton;
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. 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. 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. 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. 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. 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. 14444. An act granting an increase of pension to William A. Stovall;
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. 15169. An act granting an increase of pension to Loretta V. Biggs;
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. 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. 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. Elkinton.
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. 15645. An act granting an increase of pension to Samuel B. Clark;
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. 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 C. 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. 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 N. 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. 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. 16544. An act granting an increase of pension to Verner 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 George 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. 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. 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. 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. 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. 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. 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. 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 Bradshear;
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. 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; and
H. R. 18144. An act granting an increase of pension to William Stout.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 17983. An act authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy;
H. R. 11961. An act to provide an American register for the steam lighter *Pioneer;*
H. R. 6821. An act to remove the record of dishonorable discharge from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger;
H. R. 5052. An act granting an honorable discharge to Eugene H. Ely;
H. R. 778. An act to remove the charge of desertion from the military record of Nicholas Swingle;
H. R. 2848. An act for the relief of Capt. Ferdinand Hansen;

H. R. 17175. An act for the relief of Capt. Frank D. Ely;
H. R. 18317. An act correcting the military record of George H. Pidge, of North Loup, Nebr.;
H. R. 8413. An act for the relief of John Gretzer, jr.;
H. R. 16266. An act to remove the charge of desertion from the record of Henry Beeger;
H. R. 15763. An act granting an honorable discharge to Frederick H. Stafford;
H. R. 11501. An act granting an increase of pension to Sarah S. Mulcahey;
H. R. 14395. An act granting an increase of pension to Frank Loveley;
H. R. 3406. An act granting an increase of pension to Thomas J. Peaks;
H. R. 15913. An act granting an increase of pension to Hiram R. Freelove;
H. R. 15931. An act granting an increase of pension to Ephraim L. Mack;
H. R. 17523. An act granting an increase of pension to Mary A. Paul;
H. R. 14125. An act granting an increase of pension to Joel Hudson;
H. R. 14785. An act granting an increase of pension to Warren C. Gilbreath;
H. R. 15008. An act granting an increase of pension to Engelhardt Roemer;
H. R. 15751. An act granting an increase of pension to Aglae Bache;
H. R. 18806. An act granting a pension to Baron Proctor;
H. R. 15337. An act granting an increase of pension to Levi L. Martz;
H. R. 15950. An act granting an increase of pension to Edward J. Lewis;
H. R. 2017. An act granting an increase of pension to Johan Mohr;
H. R. 9580. An act granting an increase of pension to John Knight;
H. R. 6714. An act granting an increase of pension to George E. Person;
H. R. 12157. An act granting an increase of pension to Asher D. Bice;
H. R. 1900. An act granting an increase of pension to Samuel Visnow;
H. R. 13654. An act granting an increase of pension to Thomas H. Soward;
H. R. 12158. An act granting an increase of pension to Lyman L. Smith;
H. R. 1887. An act granting an increase of pension to William J. Stewart;
H. R. 15642. An act granting an increase of pension to John H. Coonrod;
H. R. 6324. An act granting an increase of pension to John H. McKee;
H. R. 5691. An act granting an increase of pension to Henry Rinehart;
H R. 15679. An act granting an increase of pension to James G. Butler;
H. R. 14232. An act granting a pension to Pauline W. Stuckey;
H. R. 1551. An act granting an increase of pension to Edward S. Clithero;
H. R. 1892. An act granting an increase of pension to John Gibson;
H. R. 15925. An act granting an increase of pension to Nellie Barrett;
H. R. 2741. An act granting an increase of pension to William H. Smith;
H. R. 4636. An act granting an increase of pension to Martin J. Severance;
H. R. 5044. An act granting an increase of pension to Joseph L. Croskrey;
H. R. 3239. An act granting an increase of pension to Daniel Ford;
H. R. 14613. An act granting an increase of pension to Samuel E. Rumsey;
H. R. 18527. An act for the relief of Lieut. D. W. Blamer, United States Navy;
H. R. 15286. An act legalizing a certain ordinance of the city of Purcell, Ind. T.;
H. R. 18637. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River and to erect and maintain an inlet pier therefrom for the purpose of supplying the city of Buffalo with pure water;
H. R. 17869. An act relating to the Monroe and Lake Providence Railroad Company;
H. R. 17353. An act to make Gloucester, Mass., a port to which merchandise may be imported without appraisement;
H. R. 16646. An act to amend section 2787 of the Revised Statutes of the United States;
H. R. 3175. An act granting an increase of pension to James H. Pemberton;
H. R. 3526. An act granting an increase of pension to Mary H. Walker;
H. R. 10081. An act granting an increase of pension to William A. Russell;
H. R. 11746. An act granting an increase of pension to Isaiah Waltman;
H. R. 12349. An act granting an increase of pension to Thomas D. Horner;
H. R. 9517. An act granting an increase of pension to Joseph Starr;
H. R. 12558. An act granting an increase of pension to George Van Horn;
H. R. 15960. An act granting an increase of pension to David H. Lee;
H. R. 6607. An act granting an increase of pension to John Blair;
H. R. 15648. An act granting an increase of pension to Joseph Sawyer;
H. R. 15861. An act granting an increase of pension to Charles O. Lapham;
H. R. 15616. An act granting a pension to Christopher C. Krepps;
H. R. 15210. An act granting an increase of pension to Isaac N. Hawkins;
H. R. 4680. An act granting a pension to Jonas Ball;
H. R. 14569. An act granting a pension to Maggie Weygandt;
H. R. 8791. An act granting a pension to Mae H. Tyler;
H. R. 18345. An act granting an increase of pension to Thomas S. Peck;
H. R. 16073. An act granting an increase of pension to James B. Miller;
H. R. 8820. An act granting an increase of pension to Thomas L. Judd;
H. R. 12411. An act granting an increase of pension to Joseph D. Walser;
H. R. 18683. An act granting an increase of pension to John Schneider;
H. R. 3900. An act granting an increase of pension to William W. Donham;
H. R. 11142. An act granting an increase of pension to Charles H. L. Groffmann;
H. R. 18778. An act granting an increase of pension to Francis Gentzsch;
H. R. 17013. An act granting an increase of pension to George P. Finlay;
H. R. 15000. An act granting an increase of pension to Isabel Nichols;
H. R. 3437. An act granting an increase of pension to William B. Shepard;
H. R. 14481. An act granting an increase of pension to Albert H. Estes;
H. R. 14071. An act granting a pension to Cole B. Fugate;
H. R. 17918. An act granting an increase of pension to Hiram H. Terwilliger;
H. R. 17090. An act granting an increase of pension to Catharine Conway;
H. R. 17922. An act granting an increase of pension to Ann E. Snyder.
H. R. 14925. An act granting an increase of pension to Robert T. Porter;
H. R. 14665. An act granting an increase of pension to Harriet H. Heaton;
H. R. 9430. An act granting an increase of pension to Stephen Houghtaling;
H. R. 5390. An act granting an increase of pension to Katharina A. Mueller;
H. R. 5392. An act to provide an American register for the steamer *Brooklyn;*
H. R. 10837. An act granting an increase of pension to Elizabeth A. Cooper;
H. R. 10487. An act granting an increase of pension to Almira Carico;
H. R. 9458. An act granting an increase of pension to Martha A. Harper;
H. R. 5662. An act granting a pension to Julia Nolan;
H. R. 786. An act granting an increase of pension to Joseph V. Howell;
H. R. 6910. An act granting an increase of pension to Mary E. Campbell;

