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

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passed with amendments the following bills; in which it requested the concurrence of the Senate:

S. 3043. An act for the relief of the estate of the late John Jacoby; and

S. 4938. An act regulating the use of telegraph wires in the District of Columbia.

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

H. R. 13094. An act for the relief of street-car motormen;

H. R. 18969. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 18975. An act to authorize the levying of certain special assessments; and

H. J. Res. 222. Joint resolution permitting Ying Hsing Wen and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point.

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. 2692. An act to establish life-saving station at Nome, Alaska;

S. 4372. An act for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico;

S. 5245. An act to indemnify G. W. Hardy and Joseph Lard, of Scott County, Miss., for homestead land by granting other lands in lieu thereof;

S. 7034. An act granting an increase of pension to John Q. A. Foss;

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

H. R. 6984. An act for the relief of Kate R. Sharretts and Edward Sharretts, administrators of George E. W. Sharretts;

H. R. 11961. An act to provide an American register for the steam lighter *Pioneer;*

H. R. 15286. An act legalizing a certain ordinance of the city of Purcell, Ind. T.;

H. R. 16646. An act to amend section 2787 of the Revised Statutes of the United States;

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

H. R. 17473. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1906;

H. R. 17869. An act relating to the Monroe and Lake Providence Railroad Company;

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. 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. 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. 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. 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. 19036. An act for the relief of Bert E. Barnes.

PETITIONS AND MEMORIALS.

Mr. DOLLIVER presented a petition of Norman Shelby Post, No. 231, Department of Iowa, Grand Army of the Republic, of Muscatine, Iowa, 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 petitions of the Farmers' Institute of Kossuth County; of the Corn Belt Meat Producers' Association, of Webster County, and of the Reinbeck Branch of the Iowa Meat Producers' Association, of Reinbeck, all in the State of Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Woodbine, Iowa, and the petition of S. J. Patterson and sundry other citizens of Dunlap, Iowa, praying for the repeal of the present bankruptcy law; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Richland, Urbana, North English, Cedar, Butler, Monona, Libertyville, Bradyville, Cedar Rapids, Sac City, Hawarden, and Paton, all in the State of Iowa, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. HANSBROUGH presented memorials of sundry citizens of Hazen, Grand Forks, and Minnewaukon, all in the State of North 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.

Mr. McCUMBER presented a petition of Wheat Sheaf Lodge, No. 463, Brotherhood of Railway Trainmen, of Grand Forks, N. Dak., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petition of M. P. Lishty and 49 other citizens of Zion, N. Dak., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission and for the adoption of a parcels post and post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Julius A. Larson and 39 other citizens of Mohall; of Joseph Rott and 71 other citizens of Richville, and of David Funk and 73 other citizens of New Home, all in the State of North 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.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the passage of the so-called "merchant-marine bill;" which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the construction of a light-house tender for the twelfth light-house district; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the establishment of a light-house at Makapua Point, Island of Oahu, Territory of Hawaii; which was referred to the Committee on Commerce.

He also presented the memorials of A. C. Schlesinger, of San Francisco; of the George H. Fuller Desk Company, of San Francisco; of J. H. Tibbits, of Sacramento; of the A. C. Rulofson Company, of San Francisco; of the Pioneer Varnish Works, of San Francisco; of John Martin & Co., of San Francisco; of Ford Brothers, of Los Gatos; of the Citizens' Insurance Company, of Los Gatos; of the Board of Trade of San Luis Obispo; of Mebius & Drescher Company, of Sacramento; of the Jobbers' Association of Sacramento; of F. B. Brown, of San Jose, and of George A. Wentz, of Gilroy, all in the State of California, remonstrating against the enactment of legislation granting to the Interstate Commerce Commission the arbitarry right to fix the rate of freight on railroads; which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of California, 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. SCOTT presented a petition of Lockhart Grange, No. 52, Patrons of Husbandry, of Jackson, W. Va., praying for the enactment of legislation to abolish unjust rates on railroads and also for the adoption of a parcels post and post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented petitions of sundry citizens of New York City, Brooklyn, and Norwood, all in the State of New York, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented memorials of sundry citizens of Waverly, Ithaca, and New York City, all in the State of New York, remonstrating against the passage of the so-called Morrell insurance bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of East Syracuse, Haverstraw, Rensselaer County, Vestal Center, Essex County, Newark, and Montour Falls, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and elections.

He also presented petitions of sundry citizens of Bradford,

Cassadaga, Oxford, New York City, Jamestown, Oneonta, and New York Mills, all in the State of New York, 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 John F. Manning Lodge, No. 472, Brotherhood of Locomotive Engineers, of Buffalo, N. Y., and a petition of Cataract Lodge, No. 639, Brotherhood of Railroad Trainmen, of Niagara Falls, N. Y., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Board of Trade of Keeseville, N. Y., and a memorial of the Chamber of Commerce of New York City, remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission at the present session of Congress; which were referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of sundry citizens of Luzerne County, Pa., praying for the establishment of a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Association of Retail Druggists, of Tioga County, Pa., 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 memorials of sundry citizens of Luther Mills, Pa., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Lancaster, Erie, Potter County, Wayne County, Oil City, Duke Center, and Meadville, all in the State of Pennsylvania, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented petitions of Washington Camps Nos. 468, 633, 622, 614, 28, and 381, of Wayne, Athens, Avonmare, Pillow, Damstown, and Lebanon, all of the Patriotic Order Sons of America, and of sundry citizens of Roaring Spring, all in the State of Pennsylvania, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which were referred to the Committee on Immigration.