H. R. 4721. An act granting an increase of pension to Thomas Hutchinson;
H. R. 1266. An act granting an increase of pension to Marshall Cox;
H. R. 18310. An act granting an increase of pension to Sinnett A. Duling;
H. R. 18615. An act granting an increase of pension to Jeremiah Carbaugh;
H. R. 18432. An act granting a pension to Myrtle Cole;
H. R. 17682. An act granting an increase of pension to William Ross Hartshorne;
H. R. 16345. An act granting an increase of pension to George Whitfield;
H. R. 15884. An act granting a pension to Julia R. Jones;
H. R. 5000. An act granting an increase of pension to Jackson D. Siner;
H. R. 3914. An act granting a pension to James M. Redick;
H. R. 15084. An act granting an increase of pension to Joseph W. Miller;
H. R. 3908. An act granting an increase of pension to Jacob Trautman;
H. R. 12093. An act granting an increase of pension to Sarah A. McMurtrie;
H. R. 15766. An act granting a pension to Henry J. Richardson;
H. R. 5637. An act granting an increase of pension to Lou Gates;
H. R. 5641. An act granting an increase of pension to Morris B. Slawson;
H. R. 5297. An act granting an increase of pension to Hampton L. Maxfield;
H. R. 746. An act granting an increase of pension to William H. Gilman;
H. R. 7218. An act granting an increase of pension to Alfred F. Clark;
H. R. 14410. An act granting an increase of pension to Moses F. Colby;
H. R. 4984. An act granting an increase of pension to Charles F. Bowman;
H. R. 3061. An act granting an increase of pension to John H. Hardy;
H. R. 17661. An act granting an increase of pension to Darius H. Whitcomb;
H. R. 10244. An act granting an increase of pension to George W. Nance;
H. R. 11316. An act granting an increase of pension to Daniel J. Nunnemaker;
H. R. 11105. An act granting an increase of pension to Peter Fourbier;
H. R. 7443. An act granting an increase of pension to William Henry Lewis;
H. R. 5623. An act granting an increase of pension to Annie Creagh;
H. R. 7429. An act granting an increase of pension to John Q. Converse;
H. R. 7423. An act granting an increase of pension to Thomas D. Fitch;
H. R. 7716. An act granting an increase of pension to John W. McIntyre;
H. R. 14594. An act granting an increase of pension to Mary E. Williams;
H. R. 14456. An act granting an increase of pension to Henry Leichty;
H. R. 12753. An act granting an increase of pension to James M. Martin;
H. R. 15233. An act granting a pension to Martha M. Hawkins;
H. R. 13305. An act granting an increase of pension to Amos L. Griffith;
H. R. 5015. An act granting a pension to William A. Russell;
H. R. 10039. An act granting an increase of pension to Margaret C. Hecker;
H. R. 13905. An act granting an increase of pension to Moses Jones;
H. R. 9367. An act granting an increase of pension to James T. Collier;
H. R. 6381. An act granting a pension to Chester Helner, alias Justus Hahner;
H. R. 928. An act granting an increase of pension to Mark S. Clay;
H. R. 6846. An act granting a pension to Sibba Miller;
H. R. 14271. An act granting an increase of pension to John C. Tinker;
H. R. 14958. An act granting an increase of pension to Hiram Burkholder;
H. R. 15727. An act granting an increase of pension to Lotwig Evans;
H. R. 16853. An act granting an increase of pension to Alfred Frost;
H. R. 15096. An act granting an increase of pension to Isaiah S. Winters;
H. R. 15018. An act granting an increase of pension to Joel V. Green;
H. R. 13316. An act granting a pension to Phebe Danmoth;
H. R. 17163. An act granting an increase of pension to Elizabeth Jackson;
H. R. 18182. An act granting an increase of pension to James Bothwell;
H. R. 17616. An act granting a pension to Delila Dyer;
H. R. 13486. An act granting an increase of pension to Henry Hovey;
H. R. 16805. An act granting an increase of pension to Frederick A. Bird;
H. R. 18745. An act granting a pension to William T. Chipman;
H. R. 15349. An act granting an increase of pension to George C. Smith;
H. R. 16660. An act granting an increase of pension to Joseph Rumell;
H. R. 18607. An act granting an increase of pension to William C. Alexander;
H. R. 11903. An act granting a pension to Bertha C. Hoffmeister;
H. R. 18145. An act granting an increase of pension to William H. Leonard;
H. R. 6439. An act granting a pension to Malinda McBride;
H. R. 16864. An act granting an increase of pension to George M. Tuley;
H. R. 18239. An act granting an increase of pension to George W. Farmer;
H. R. 4454. An act granting an increase of pension to Andrew F. Kraner;
H. R. 465. An act granting a pension to Erwin Fancher;
H. R. 3014. An act granting a pension to Louis Melcher;
H. R. 2992. An act granting an increase of pension to Solomon Umphrey;
H. R. 2487. An act granting an increase of pension to John M. Rutherford;
H. R. 2479. An act granting an increase of pension to Lander Robinson;
H. R. 5701. An act granting an increase of pension to James M. Harper;
H. R. 12670. An act granting an increase of pension to William Nease;
H. R. 16131. An act granting an increase of pension to William W. Clift;
H. R. 14034. An act granting an increase of pension to Edward C. Sanders;
H. R. 13444. An act granting an increase of pension to Eugene H. Harding;
H. R. 13541. An act granting an increase of pension to Ephraim E. Luke;
H. R. 13881. An act granting an increase of pension to Nancy Gabriel;
H. R. 11014. An act granting an increase of pension to Robert L. Duncan;
H. R. 10804. An act granting an increase of pension to Sarah Kearney;
H. R. 10649. An act granting an increase of pension to Lucius Harrington;
H. R. 9478. An act granting an increase of pension to Austin P. Hemphill;
H. R. 9598. An act granting an increase of pension to Ambrose N. Smith;
H. R. 2465. An act granting an increase of pension to Mary Craig;
H. R. 5730. An act granting an increase of pension to James McEntire;
H. R. 6992. An act granting an increase of pension to Isaac B. Vandeventer;
H. R. 7593. An act granting an increase of pension to Charles H. McGee;
H. R. 1865. An act granting an increase of pension to Ormon W. Walsh;
H. R. 17413. An act granting an increase of pension to Mary E. Brown;
H. R. 17639. An act granting an increase of pension to Charles F. Junken;
H. R. 17079. An act granting an increase of pension to Edmund G. Ross;