He also presented a petition of W. E. Morse Division, No. 611, Brotherhood of Locomotive Engineers, of Eldon, Pa., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Subdivisions Nos. 276, 272, 259, 50, 109, 353, 280, 104, 414, 45, 316, 81, 467, 543, 75, and 635 of Scranton, Ashley, Easton, Connellsville, Philadelphia, West Philadelphia, Bradford, Columbia, Lebanon, Hazleton, Tyrone, Kingston, Reading, and Clearfield, all of the Brotherhood of Locomotive Engineers, in the State of Pennsylvania, praying for the enactment of legislation to regulate the requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

Mr. KITTREDGE presented petitions of Ed Yeager and 45 other citizens, T. E. Andrews and 34 other citizens, and of John W. Harding and 34 other citizens, all of Charles Mix County, 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.

Mr. KEAN presented a petition of Camden Division, No. 22, Brotherhood of Locomotive Engineers, 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 memorial of Cigar Makers' Local Union No. 138, of Newark, N. J., protesting against any reduction of duty on cigars and tobacco imported from the Philippine Islands; which was ordered to lie on the table.

He also presented a petition of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Delaware Valley Grange, No. 143, Patrons of Husbandry, of Layton, N. J., praying for the enactment of legislation giving the Federal Government control of railroads, and also for the adoption of certain reforms in the postal service; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry shippers of freight to and from the city of Millville, N. J., praying that an appropriation be made for the deepening of the channel of the Maurice River; which was referred to the Committee on Commerce.

He also presented petitions of Charles Rollenhagen, of Hoboken; of G. A. Hitchcock, of Hoboken; of Wrightstown Council, Junior Order United American Mechanics, of Wrightstown; of the Equal Rights' Council, Junior Order United American Mechanics, of Newark; of Marcus L. Ward Council, Junior Order United American Mechanics, of Newark; of the Junior Order United American Mechanics of Newark; of Daniel Webster Council, Junior Order United American Mechanics, of Newark; of Anthony Wayne Council, No. 159, Junior Order United American Mechanics, of Newark; of Prospect Council, Junior Order United American Mechanics, of Newark; of George A. Halsey Council, No. 32, Junior Order United American Mechanics, of Newark; of East End Council, No. 201, Junior Order United American Mechanics, of Newark; of the Junior Order United American Mechanics of Camden; of Ocean Council, No. 10, Junior Order United American Mechanics, of New Egypt; of Diamond Council, Junior Order United American Mechanics, of Swedesboro; of United States Council, No. 146, Junior Order United American Mechanics, of Trenton; of Wallkill Council, No. 144, Junior Order United American Mechanics, of Hamburg; of the Junior Order United American Mechanics of Elizabeth; of Midland Park Council, No. 265, Junior Order United American Mechanics, of Midland Park; of Asbury Council, No. 23, Junior Order United American Mechanics, of Asbury Park; of Social Council, No. 213, Junior Order United American Mechanics, of Fairton; of Spring Garden Council, No. 176, Junior Order United American Mechanics, of Lindenwold; of Salem Council, No. 203, Junior Order United American Mechanics, of Salem; of Riverview Council, No. 268, Junior Order United American Mechanics, of Oceanport; of Industry Council, No. 35, Junior Order United American Mechanics, of Jersey City; of Silver Lake Council, No. 92, Junior Order United American Mechanics, of Belmar; of Port Morris Council, Junior Order United American Mechanics, of Port Morris; of Garfield Council, Junior Order United American Mechanics, of Union; of Diomede Council, Junior Order United American Mechanics, of Morris Plains; of Raritan Valley Council, Junior Order United American Mechanics, of Raritan; of Garret A. Hobart Council, Junior Order United American Mechanics, of Newark; of Lumberton Council, Junior Order United American Mechanics, of Lumberton; of Central Council, Junior Order United American Mechanics, of Westfield; of Sherman Council, Junior Order United American Mechanics, of Roselle; of Excelsior Council, Junior Order United American Mechanics, of Pleasantville; of the Junior Order United American Mechanics of Holmdel; of Eureka Council, Junior Order United American Mechanics, of Hamilton Square; of United Council, Junior Order United American Mechanics, of Fairhaven; of Somerset Council Junior Order United American Mechanics, of Plainfield; of Peninsula Council, Junior Order United American Mechanics, of Bayonne; of Sheridan Council, Junior Order United American Mechanics, of Ridgefield Park; of the Junior Order United American Mechanics of Westgrove; of Victory Council, Junior Order United American Mechanics, of Frenchtown; of Englewood Council, Junior Order United American Mechanics, of Englewood; of Good Intent Council, Junior Order United American Mechanics, of New Brunswick; of Palisade Council, Junior Order United American Mechanics, of Jersey City; of Valley Forge Council, Junior Order United American Mechanics, of Jersey City; of Plymouth Council, Junior Order United American Mechanics, of Jersey City; of the Junior Order United American Mechanics of Pennsville; of Freedom Council, Junior Order United American Mechanics, of Glendola; of Jackson Council, Junior Order United American Mechanics, of Cassville; of Protection Council, Junior Order United American Mechanics, of Magnolia; of Succasunna Council, Junior Order United American Mechanics, of Succasunna; of Sussex Council, Junior Order United American Mechanics, of Lafayette, and of Riverside Council, Junior Order United American Mechanics, of South River, all in the State of New Jersey, remonstrating against the use of Indian trust funds for sectarian school purposes; which were ordered to lie on the table.

Mr. KNOX presented a petition of the United States Brewers' Association of New York City, and the petition of E. H. Taylor, jr., & Sons, of Frankfort, Ky., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented petitions of the Saturday Club of Wayne; of the Review Club of Oaklane, and of the Philadelphia Woman's Home Missionary Society of the Baptist Church of Jenkintown, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented memorials of sundry citizens of Uniontown, Fayette County, Conneautville, Titusville, Coudersport, Eldred,

Huntington, Washington, Allegheny County, Warren, and Sullivan County, all in the State of Pennsylvania, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

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

He also presented petitions of Washington Camps Nos. 558, 468, 494, 381, 655, 591, 388, 248, 228, 421, 577, and 502, of Belfast, Wayne, Port Royal, Lebanon, York, Clearfield, Geigers Mills, Ono, Newmanstown, Bedford, Willow Hill, and Norristown, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Fishers Ferry, Philadelphia, and Bala, all in the State of Pennsylvania, remonstrating against the use of Indian trust funds for sectarian school purposes; which were ordered to lie on the table.

He also presented petitions of Local Subdivisions Nos. 276, 269, 109, 75, 51, 104, 45, 353, 635, 414, 280, 272, 50, 543, 4, 467, and 416, of Scranton, Easton, Philadelphia, Reading, Columbia, West Philadelphia, Clearfield, Lebanon, Bradford, Ashley, Connellsville, Kingston, Tyrone, and Carnegie, all of the Brotherhood of Locomotive Engineers, in the State of Pennsylvania, praying for the enactment of legislation to regulate the requirements of locomotive engineers and firemen; which were referred to the Committee on Interstate Commerce.

Mr. McCREARY presented a petition of sundry citizens of Frankfort, Ky., praying that an appropriation be made to complete locks and dams in the Kentucky River; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of sundry citizens of Illinois, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the enactment of legislation relating to transactions in futures; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Illinois, praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. FULTON presented memorials of sundry citizens of Grants Pass, Yamhill County, Galico Creek, Roseburg, Woodburn, and Wasco County, all in the State 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.

He also presented a petition of sundry citizens of Columbia, Oreg., and a petition of sundry citizens of Gilliam, Oreg., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented a petition of the Board of Trade of Newark, N. J., praying for the enactment of legislation providing for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Ramsey Grange, Patrons of Husbandry, of Ramsey, N. J., praying for the enactment of legislation providing for Government control of railway rates and for the establishment of a parcels-post and post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Herbert Myrick, of New York City, praying for the enactment of legislation providing for the transportation of packages through the United States mail within each rural free-delivery district at 3 cents per pound up to 5 pounds in weight; which was referred to the Committee on Post-Offices and Post-Roads.

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

He also presented memorials of Local Councils Nos. 207, 202, 158, 45, 313, 108, 90, 74, 78, 175, 160, 107, 94, 112, 74, 53, 90, 210, 63, 233, 222, 51, 54, 149, 107, 228, 118, 108, 345, 65, 125, 151, 42, 158, 187, 47, 196, 101, 105, 120, 92, 169, 125, 112, 55, 82, 252, 136, 103, 104, 96, 134, 284, 15, 352, 49, 40, 77, 71, 240, 185, 88, 127, 195, 165, 73, 144, 55, 138, 128, 167, 105, 132, 65, 105, 124, 150, and 95, all of the Junior Order of United American Mechanics, in the State of New Jersey, remonstrating against the use of Indian trust funds for sectarian school purposes; which were ordered to lie on the table.

Mr. CULBERSON presented memorials of sundry citizens of Keene and Alvord, in the State of Texas, 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. HOPKINS presented memorials of sundry citizens of Chicago, Decatur, Fairfield, and Collusa, all in the State of Illinois, 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 J. S. Harahan Subdivision, No. 602, of Champaign; of Egyptian Subdivision, No. 512, of East St. Louis; of Rock Island Subdivision, No. 60, of Rock Island; of Urbana Subdivision, No. 143, of Urbana; of George W. Tilton Subdivision, No. 404, of Chicago; of Lake Subdivision, No. 302, of Chicago; of John Player Subdivision, No. 458, of Chicago; of Aurora Subdivision, No. 32, of Aurora; of Monmouth Subdivision, No. 484, of Monmouth; of St. Clair Subdivision, No. 49, of East St. Louis; of Centralia Subdivision, No. 24, of Centralia; of P. H. Peck Subdivision, No. 394, of Chicago; of Decatur Subdivision, No. 155, of Decatur, and of Mount Carmel Subdivision, No. 400, of Mount Carmel, all of the Brotherhood of Locomotive Engineers, in the State of Illinois, praying for the enactment of legislation to prohibit the employment of any man as a locomotive engineer who has not had at least three years' experience as a locomotive fireman or one year's experience as a locomotive engineer; which were referred to the Committee on Interstate Commerce.

Mr. KEARNS presented a petition of American Desert Subdivision, No. 55, Brotherhood of Locomotive Engineers, of Ogden, Utah, and a petition of Soldier Summit Subdivision, No. 593, Brotherhood of Locomotive Engineers, of Helper, Utah, praying for the enactment of legislation to prohibit the employment of locomotive engineers who have not had at least three years' experience as locomotive firemen or one year's experience as locomotive engineer; which were referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented a petition of A. A. Stevens and 20 other citizens of East Bethel, Vt., praying for Government control of railway rates and the establishment of a parcels-post and post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Otter Creek Subdivision, No. 347, Brotherhood of Locomotive Engineers of Rutland, Vt., and of Bellows Falls Subdivision, No. 106, Brotherhood of Locomotive Engineers of Bellows Falls, Vt., 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 memorials of Earle E. Curtis and 39 other citizens of Chittenden, Vt., and of Rev. G. W. Woodall and 38 other citizens, of Pittsford, Vt., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. PATTERSON. I present a joint memorial of the legislature of Colorado, remonstrating against the repeal of all existing desert-land laws. The memorial is brief, and I ask that it be read and referred to the Committee on Public Lands.