H. R. 16527. An act granting an increase of pension to Francis A. Heath;
H. R. 16464. An act granting an increase of pension to Austin Handy;
H. R. 16389. An act granting an increase of pension to George F. Robinson;
H. R. 16261. An act granting an increase of pension to Andrew T. Welman;
H. R. 16843. An act granting an increase of pension to Henry Mountz;
H. R. 16831. An act granting an increase of pension to Isaac Hanks;
H. R. 9130. An act granting an increase of pension to Charles Van Wey;
H. R. 17146. An act granting an increase of pension to William Carter;
H. R. 16818. An act granting an increase of pension to Levi Fleming;
H. R. 15715. An act granting a pension to Horace G. Robison, alias Frank Cammel;
H. R. 15750. An act granting an increase of pension to William Bechtel;
H. R. 15262. An act granting an increase of pension to Charles Brick;
H. R. 16035. An act granting an increase of pension to Church Fortner;
H. R. 16155. An act granting an increase of pension to John H. Barton;
H. R. 16505. An act granting an increase of pension to Frances F. Mower;
H. R. 17976. An act granting an increase of pension to Joseph C. Kinsey;
H. R. 16959. An act granting an increase of pension to Andrew J. Wilde;
H. R. 16692. An act granting an increase of pension to Gertrude L. Tallman;
H. R. 15904. An act granting an increase of pension to John K. Hughes;
H. R. 15045. An act granting an increase of pension to William L. Waterman;
H. R. 16304. An act granting a pension to Mary Damm;
H. R. 16623. An act granting an increase of pension to George H. Hitchcock;
H. R. 16649. An act granting an increase of pension to Hans Anderson;
H. R. 17962. An act granting a pension to Chauncey B. Jones;
H. R. 10210. An act granting an increase of pension to Chester S. Rockwell;
H. R. 14021. An act granting an increase of pension to Henry C. Earle;
H. R. 12486. An act granting an increase of pension to Andrew Deming;
H. R. 13061. An act granting an increase of pension to Henry S. Tillinghast;
H. R. 13503. An act granting an increase of pension to Catharine J. Hill;
H. R. 10506. An act granting an increase of pension to Charles H. Gardner;
H. R. 7518. An act granting an increase of pension to Eliza Flynn;
H. R. 7060. An act granting an increase of pension to Palin H. Sims;
H. R. 14771. An act granting an increase of pension to Alexander Hawkins;
H. R. 16394. An act granting an increase of pension to Sarah C. Johnson;
H. R. 17559. An act granting an increase of pension to Joseph Wilkes;
H. R. 17368. An act granting an increase of pension to Julius A. Mahurin;
H. R. 17408. An act granting an increase of pension to Charley Franklin;
H. R. 17425. An act granting a pension to Annie M. Kloeppel;
H. R. 18086. An act granting an increase of pension to James Eastland;
H. R. 17668. An act granting an increase of pension to Rosina Tyler;
H. R. 17680. An act granting an increase of pension to George Hayes;
H. R. 9244. An act granting a pension to Enoch Voyles;
H. R. 18181. An act granting an increase of pension to Nancy Ann Smith;
H. R. 18180. An act granting an increase of pension to Jacob Fulmer;
H. R. 18092. An act granting an increase of pension to William A. Moore;
H. R. 13999. An act granting an increase of pension to Charles S. Abney;
H. R. 16773. An act granting an increase of pension to John Mather;
H. R. 15158. An act granting an increase of pension to Alexander Lessley;
H. R. 15151. An act granting an increase of pension to Rebecca C. Goodson;
H. R. 16222. An act granting an increase of pension to Elias W. Ticknor;
H. R. 16943. An act granting an increase of pension to Lucy E. Rumer;
H. R. 17130. An act granting an increase of pension to Edward Donnelly;
H. R. 17045. An act granting an increase of pension to William A. Forbes;
H. R. 17421. An act granting a pension to Jesse M. Noblitt;
H. R. 15778. An act granting an increase of pension to Michael Hanberry;
H. R. 15149. An act granting a pension to Clara G. Bacon;
H. R. 15789. An act granting an increase of pension to Samuel Bickford;
H. R. 16137. An act granting a pension to Leocardia F. Flowers;
H. R. 17230. An act granting an increase of pension to Richard Desmond;
H. R. 17362. An act granting a pension to Nancy Bedford;
H. R. 17304. An act granting an increase of pension to William Dustin;
H. R. 17306. An act granting an increase of pension to George Dallison;
H. R. 17828. An act granting an increase of pension to Patrick Haney;
H. R. 17973. An act granting an increase of pension to Bridget Enwright;
H. R. 17622. An act granting an increase of pension to Edwin S. Pierce;
H. R. 17034. An act granting an increase of pension to Augustus W. Thompson;
H. R. 17061. An act granting an increase of pension to Arthur E. Strimple;
H. R. 17065. An act granting an increase of pension to George F. Griffith;
H. R. 16927. An act granting a pension to Mary Soupene;
H. R. 16688. An act granting an increase of pension to William F. Robertson;
H. R. 15748. An act granting an increase of pension to Evan E. Young;
H. R. 14935. An act granting an increase of pension to William G. Taylor;
H. R. 13447. An act granting an increase of pension to Nancy A. Rickman;
H. R. 11833. An act granting a pension to Jennie B. Johnston;
H. R. 16743. An act granting an increase of pension to John Glass;
H. R. 17832. An act granting an increase of pension to Malinda Peak;
H. R. 18103. An act granting an increase of pension to Willis Booker;
H. R. 17544. An act granting an increase of pension to Stephen M. Fisk;
H. R. 18824. An act granting a pension to Nimrod W. Watson;
H. R. 15873. An act granting an increase of pension to Sarah T. Moffitt;
H. R. 16148. An act granting an increase of pension to Matthew McKown;
H. R. 16328. An act granting a pension to Lois E. Bliss, formerly Motter;
H. R. 18004. An act granting an increase of pension to Thomas R. Boss;
H. R. 17379. An act granting an increase of pension to James P. McCleery;
H. R. 17293. An act granting an increase of pension to Joseph Stewart;
H. R. 18027. An act granting an increase of pension to Isaac Sloan;
H. R. 17737. An act granting an increase of pension to John F. Bonnell;
H. R. 17564. An act granting an increase of pension to Martha L. H. Spurgin;
H. R. 18881. An act for the extension of Rittenhouse street, and for other purposes;
H. R. 16814. An act granting an increase of pension to William S. Lyon;
H. R. 16412. An act granting an increase of pension to Henry C. Steadman;