There being no objection, the memorial was read and referred to the Committee on Public Lands, as follows:

Senate joint memorial No. 1 (by Senator Taylor) concerning the public-land laws.

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

Your memorialist, the fifteenth general assembly of the State of Colorado, respectfully represents to your honorable body that:

Whereas there is now pending before the Congress of the United States a bill providing for the repeal of all existing desert-land laws; and

Whereas it is confidently believed that the campaign for such repeal is being conducted largely in the interests of the land-grant railroads, for the purpose of excluding from settlement all lands other than railroad lands; and

Whereas the present desert-land laws facilitate the acquirement of homes by certain of our citizens by reclaiming and developing numerous small intermountain valleys that can not be reclaimed under any other law; and

Whereas the Federal land laws now on our statute books have been of great benefit in the development of this State and have operated satisfactorily wherever their provisions have been carried out in good faith; and

Whereas we believe that any change in the present desert-land laws

of the United States would be detrimental to the great intermountain region and would especially retard the development of our State;

Therefore we earnestly protest against the passage of said bill and against any interference at this time with the desert-land laws of the United States; and, further, we direct that a certified copy of this memorial be forthwith sent to our Senators and Representatives in Congress.

WILLIAM H. DICKSON,
Speaker of the House of Representatives.
JESSE F. MCDONALD,
President of the Senate.
ALVA ADAMS,
Governor of the State of Colorado.

Approved February 23, 1905.

Mr. McCOMAS presented the petition of Frances A. Lacy, of Deanwood, D. C., praying that the claim of William B. Lacy, deceased, for property taken during the civil war, be referred to the Court of Claims under the Tucker Act; which was referred to the Committee on Claims.

Mr. BACON presented a paper to accompany the bill (S. 7144) for the relief of the heirs of J. W. Rucker, deceased; which was referred to the Committee on Claims.

JUDGE CHARLES SWAYNE.

The PRESIDENT pro tempore laid before the Senate the following communication from the counsel of Judge Charles Swayne; which was referred to the Committee on the Judiciary:

To the President pro tempore of the United States Senate:

The undersigned have the honor to request that, inasmuch as Judge Charles Swayne has been declared not guilty by the Senate of the impeachment charges preferred against him by the House of Representatives, an allowance may be made as a part of the expenses of the Senate in connection with the impeachment which shall enable him to defray the expenses of his counsel and the other expenses incurred by him in making his defense.

The undersigned will submit a statement of such expenses whenever requested to do so by the Senate.

ANTHONY HIGGINS.
JOHN M. THURSTON.

WASHINGTON, *February 27, 1905.*

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. DRYDEN. I submit on behalf of the Senator from Rhode Island [Mr. WETMORE], who is necessarily absent, the annual report of the National Academy of Sciences for the year 1904. It will be printed under the law, which provides that a certain number of copies shall be printed.

The PRESIDENT pro tempore. The report requires no action by the Senate.

DESERTION AND NONSUPPORT LAWS.

Mr. GALLINGER. I present a document relating to family desertion and nonsupport laws. The document has been prepared at the request of the Board of Associated Charities. I move that it be received and referred to the Committee on Printing.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. ALLEE, from the Committee on Organization, Conduct, and Expenditures of the Executive Departments, to whom was referred the amendment submitted by Mr. BEVERIDGE, on the 25th inst., relative to the transfer of the whole or any part of any bureau, office, division, or other branch of the public service from one Executive Department to another Executive Department, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 18906) authorizing the construction of two bridges across the Ashley River, in the counties of Charleston and Dorchester, S. C., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7238) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across the lower Willamette River, in the State of Oregon, above Elk Rock, reported it with an amendment, and submitted a report thereon.

Mr. DRYDEN (for Mr. WETMORE), from the Committee on the Library, to whom was referred the concurrent resolution submitted by Mr. WETMORE on the 23d instant, granting permission to Jefferson M. Levy to present to the municipality of Angers, France, a cast of the statue of Thomas Jefferson in the Rotunda of the Capitol, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 3164) for the relief of Albert S. Henderer, reported it with an amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7170) for the relief of James A. Russell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. McCOMAS on the 20th instant, providing that in the assignment or transfer of clerks from the Railway Mail Service to clerical service in the Post-Office Department or post-offices preference shall be given to those who served in the war of the rebellion, etc., intended to be proposed to the post-office appropriation bill, reported favorably thereon, and moved that it lie on the table, and be printed; which was agreed to.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (H. R. 13772) to amend section 858 of the Revised Statutes of the United States, reported it without amendment.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6319) providing for compulsory education in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Private Land Claims, to whom was referred the bill (H. R. 1520) for the relief of the Mission of St. James, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 17941) to amend the act entitled "An act to provide for the construction of a light-house and fog signal at Diamond shoal, on the coast of North Carolina, at Cape Hatteras," approved April 28, 1904, reported it without amendment.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 18641) to amend sections 56 and 80 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, reported it with amendments.

Mr. PETTUS, from the Joint Select Committee of the Senate and House of Representatives on the Disposition of Useless Papers in the Executive Departments, submitted a report on the disposition of useless papers on the files of the Interior Department, described in the report of the Secretary of the Interior in House Document No. 350, Fifty-eighth Congress, third session.

LOUISIANA PURCHASE EXPOSITION.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. J. Res. 208) to authorize the President of the United States to convey to the foreign governments participating in the Louisiana Purchase Exposition the grateful appreciation of the Government and the people of the United States, to report it favorably without amendment, and I ask for its present consideration.