H. R. 16514. An act granting an increase of pension to Robert W. Patrick;
H. R. 16519. An act granting an increase of pension to Mary E. Quick;
H. R. 17238. An act granting an increase of pension to Andrew J. Herod;
H. R. 17058. An act granting an increase of pension to Oscar Getman;
H. R. 18101. An act granting an increase of pension to Susan A. Demarest;
H. R. 18389. An act granting an increase of pension to Francis A. Tabor;
H. R. 18396. An act granting an increase of pension to Louvenia Clark;
H. R. 18391. An act granting an increase of pension to Ephraim F. Hays;
H. R. 17804. An act granting an increase of pension to Francis W. Edgerly;
H. R. 18394. An act granting an increase of pension to George W. Drye;
H. R. 18019. An act granting an increase of pension to Hannah E. Codington;
H. R. 18089. An act granting a pension to Abby E. Burritt;
H. R. 17205. An act granting an increase of pension to Patrick Haley;
H. R. 18220. An act granting an increase of pension to Mary Cushing Hall;
H. R. 18631. An act granting an increase of pension to Henry D. Fulton;
H. R. 8352. An act granting an increase of pension to John Salsbury;
H. R. 13756. An act granting a pension to Mary A. Shaw;
H. R. 18113. An act granting an increase of pension to William Bottenberg;
H. R. 18372. An act granting an increase of pension to Chapman Mann;
H. R. 18697. An act granting an increase of pension to Jordan Garrett, now known as Jordon Freeman;
H. R. 18629. An act granting an increase of pension to Sarah A. Rowe;
H. R. 18628. An act granting an increase of pension to Anthony Weaver;
H. R. 18309. An act granting an increase of pension to William H. Washburn;
H. R. 18132. An act granting an increase of pension to Daniel J. Meeds;
H. R. 18116. An act granting an increase of pension to Abram H. Bedell;
H.R. 18083. An act granting an increase of pension to Philip Chace;
H. R. 18090. An act granting an increase of pension to John Clougharty;
H. R. 18082. An act granting an increase of pension to John Brown;
H. R. 12810. An act granting an increase of pension to Octavia J. Trull;
H. R. 18319. An act granting an increase of pension to Green B. Waller;
H. R. 18339. An act granting an increase of pension to Lot Leguin;
H. R 18340 An act granting an increase of pension to Augustus Gralen;
H. R. 18779. An act granting an increase of pension to Israel N. Green;
H. R. 18433. An act granting an increase of pension to Bethel Coopwood;
H. R. 18386. An act granting an increase of pension to Zachariah Hall;
H. R. 17914. An act granting a pension to Maria W. Shaul;
H. R. 17811. An act granting an increase of pension to John G. Penrose;
H. R. 18383. An act granting an increase of pension to James H. Phelps;
H. R. 18479. An act granting a pension to Hettie Fletcher;
H. R. 18135. An act granting an increase of pension to Jemima Rosencrans;
H. R. 18621. An act granting a pension to Louise M. Atkins;
H. R. 9059. An act granting a pension to Cephas W. Parr;
H. R. 18370. An act granting an increase of pension to Mary Casey;
H. R. 18438. An act granting an increase of pension to Catharine Loxley;
H. R. 16725. An act granting an increase of pension to Gates D. Parish;
H. R. 18322. An act granting a pension to Josephine Drinkwater;
H. R. 18357. An act granting an increase of pension to George N. Ward;
H. R. 18364. An act granting a pension to Sophronia E. Wilshire;
H. R. 18760. An act granting an increase of pension to William M. Short;
H. R. 18556. An act granting a pension to Lovina Stokes;
H. R. 17621. An act granting a pension to George H. Barrows;
H. R. 17418. An act granting an increase of pension to Margaret J. Valentine;
H. R. 17716. An act granting an increase of pension to William B. White;
H. R. 17691. An act granting an increase of pension to Andrew J. Brann;
H. R. 17819. An act granting an increase of pension to Robert W. Callahan;
H. R. 18264. An act granting an increase of pension to Frank Schumer;
H. R. 18194. An act granting an increase of pension to William H. Lybe;
H. R. 18077. An act granting an increase of pension to Jacob Koonsman;
H. R. 18033. An act granting a pension to John L. Croom;
H. R. 18050. An act granting an increase of pension to John Keough;
H. R. 18777. An act granting an increase of pension to Eusebia N. Perkins;
H. R. 18687. An act granting an increase of pension to Sarah Hall.
H. R. 18051. An act granting an increase of pension to Orson M. Markcum;
H. R. 18796. An act granting a pension to William M. Smith;
H. R. 8223. An act granting a pension to John J. MacEntee;
H. R. 18273. An act granting an increase of pension to Soren Julius Thor Straten;
H. R. 18030. An act granting an increase of pension to Leonard Hammond;
H. R. 18102. An act granting an increase of pension to Frank Langdon;
H. R. 15961. An act granting an increase of pension to Henry Frederick;
H. R. 18475. An act granting an increase of pension to Linda S. Anderson;
H. R. 18460. An act granting an increase of pension to Thomas Sellers;
H. R. 18562. An act granting a pension to Martha A. Tompkins;
H. R. 16056. An act granting a pension to Frances Kirtland;
H. R. 17627. An act granting an increase of pension to Michael Daniel Kernan;
H. R. 17810. An act granting an increase of pension to Cyrus Van Cott;
H. R. 18730. An act granting an increase of pension to Alfred M. Connor, alias Alfred C. Morris;
H. R. 18453. An act granting an increase of pension to Jacob C. Ryan;
H. R. 13888. An act granting a pension to Elizabeth Augusta Russell;
H. R. 19013. An act 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;"
H. R. 18285. An act fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama;
H. R. 15864. An act granting a pension to Margaret La Parie;
H. R. 15861. An act granting an increase of pension to Charles O. Lapham;
H. R. 15648. An act granting an increase of pension to Joseph Sawyer;
H. R. 16438. An act granting a pension to Otto Boeswetter;
H. R. 15720. An act granting an increase of pension to William T. Finch;
H. R. 15616. An act granting a pension to Christopher C. Krepps;
H. R. 15210. An act granting an increase of pension to Isaac N. Hawkins;
H. R. 15960. An act granting an increase of pension to David H. Lee;
H. R. 13486. An act granting an increase of pension to Henry Hovey;
H. R. 12674. An act granting a pension to Sarah Carden;
H. R. 12558. An act granting an increase of pension to George Van Horn;
H. R. 12349. An act granting an increase of pension to Thomas D. Horner;

H. R. 11746. An act granting an increase of pension to Isaac Waltman;
H. R. 9517. An act granting an increase of pension to Joseph Starr;
H. R. 8626. An act granting an increase of pension to Rosa Rossiter; and
H. R. 7058. An act granting a pension to Louisa E. Satterfield.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 14589. An act to provide for terms of the United States district and circuit courts at Washington, D. C.;
H. R. 10089. An act for the relief of R. D. Ashford, of Levekport, Niagara County, N. Y.;
H. R. 6487. An act to amend section 4952 of the Revised Statutes;
H. R. 15390. An act granting an increase of pension to Augustus C. Foster;
H. R. 9772. An act granting an increase of pension to Z. T. Miller;
H. R. 8810. An act granting an increase of pension to Benjamin Shaffer;
H. R. 12705. An act granting an increase of pension to Moss C. Davis;
H. R. 15705. An act granting an increase of pension to James M. Champe;
H. R. 16878. An act granting an increase of pension to William Spriggs;
H. R. 17632. An act granting a pension to James H. Thomas;
H. R. 17994. An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect;
H. R. 15629. An act granting a pension to Walter Elkan, alias Walter Elkhardt;
H. R. 2927. An act granting an increase of pension to James C. Hall;
H. R. 4390. An act granting an increase of pension to Francis W. Seeley;
H. R. 17329. An act granting an increase of pension to Abraham Roberts;
H. R. 14589. An act to provide for terms of the United States district and circuit courts at Washington, N. C.;
H. R. 11743. An act granting an increase of pension to Charles H. Baird; and
H. R. 10089. An act for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.

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. 7230. An act granting an increase of pension to Benton Cantwell;
S. 5867. An act granting a pension to George Amerine;
S. 6944. An act to authorize the resurvey of certain lands in the State of Wyoming;
S. 6647. An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes;
S. 2277. An act to correct the military record of George A. Winslow;
S. 2485. An act to correct the military record of Isaac Thompson;
S. 6133. An act to authorize the location of a Branch Home for Disabled Volunteer Soldiers, Sailors, and Marines in the State of Florida;
S. 1983. An act for the relief of George T. Pettingill, lieutenant, United States Navy; and
S. 2277. An act to correct the military record of George A. Winslow.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17473) making appropriations for the support of the Army for the fiscal year ending June 30, 1906.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3379) to amend section 66 of the act of June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. DOLLIVER, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had adopted the following order:

IN THE SENATE OF THE UNITED STATES,
February 27, 1905.

The Senate having tried Charles Swayne, judge of the district court of the United States for the northern district of Florida, upon twelve several articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charges contained therein: It is therefore

Ordered and adjudged, That the said Charles Swayne be, and he is, acquitted of the charges in said articles made and set forth.

Attest:

CHARLES G. BENNETT, *Secretary.*

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 19036. An act for the relief of Bert E. Barnes.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 202) granting a pension to Harriet E. Penrose, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 7077) granting a pension to Robert Catlin, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 104.

Resolved by the Senate (the House of Representatives concurring), That there be printed 25,000 copies of Senate Document No. 154, Fifty-eighth Congress, third session, of which 5,000 shall be for the use of the Senate and 5,000 for the use of the House of Representatives and 15,000 for the use of the Public Lands Commission.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 15657) entitled "An act granting an increase of pension to William Tawney."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4156) for the establishment of public-convenience stations in 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. 17117. An act granting an increase of pension to George H. Brusstar;
H. R. 6984. An act for the relief of Kate R. Sharretts and Edward Sharretts, administrators of George E. W. Sharretts;
H. R. 5392. An act to provide an American register for the steamer *Brooklyn;*
H. R. 11961. An act to provide an American register for the steam lighter *Pioneer;*
H. R. 17353. An act to make Gloucester, Mass., a port to which merchandise may be imported without appraisement;
H. R. 16646. An act to amend section 2787 of the Revised Statutes of the United States;
H. R. 15286. An act legalizing a certain ordinance of the city of Purcell, Ind. T.;
H. R. 17869. An act relating to the Monroe and Lake Providence Railroad Company;
H. R. 17473. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1906;
H. R. 19036. An act for the relief of Bert E. Barnes;
H. R. 18285. An act fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama;
H. R. 18527. An act for the relief of Lieut. D. W. Blamer, United States Navy;
H. R. 18728. An act to authorize the board of supervisors of Berrien County, Mich., to construct a bridge across the St. Joseph River near its mouth in said county;
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. 19013. An act 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;" and
H. R. 18637. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River and to erect and maintain an inlet pier therefrom for the purpose of supplying the city of Buffalo with pure water.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6467. An act granting an increase of pension to Jonathan Story;