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

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

ROCK RIVER DAM AT LYNDON, ILL.

Mr. HOPKINS. I am authorized by the Committee on Commerce, to whom was referred the bill (H. R. 15440) authorizing the construction of a dam across Rock River at Lyndon, Ill., to report it favorably, without amendment.

Mr. CULLOM. This bill will lead to no opposition, I think. It is a local bill, and I ask that it be considered at this time.

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

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

COMMISSION ON REVISION OF LAWS.

Mr. PLATT of Connecticut. From the Committee on the Judiciary I report back favorably without amendment the joint resolution (S. R. 107) authorizing the Commission to revise the laws of the United States to incorporate in its final report all criminal and penal laws of the judiciary title heretofore reported by said Commission. If the joint resolution is going to be acted upon it ought to be passed at the present time, and I ask for its present consideration.

The Secretary read the joint resolution.

Mr. HALE. What is the Commission?

Mr. PLATT of Connecticut. We have a Commission to revise the penal and criminal laws of the United States. It has made a report up to a certain period, but has not made its final report, and now asks permission to incorporate in its final report changes which have been made since its last report, to bring it up to date.

Mr. HALE. What will constitute its work when finally completed? Will we have a new revision of the statutes?

Mr. PLATT of Connecticut. Practically. The Commission was appointed and has been in office for quite a while. It ought to make and is prepared to make, I understand, a final report, and desires to incorporate in that report all the recent acts, which would bring it up to date. That is all there is to the joint resolution.

Mr. HALE. The Commission has been at the work a long time. I hope the Senator or his committee will do something to hurry it along. It is not intended that these commissions should be continued year after year. They ought to report, and there ought to be some conclusion instead of drifting into permanent boards.

Mr. PLATT of Connecticut. Commissions are more and more being endowed with the immortality of life——

Mr. HALE. And we have too many of them.

Mr. PLATT of Connecticut. But I think the passage of this joint resolution is in the interest of having the work of this Commission completed.

Mr. HALE. I am very glad to hear it.

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

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

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

ORDER FOR EVENING SESSION.

Mr. ALLISON. For the convenience of Senators and the Senate, I move that at 6 o'clock the Senate take a recess until 8 o'clock this evening, so as to go on with business.

The motion was agreed to.

COURTS IN NORTH CAROLINA.

Mr. BACON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 14467) to amend chapter 508 of the United States Statutes at Large, volume 32, part 1, Fifty-seventh Congress, entitled "An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.," to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend chapter 508 of the United States Statutes at Large, volume 32, part 1, Fifty-seventh Congress, entitled "An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.," approved April 15, 1902, so that the same shall read as follows:

That section 3, chapter 282 of the United States Statutes at Large, volume 17, be amended by adding thereto, at the end of said section, the following:

"And the circuit and district judges for the eastern district shall appoint, besides a clerk of said court, held at Raleigh, additional clerks, who shall reside and keep their offices at Wilmington, Newbern, and Elizabeth City, and be clerks both of the district and circuit courts held at Wilmington, Newbern, and Elizabeth City, and who shall have the custody and control of the records of said courts, shall give the same bonds required of the clerk of circuit and district courts of said district, and shall receive the same fees and compensation for services performed by clerks of such courts now fixed by law."

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

ASHLEY RIVER (S. C.) BRIDGES.

Mr. LATIMER. I ask unanimous consent to call up House bill 18906, a bill authorizing the construction of two bridges across Ashley River, South Carolina.

Mr. SCOTT. I shall have to object. I have been trying for three weeks to call up a bridge bill where there are 300 men waiting to begin work in constructing the bridge, and I have been unable to get it up.

TIMBER LAND SELECTIONS.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 14622) prohibiting the selection of timber lands in lieu of lands in forest reserves, to report it favorably with an amendment. It is a short bill, and I ask for its present consideration.

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

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

That the acts of June 4, 1897, June 6, 1900, and March 3, 1901, are hereby repealed so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, but the validity of contracts entered into by the Secretary of the Interior prior to the passage of this act shall not be impaired.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

ANACOSTIA, ETC., ELECTRIC RAILWAY COMPANY.

Mr. MARTIN. I have been appointed one of the conferees on the disagreeing votes of the two Houses upon the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia. I ask the Chair to excuse me from service on the conference committee.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Virginia, and will appoint in his place the Senator from Maryland [Mr. GORMAN].

TRUSTEES OF FREDERICKSBURG (VA.) BAPTIST CHURCH, ETC.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 5774) for the relief of the trustees of the Fredericksburg Baptist Church, of Fredericksburg, Va.;

A bill (S. 5775) for the relief of the trustees of Zion Methodist Episcopal Church South, of Spottsylvania County, Va.;

A bill (S. 5776) for the relief of the trustees of St. George's Episcopal Church, of Fredericksburg, Va.;

A bill (S. 5915) for the relief of the trustees of the Methodist Episcopal Church of Newtown, Va.;

A bill (S. 5916) for the relief of the trustees of the Methodist Episcopal Church at Garys, Prince George County, Va.;

A bill (S. 5917) for the relief of the trustees of Market Street Methodist Episcopal Church, of Winchester, Va.;

A bill (S. 5918) for the relief of the trustees of St. Mary's Catholic Church, of Fredericksburg, Va.;

A bill (S. 5919) for the relief of the trustees of Warrenton Academy, of Warrenton, Va.;

A bill (S. 5920) for the relief of the trustees of the Methodist Episcopal Church South, of Kernstown, Va.;

A bill (S. 5921) for the relief of the trustees of Carters Run Baptist Church, of Fauquier County, Va.;

A bill (S. 5922) for the relief of the vestry of Zion Protestant Episcopal Church, of Fairfax, Va.;

A bill (S. 5923) for the relief of the trustees of Ebenezer Methodist Episcopal Church South, of Garrisonville, Va.;

A bill (S. 5924) for the relief of the trustees of Grove Baptist Church, of Fauquier County, Va.;

A bill (S. 5925) for the relief of the trustees of Shiloh (old site) Baptist Church, of Fredericksburg, Va.;

A bill (S. 5926) for the relief of the trustees of John Mann Methodist Episcopal Church (colored), of Winchester, Va.;

A bill (S. 5927) for the relief of Fairfax Lodge, No. 43, Ancient Free and Accepted Masons, of Culpeper, Va.;

A bill (S. 5928) for the relief of the trustees of St. Paul's Free Church, of Fauquier County, Va.;

A bill (S. 5929) for the relief of the trustees of St. Paul's Lutheran Church, of Stephens City, Va.;

A bill (S. 6173) for the relief of the trustees of the Wilderness Baptist Church, of Spottsylvania County, Va.;

A bill (S. 6397) for the relief of the trustees of Liberty Church, Dranesville, Va.;

A bill (S. 6398) for the relief of the trustees of the Presbyterian Church of Marshall, Va.;

A bill (S. 6399) for the relief of the vestry of St. James Protestant Episcopal Church, of Culpeper County, Va.;

A bill (S. 6400) for the relief of the trustees of Mount Zion Old School Baptist Church, near Aldie, Loudoun County, Va.;

A bill (S. 6401) for the relief of the trustees of the Methodist Episcopal Church South, of Jeffersonton, Culpeper County, Va.;

A bill (S. 6569) for the relief of the trustees of High Hill Baptist Church, of Greensville County, Va.;

A bill (S. 6797) for the relief of the trustees of the Presbyterian Church of Fredericksburg, Va.;

A bill (S. 6845) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Va.;

A bill (S. 6959) for the relief of the trustees of New Hope Baptist Church, of Orange County, Va.;

A bill (S. 7053) for the relief of the Alfred Street Baptist Church (colored), of Alexandria, Va.;

A bill (S. 7067) for the relief of the vestry of the Episcopal Church of The Plains, Fauquier County, Va.;

A bill (S. 7068) for the relief of the trustees of the Methodist Episcopal Church South, of Suffolk, Nansemond County, Va.;

A bill (S. 7245) for the relief of the trustees of Lebanon Union Church, of Lincolnia, Fairfax County, Va.; and

A bill (S. 7243) for the relief of the vestry of St. Paul's Protestant Episcopal Church, of Haymarket, Prince William County, Va.—

Reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 5774) for the relief of the trustees of the Fredericksburg Baptist Church, of Fredericksburg, Va.; the bill (S. 5775) for the relief of the trustees of Zion Methodist Episcopal Church South, of Spottsylvania County, Va.; the bill (S. 5776) for the relief of the trustees of St. George's Episcopal Church, of Fredericksburg, Va.; the bill (S. 5915) for the relief of the trustees of the Methodist Episcopal Church of Newtown, Va.; the bill (S. 5916) for the relief of the trustees of the Methodist Episcopal Church at Garys, Prince George County, Va.; the bill (S. 5917) for the relief of the trustees of Market Street Methodist Episcopal Church, of Winchester, Va.; the bill (S. 5918) for the relief of the trustees of St. Mary's Catholic Church, of Fredericksburg, Va.; the bill (S. 5919) for the relief of the trustees of Warrenton Academy, of Warrenton, Va.; the bill (S. 5920) for the relief of the trustees of the Methodist Episcopal Church South, of Kernstown, Va.; the bill (S. 5921) for the relief of the trustees of Carters Run Baptist Church, of Fauquier County, Va.; the bill (S. 5922) for the relief of the vestry of Zion Protestant Episcopal Church, of Fairfax, Va.; the bill (S. 5923) for the relief of the trustees of Ebenezer Methodist Episcopal Church South, of Garrisonville, Va.; the bill (S. 5924) for the relief of the trustees of Grove Baptist Church, of Fauquier County, Va.; the bill (S. 5925) for the relief of the trustees of Shiloh (old site) Baptist Church, of Fredericksburg, Va.; the bill (S. 5926) for the relief of the trustees of John Mann Methodist Episcopal Church (colored), of Winchester, Va.; the bill (S. 5927) for the relief of Fairfax Lodge, No. 43, Ancient Free and Accepted Masons, of Culpeper, Va.; the bill (S. 5928) for the relief of the trustees of St. Paul's Free Church, of Fauquier County, Va.; the bill (S. 5929) for the relief of the trustees of St. Paul's Lutheran Church, of Stephens City, Va.; the bill (S. 6173) for the relief of the trustees of the Wilderness Baptist Church, of Spottsylvania County, Va.; the bill (S. 6397) for the relief of the trustees of Liberty Church, Dranesville, Va.; the bill (S. 6398) for the relief of the trustees of the Presbyterian Church of Marshall, Va.; the bill (S. 6399) for the relief of the vestry of St. James' Protestant Episcopal Church, of Culpeper County, Va.; the bill (S. 6400) for the relief of the trustees of Mount Zion Old School Baptist Church, near Aldie, Loudoun County, Va.; the bill (S. 6401) for the relief of the trustees of the Methodist Episcopal Church South, of Jeffersonton, Culpeper County, Va.; the bill (S. 6569) for the relief of the trustees of High Hill Baptist Church, of Greensville County, Va.; the bill (S. 6797) for the relief of the trustees of the Presbyterian Church of Fredericksburg, Va.; the bill (S. 6845) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Va.; the bill (S. 6959) for the relief of the trustees of New Hope Baptist Church, of Orange County, Va.; the bill (S. 7053) for the relief of the Alfred Street Baptist Church (colored), of Alexandria, Va.; the bill (S. 7067) for the relief of the vestry of the Episcopal Church of The Plains, Fauquier County, Va.; the bill (S. 7068) for the relief of the trustees of the Methodist Episcopal Church South, of Suffolk, Nansemond County, Va.; the bill (S. 7245) for the relief of the trustees of Lebanon Union Church, of Lincolnia, Fairfax County, Va., and the bill (S. 7243) for the relief of the vestry of St. Paul's Protestant Episcopal Church, of Haymarket, Prince William County, Pa,. now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

INTERSTATE COMMERCE COMMITTEE INVESTIGATION.