S. 6466. An act granting an increase of pension to John W. Kennedy;

S. 6417. An act granting an increase of pension to Lucy F. Cruttenden;

S. 6443. An act granting an increase of pension to Terence J. Tully, alias James Fox;

S. 6442. An act granting an increase of pension to William Southwick;

S. 6441. An act granting an increase of pension to John Sebry;

S. 6440. An act granting an increase of pension to John F. Wallace;

S. 6418. An act granting an increase of pension to Wallace Goff;

S. 6415. An act granting an increase of pension to Daniel Bolen;

S. 6432. An act granting an increase of pension to James Campbell;

S. 6492. An act granting an increase of pension to Joseph Howe;

S. 6010. An act granting an increase of pension to Justus A. Chafee;

S. 6354. An act granting an increase of pension to Pierce McKeogh;

S. 6185. An act granting an increase of pension to Thomas Read;

S. 6099. An act granting an increase of pension to Dempsey Ferguson;

S. 6096. An act granting an increase of pension to Charles Grass;

S. 6076. An act granting an increase of pension to James B. Clark;

S. 6075. An act granting an increase of pension to Samuel M. Jones;

S. 6009. An act granting an increase of pension to James H. Briggs;

S. 6484. An act granting an increase of pension to Ellen Scott;

S. 6472. An act granting an increase of pension to Samuel Hise;

S. 6471. An act granting an increase of pension to Frances H. Scott;

S. 568. An act granting an increase of pension to Lyman H. Lamprey;

S. 3075. An act granting an increase of pension to Emma J. Kanady;

S. 5814. An act granting an increase of pension to Edward D. Hamilton;

S. 3556. An act granting an increase of pension to Theodore R. Rynder;

S. 5118. An act granting an increase of pension to Andrew R. Mark;

S. 6388. An act granting an increase of pension to George W. Hadlock;

S. 6015. An act granting an increase of pension to Thomas Ritchie;

S. 6374. An act granting an increase of pension to Lewis Secor;

S. 5973. An act granting a pension to Jane N. Clements;

S. 6045. An act granting an increase of pension to Almon W. Bennett;

S. 6357. An act granting an increase of pension to Alvan P. Granger;

S. 6579. An act granting an increase of pension to James W. Foley;

S. 3898. An act granting an increase of pension to Noah C. Standiford;

S. 3864. An act granting an increase of pension to Dean W. Ring;

S. 3442. An act granting an increase of pension to William S. Underdown;

S. 3406. An act granting an increase of pension to Amanda D. Penick;

S. 3253. An act granting an increase of pension to Gilbert L. Eberhart;

S. 3122. An act granting an increase of pension to Elias Thomas;

S. 2985. An act granting an increase of pension to William Wallace;

S. 2456. An act granting a pension to William G. Bradley;

S. 6896. An act granting an increase of pension to William Gleason;

S. 6571. An act granting an increase of pension to John Van Lear;

S. 6924. An act granting an increase of pension to Richard H. McIntire;

S. 6940. An act granting an increase of pension to George W. Enyart;

S. 6922. An act granting a pension to Sarah Ferry;

S. 107. An act granting an increase of pension to Joel H. Warren;

S. 6901. An act granting an increase of pension to Allen Thompson;

S. 68. An act granting an increase of pension to Martha M. Bolton;

S. 101. An act granting an increase of pension to James M. Shippee;

S. 6847. An act granting an increase of pension to Thomas Dunn;

S. 6661. An act granting an increase of pension to Edwin H. Kennedy;

S. 6580. An act granting an increase of pension to Melissa E. Nelson;

S. 6989. An act granting an increase of pension to Jacob O. Stout;

S. 6966. An act granting an increase of pension to Peter A. Purdy;

S. 6948. An act granting an increase of pension to Bradford Burnham;

S. 6946. An act granting an increase of pension to Judson L. Mann;

S. 6943. An act granting an increase of pension to Francis W. Little;

S. 6939. An act granting an increase of pension to John Coburn;

S. 6938. An act granting an increase of pension to Patrick W. Kennedy;

S. 6930. An act granting an increase of pension to Helen S. Wright;

S. 6925. An act granting an increase of pension to Laura C. Curtis;

S. 7093. An act granting an increase of pension to William Dawsen;

S. 7076. An act granting a pension to Susan Hayman;

S. 7066. An act granting an increase of pension to Edmond W. Eakin;

S. 7065. An act to amend section 5146 of the Revised Statutes of the United States in relation to the qualifications of directors of national-banking associations;

S. 7064. An act granting an increase of pension to Ester S. Damon;

S. 7021. An act granting an increase of pension to Catharine R. Reynolds;

S. 7019. An act granting an increase of pension to Annie T. Seaman;

S. 6993. An act granting an increase of pension to Helen B. Messenger;

S. 6562. An act granting an increase of pension to George W. Moyer;

S. 6556. An act granting an increase of pension to Amanda B. Mack;

S. 6515. An act granting an increase of pension to George Murphy;

S. 7210. An act granting an increase of pension to Charles M. Suter;

S. 7206. An act granting a pension to John Hollis;

S. 7194. An act granting an increase of pension to John Welch;

S. 7125. An act granting an increase of pension to Lorenzo D. Cusins;

S. 7124. An act granting an increase of pension to Harris Howard;

S. 7096. An act granting an increase of pension to Amanda H. Burrows;

S. 7095. An act granting an increase of pension to Lewis M. Duff;

S. 1990. An act granting an increase of pension to Catherine Howland;

S. 1946. An act granting an increase of pension to Edward J. Palmer;

S. 1690. An act granting an increase of pension to James K. Brooks;

S. 1660. An act granting an increase of pension to John C. Welkinson;

S. 899. An act granting an increase of pension to John Moulton;

S. 331. An act granting an increase of pension to Henry E. Jones;

S. 194. An act granting an increase of pension to Chester E. Demick;
S. 1299. An act granting a pension to John M. Reemer;
S. 6578. An act granting an increase of pension to Josiah Pearson;
S. 6576. An act granting an increase of pension to Carrie M. Cleveland;
S. 6749. An act granting an increase of pension to Alfred Diehl;
S. 6727. An act granting an increase of pension to Simeon Perry;
S. 6743. An act granting a pension to Joseph A. Aldrich;
S. 6706. An act granting an increase of pension to Jacob Ormerod;
S. 6701. An act granting a pension to Charles B. Spencer;
S. 6698. An act granting an increase of pension to Charlott Johnson;
S. 6681. An act granting an increase of pension to John L. Kiser;
S. 6675. An act granting an increase of pension to Halsey S. Curry;
S. 2304. An act granting an increase of pension to Samuel S. Merrill;
S. 2251. An act granting an increase of pension to Edward W. Bennett;
S. 4588. An act granting a pension to Hannah B. Nyce;
S. 4551. An act granting an increase of pension to Richard Gable;
S. 7227. An act granting an increase of pension to Josephine E. Bard;
S. 6676. An act granting an increase of pension to Albert S. Hopson;
S. 6921. An act granting an increase of pension to George W. Cole;
S. 6898. An act granting an increase of pension to Joseph Wood, alias Joseph Rule;
S. 6897. An act granting an increase of pension to James Flanagan;
S. 6859. An act granting an increase of pension to Lizzie D. Wise;
S. 6804. An act granting an increase of pension to Mary C. Leefe;
S. 6762. An act granting an increase of pension to David Wertz;
S. 5505. An act granting an increase of pension to William B. Chapman;
S. 5493. An act granting an increase of pension to Charles S. Kerns;
S. 5405. An act granting an increase of pension to John Leary;
S. 5382. An act granting a pension to Sarah A. Morris;
S. 5321. An act granting an increase of pension to William Klingensmith;
S. 5170. An act granting a pension to Kate M. Smith;
S. 5160. An act granting an increase of pension to Harriett P. Gray;
S. 4918. An act granting an increase of pension to Merida P. Tate;
S. 4684. An act granting an increase of pension to Ella M. Ewing;
S. 4638. An act granting an increase of pension to Edwin F. Barrett;
S. 5907. An act granting an increase of pension to May E. Robinson;
S. 5897. An act granting an increase of pension to Collin A. Wallace;
S. 5890. An act granting an increase of pension to Andrew Magnuson;
S. 5824. An act granting an increase of pension to Benjamin P. Thompson;
S. 5638. An act granting a pension to Susan E. McCarty; and
S. 5636. An act granting an increase of pension to James Nowell.