Mr. KEAN, from the Committee on Interstate Commerce, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, is instructed to sit during the recess of the Senate, at such times and places as may suit the convenience of said committee or subcommittee, to consider the question of additional legislation to regulate interstate commerce and to authorize the Interstate Commerce Commission to fix rates of freights and fares, and to acquire further information as to interstate commerce, including violations or evasions of the antirebate law and the devices and methods by which evasions are accomplished, and including refrigerator and other private car systems, industrial railway tracks, switching charges and the like; said committee or subcommittee is authorized to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings and to have them printed, which hearings shall be sent, as soon as printed, to each member of the Senate. Said committee shall make a full report of its proceedings hereunder by bill or otherwise within ten days after the meeting of the next Congress. And all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

RECALL OF CLAIMS BILL FROM HOUSE.

Mr. WARREN. I ask that the following bills, a list of which I send to the desk, may be recalled from the House. They have been otherwise provided for in the omnibus claims bill.

There being no objection, the order was agreed to recalling the following joint resolution and bills from the House of Representatives:

A joint resolution (S. R. 11) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona;

A bill (S. 735) for the relief of Jean Louis Legare, of the Dominion of Canada;

A bill (S. 2876) for the relief of Sarah E. Jenkins;

A bill (S. 964) to grant jurisdiction and authority to the Court of Claims in the case of Southern Railway Lighter No. 10, her cargoes, etc.;

A bill (S. 2888) for the relief of Priscilla R. Burns;

A bill (S. 175) for the relief of Robert D. McAfee and John Chiatovich;

A bill (S. 705) for the relief of the legal representatives of G. B. Stimpson;

A bill (S. 3197) for the relief of H. H. Thornton and Ben D. Rochblaive;

A bill (S. 2547) for the relief of the owners, masters, and crew of the schooner *Ella M. Doughty;*

A bill (S. 4260) for the relief of Thomas C. Sweeney;

A bill (S. 2269) for the relief of Capt. Archibald W. Butt, quartermaster, United States Army;

A bill (S. 4236) to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me.; Fort Winthrop, Mass.; Fort Hamilton, N. Y., and Fort H. G. Wright, N. Y., as reported by board of army officers constituted to ascertain the same; and

A bill (S. 2749) for the relief of Henry Bash.

CLAIMS BILLS STRICKEN FROM CALENDAR.

Mr. WARREN. I send to the desk a list of bills which have been cared for in the omnibus claims bill and are now standing on the Senate Calendar. I ask that they be stricken from the Calendar.

The bills were ordered to be indefinitely postponed, as follows:

A bill (S. 1387) to refund internal-revenue taxes paid by owners of private dies;

A bill (S. 4409) to extend the jurisdiction of the Court of Claims;

A bill (S. 5304) for the relief of the heirs of George T. Howard;

A bill (S. 677) for the relief of the legal representatives of A. G. Boone;

A bill (S. 2020) for the relief of Custis Parke Upshur;

A bill (H. R. 1700) for the relief of the legal representatives of Warren Mitchell, deceased;

A bill (S. 5053) for the relief of Sarah K. McLean; and

A bill (S. 4276) for the relief of the estate of Charles L. Perkins.

DECORATION BY FRENCH REPUBLIC.

Mr. CULLOM. I am directed by the Committee on Foreign Relations to report a bill, and I ask for its present consideration.

The bill (S. 7279) to authorize John Hay, Secretary of State, to accept a decoration conferred upon him by the Government of the French Republic was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That John Hay, Secretary of State, be, and he is hereby, authorized to accept the decoration of the grand cross of the national order of the Legion of Honor, tendered to him through the Department of State by the Government of the French Republic, and the Department of State is hereby authorized to deliver the said decoration to him.

Mr. HALE. The Senator from Wisconsin has held up matters of this kind heretofore. I call his attention to the bill.

Mr. SPOONER. What is it?

Mr. CULLOM. It is a proposed decoration to the Secretary of State by the French Government.

Mr. SPOONER. Has the bill been referred to the committee?

Mr. CULLOM. The matter was referred to the committee and reported back by me this morning.

Mr. SPOONER. When did the committee meet?

Mr. CULLOM. Some days ago.

Mr. SPOONER. Let the bill go over, Mr. President.

Mr. CULLOM. If the Senator objects to it, let it go over.