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. 6944. An act to authorize the resurvey of certain lands in the State of Wyoming—to the Committee on the Public Lands.
S. 5867. An act granting a pension to George Amerine—to the Committee on Pensions.
S. 7230. An act granting an increase of pension to Benton Cantwell—to the Committee on Invalid Pensions.
S. 2277. An act to correct the military record of George A. Winslow—to the Committee on Military Affairs.
S. 2485. An act to correct the military record of Isaac Thompson—to the Committee on Military Affairs.
S. 6133. An act to authorize the location of a Branch Home for Disabled Volunteer Soldiers, Sailors, and Marines in the State of Florida—to the Committee on Military Affairs.

Senate concurrent resolution No. 104:

Resolved by the Senate (the House of Representatives concurring), That there be printed 25,000 copies of Senate Document No. 154, Fifty-eighth Congress, third session, of which 5,000 shall be for the use of the Senate and 5,000 for the use of the House of Representatives and 15,000 for the use of the Public Lands Commission—
to the Committee on Printing.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, report that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18751. An act to extend the time for the construction of a bridge across Rainy River by the International Bridge and Terminal Company;
H. R. 18279. An act to authorize the Secretary of the Interior to accept the conveyance from the State of Nebraska of certain described lands, and granting to said State other lands in lieu thereof, and for other purposes;
H. J. Res. 217. Joint resolution to return to the proper authorities certain Union and Confederate battle flags;
H. R. 5498. An act to privide for circuit and district courts of the United States at Albany, Ga.;
H. R. 7022. An act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;
H. R. 2531. An act to divide Washington into two judicial districts; and
H. R. 17579. An act to create a new division of the western judicial district of Louisiana, and to provide for terms of court at Lake Charles, La., and for other purposes.

WITHDRAWAL OF PAPERS FROM THE FILES.

Mr. GIBSON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William Spears (H. R. 12578), Fifty-eighth Congress, no adverse report having been made thereon.

Mr. BURLEIGH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry W. Carvill (H. R. 14055), Fifty-eighth Congress, no adverse report having been made thereon.

Mr. HEMENWAY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 57 minutes p. m.) the House adjourned until 11 o'clock to-morrow.

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 Secretary of Commerce and Labor submitting an estimate of appropriation for lens and equipment of Diamond Shoal light-house—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency in the appropriation for care of public grounds in the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the relief of John G. Stauffer & Son—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 7049) providing for an additional circuit judge in the seventh judicial circuit, and for the appointment of an additional judge for the northern district of Illinois and for creating an additional district in the State of Illinois, to be known as the eastern district of Illinois, and for the appointment of a judge and other officers of said district, and for changing the boundaries of the districts in Illinois, and for establishing places for holding court in the several districts thus created, reported the same without amendment,

accompanied by a report (No. 4862); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 15993) to authorize the Secretary of the Treasury to exchange the site for a public building at Natchitoches, La., reported the same without amendment, accompanied by a report (No. 4864); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17102) to extend the time within which actions for the recovery of duties paid in Porto Rico may be brought in the Court of Claims under the act of April 29, 1902, reported the same without amendment, accompanied by a report (No. 4865); which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19046) for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company, reported the same with amendment, accompanied by a report (No. 4866); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5233) to pension the National Guards of East Tennessee, reported the same without amendment, accompanied by a report (No. 4863); which said bill and report were referred to the Private Calendar.

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. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 19150) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes—to the Union Calendar.

By Mr. STEVENS of Minnesota: A bill (H. R. 19151) to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: A bill (H. R. 19152) to incorporate the American Institute of Drug Proving—to the Committee on the Judiciary.

By Mr. RAINEY: A bill (H. R. 19153) providing for the importation in bond of materials for constructing, repairing, and equipping ships, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. NEEDHAM: A bill (H. R. 19154) to amend certain sections of the Revised Statutes, to provide for the creation of grazing reserves on the public domain, and for other purposes—to the Committee on the Public Lands.

By Mr. WEBBER: A bill (H. R. 19155) to secure depositors in national banks—to the Committee on Banking and Currency.

By Mr. BABCOCK: A joint resolution (H. J. Res. 221) to authorize the assessor of the District of Columbia to issue certain permits—to the Committee on the District of Columbia.

By Mr. RIDER: A joint resolution (H. J. Res. 223) for the relief of the heirs of George B. Simpson—to the Committee on Claims.

By Mr. ESCH: A resolution (H. Res. 539) to pay I. H. McMichael and H. D. Norton for extra service as chief pages—to the Committee on Accounts.

By Mr. HOWELL of Utah: Memorial from the governor and legislative assembly of the State of Utah for the encouragement of the mining and smelting industry in Utah—to the Committee on Coinage, Weights, and Measures.

Also, memorial from the governor and legislative assembly of Utah, requesting that a bureau of mining be established for the intermountain States—to the Committee on Mines and Mining.

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. GUDGER: A bill (H. R. 19156) for the relief of Marcus L. Case—to the Committee on Military Affairs.

By Mr. HARRISON (by request): A bill (H. R. 19157) for the benefit of the heirs of George D. Simpson—to the Committee on Claims.

By Mr. TRIMBLE: A bill (H. R. 19158) granting a pension to Lucy Kephort—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19159) granting a pension to Eliza Owens—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 19160) granting a pension to Henry F. Landes—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 19161) granting a pension to Effie J. Wolf—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER: Resolution of the Western New York Horticultural Society, urging legislation for extermination of gypsy and brown-tail moth—to the Committee on Agriculture.

By Mr. BELL of California: Petition of citizens of Sebastopol and Napa County, Cal., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BIRDSALL: Petition of citizens of Blackhawk County, Iowa, against change or repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. BONYNGE: Petition of citizens of Friedland, Colo., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOWERSOCK: Petition of Kansas house of representatives, asking for passage of bill H. R. 4072—to the Committee on the Judiciary.

By Mr. BROOKS: Petition of citizens of Freeland, Colo., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE: Petition of citizens of Deadwood and vicinity, favoring bill H. R. 18588—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of South Dakota, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKETT: Petition of citizens of Strousburg, Cherry County, Red Cloud, Strang, Cortland, College View, and Cedar Rapids, Nebr., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of citizens of Maine, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER of Pennsylvania: Petition of Washington Camp, No. 468, Patriotic Order Sons of America, of Wayne, Delaware County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Resolution of State Council of Rhode Island, Junior Order United American Mechanics, against sectarian or denominational use of Indian appropriations or other Indian funds—to the Committee on Indian Affairs.

By Mr. DANIELS: Petition of citizens of Borena Park, Cal., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of the Vicksburg Battlefield Commission and the Pennsylvania Commission for extension of the life of the Vicksburg Commission until 1910—to the Committee on Military Affairs.

Also, petition of the Western New York Horticultural Society, for legislation to exterminate gypsy moth—to the Committee on Agriculture.

By Mr. EMERICH: Petition of the Granite Cutters' National Union, favoring use of granite in Cleveland public buildings—to the Committee on Public Buildings and Grounds.

Also, petition of R. H. Peck Subdivision, No. 394, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Petition of citizens of Cambria County, Pa., in favor of enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANGER: Petition of Wightman & Hough, the Theo. W. Foster & Bro. Company, H. A. Kirby, S. & B. Lederer, S. B. Champlin & Co., the Roger Williams Silver Company, the Chapin & Hollister Company, and the R. L. Griffith & Son Company, of Providence, R. I., against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Musical Protective Union of Providence, R. I., favoring increase in salary of the Marine Band—to the Committee on Naval Affairs.

Also, petition of the Junior Order United American Mechanics, of Providence, R. I., against any appropriation for Indian sectarian schools—to the Committee on Indian Affairs.

By Mr. GUDGER: Papers to accompany claim of Benjamin R. Trull for increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Marcia L. Case—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of citizens of Paw Paw and Benton Harbor, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of citizens of Windham County and Mansfield, Conn., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HEPBURN: Petition of Brotherhood of Locomotive Engineers of Logansport, Ind., against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lockhart (W. Va.) Grange, for equitable freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Monona, Creston, and Cedar Rapids, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of farmers, beef producers, shippers, and citizens of Kossuth County, Iowa, for just and equitable railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Iowa, against adulteration of food—to the Committee on Agriculture.

Also, petition of citizens of Fremont County and Union County, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Sheboygan, Mich., favoring equitable freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: Petition of citizens of Nebraska, against passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of Cigar Makers' Union of Newark, No. 138, protesting against reduction of the tariff on cigars from the Philippines—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of Soldiers' Summit Subdivision, No. 593, Brotherhood of Locomotive Engineers, asking for legislation regulating employment of locomotive engineers—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Desert Subdivision, No. 55, Brotherhood of Locomotive Engineers, asking for legislation regulating employment of locomotive engineers—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Petition of citizens of Prairie, Thornwood, Carrollton, and Pomeroy, Wash., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES of Washington: Petition of citizens of Chinook, Wash., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNOWLAND: Petition of citizens of California, protesting against passage of bill H. R. 4859, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. KYLE: Petition of citizens of Washington Court House, Ohio, in favor of the perpetual-prohibition clause in the statehood bill—to the Committee on the Territories.

Also, petition of citizens of Ohio, asking for railroad-rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of citizens of Whatcheer, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAFEAN: Petition of Washington Camp, No. 401, Patriotic Order Sons of America, of Craley, York County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Granite Cutters' National Union, Cleveland Branch, favoring use of granite in the Cleveland Federal building—to the Committee on Public Buildings and Grounds.

Also, petition of the Western New York Horticultural Society, for legislation to exterminate the gypsy moth—to the Committee on Agriculture.

Also, petition of the Vicksburg Battlefield Commission and the commissioners of Pennsylvania, that the present Vicksburg National Military Park Commission should not be abolished until 1910—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: 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 Maine, against repeal of the Grout law—to the Committee on Agriculture.

By Mr. NORRIS: Petition of citizens of Beaver City, Nebr., against polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Hendley, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. Ethel McAfee, of Loomis, Nebr., against sale of intoxicating liquors on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Arapahoe, Nebr., favoring constitutional amendment abolishing polygamy in the United States—to the Committee on the Judiciary.

Also, petition of citizens of Fremont, Nebr., against the parcels-post and kindred laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PORTER: Protest against the abolishment of the Vicksburg Military Park Commission until 1910—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of citizens of Indiana, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of the Vicksburg Battlefield Commission and the committee of Pennsylvania, for life of the Vicksburg National Military Park Commission until 1910—to the Committee on Military Affairs.

Also, petition of the department of police, city of Buffalo, against the Morrell bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the fire department of Buffalo, N. Y., against the Morrell insurance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WM. ALDEN SMITH: Petition of citizens of Oakland, Lake County, Twining, and Marine City, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Detroit Board of Commerce, favoring enlarged powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Kent County, Mich., urging railroad-rate regulation—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Petition of citizens of the Fifth district of Ohio, favoring bill H. R. 15797—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Vicksburg Battlefield Commission and the commissioners of Pennsylvania, for extension of the life of present Vicksburg Battlefield Commission to 1910—to the Committee on Military Affairs.

Also, petition of the Western New York Horticultural Society, for legislation to exterminate gypsy moth—to the Committee on Agriculture.

By Mr. WOODYARD: Petition of Lockhart Grange, of Jackson County, W. Va., for Government control of railway rates—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *February 28, 1905.*

The Senate met at 11 o'clock a. m.

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

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

The PRESIDENT pro tempore. The Journal will stand approved.

SECTARIAN INDIAN SCHOOLS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 15th instant, a report from the Commissioner of Indian Affairs inclosing copies of petitions and applications by the tribes relative to the care and education of Indians in sectarian and denominational schools; which, with the accompanying papers, were referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had