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

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I submit the report of the committee of conference on the District of Columbia appropriation bill and ask for its immediate consideration. It is a full and final agreement as respects the differences between the two Houses.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18123) making appropriations for the expenses of the government of the District of Columbia 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 2, 5, 16, 17, 29, 30, 33, 35, 37, 42, 44, 52, 66, 67, 68, 69, 84, 90, 94, 95, 98,

99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 126, 127, 128, 131, 132, 133, 135, 137, 143, 145, and 176.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 7, 9, 10, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 36, 39, 40, 41, 43, 45, 46, 47, 48, 49, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 91, 92, 93, 96, 112, 113, 114, 117, 118, 121, 122, 123, 124, 125, 129, 130, 134, 136, 139, 140, 141, 142, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 162, 163, 164, 165, 171, 172, 173, 174, 175, 177, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 203, 204, 205, and 206; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$76,299;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "*$1,100;*" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$20,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with amendments, as follows: On page 4 of the bill, in line 24, strike out the words "five hundred;" and in lines 24 and 25, same page, strike out the words "forty-six thousand" and insert in lieu thereof the words "Forty-five thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the words "temporary clerk hire, one thousand two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight thousand six hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-four thousand and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "two" and insert in lieu thereof the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twelve thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with amendments as follows: In line 1 strike out the word "thirty" and insert in lieu thereof the word "twenty-five;" and in lines 4 and 5 strike out the words "five thousand four hundred dollars" and insert in lieu thereof the words "four thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the words "four hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million fifty-nine thousand nine hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-eight thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for one third-size steam fire engine, four thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty thousand one hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand three hundred and twenty-five dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with the Central Dispensary and Emergency Hospital by the Board of Charities, ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For emergency care and treatment of, and free dispensary service to, indigent patients under a contract or agreement to be made with the Eastern Dispensary by the Board of Charities, two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "three thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: Restore the paragraph stricken out by said amendment, amended by inserting "five thousand dollars" in lieu of the sum named in said paragraph; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven thousand six hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-two thousand four hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and on page 72 of the bill strike out after the word "skilled" in line 16 all down to and including the word "work" in line 18 and insert in lieu thereof the following: "laborers, and mechanics as may be required exclusively in con-

nection with sewer, street, and road work, and street sprinkling;" and the Senate agree to the same.

W. B. ALLISON,
J. H. GALLINGER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. T. MCCLEARY,
E. J. BURKETT.
Managers on the part of the House.

Mr. GORMAN. I should like to inquire from the chairman of the committee what became of the provision in regard to the municipal building, making an increase of $500,000 in the limit of cost?

Mr. ALLISON. The House conferees receded from the disagreement of the House and agreed to the Senate amedment.

Mr. GORMAN. I am delighted to hear it.

The report was agreed to.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7280) for the relief of the estate of Jacob J. Vandergrift, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7281) granting an increase of pension to Joseph Snowden;

A bill (S. 7282) granting an increase of pension to Michael Brady; and

A bill (S. 7283) granting a pension to Stacy Hoon (with an accompanying paper).

Mr. McENERY introduced a bill (S. 7284) to authorize the Secretary of the Treasury to exchange the site for a public building at Natchitoches, La.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $5,158.80 to pay the North American Transportation and Trading Company for barge wrecked while in the service of the United States; for damage sustained by the sailing vessel *Mary Ann* in collision with the U. S. S. *Jeff C. Davis* at Fort St. Michael, Alaska, and for supplies purchased by Capt. W. P. Richardson, United States Army, for the relief of destitute Indians at Fort Yukon, Alaska, 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. DIETRICH submitted an amendment proposing to appropriate $25,000 for the support of reindeer stations in Alaska, etc., intended to be proposed by him to the sundry civil appropriaion bill; which was ordered to lie on the table, and be printed.

He also submitted an amendment proposing to appropriate $100,000 to provide for the education and support of the Eskimos, Indians, and other natives of Alaska, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table, and be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $250 to pay William B. Turner for preparing index to the report of Robert C. Morris, agent of the United States before the United States and Venezuela Claims Commission, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment providing for compensation for extra services for employees of the Senate and House, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

He also (for Mr. PLATT of New York) submitted an amendment proposing to increase the appropriation for the salary of the district attorney for the southern district of New York from $6,000 to $12,000, 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. PENROSE submitted an amendment proposing to appropriate $100 to pay James A. Russell for transporting mail on route No. 6531, from New Smyrna to Indian River, Fla., from January 1 to March 31, 1861, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. BARD submitted an amendment proposing to appropriate $25,000 for the support of reindeer stations in Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table, and be printed.

He also submitted an amendment proposing to appropriate $100,000 to provide for the education and support of the Eskimos, Indians, and other natives of Alaska, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to increase the limit of cost of the public building at Fresno, Cal., to $195,000, 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. CLAY submitted an amendment proposing to appropriate $90,000 for the construction of a light-ship for the outer bar of Brunswick, Ga., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $275 to pay Jay H. Durkee for services as medical attendant upon Joseph H. Durkee, a witness before the Senate in the impeachment proceedings against Charles Swayne, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $25,000 for completing building at Charlottesville, Va., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $25,000 for the support of the reindeer stations of Alaska, 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.

He also submitted an amendment proposing to appropriate $100,000 to provide for the education and support of the Eskimos, Indians, and other natives of Alaska, 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. FOSTER of Louisiana submitted an amendment proposing to appropriate $215,820.89 to pay the Citizens' Bank of Louisiana the sum found due it by the Court of Claims, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FORAKER submitted an amendment authorizing the Secretary of War to adjust and pay any loss or damages heretofore or hereafter sustained or incurred by the Globe Construction Company, contractors, for the construction of the earth work on miles 19 to 23, inclusive, of the Illinois and Mississippi Canal, etc., intended to be proposed by him to the river and harbor appropriation bill; which was ordered to lie on the table and be printed.

Mr. DEPEW submitted an amendment authorizing the Secretary of the Treasury to issue, in lieu of certain drafts heretofore issued in payment of refunding internal-revenue taxes illegally collected now representing outstanding liabilities of the Government amounting to $7,407.90, new drafts payable to H. Amy & Co., Adrian Iselin & Co., etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COMPILATION OF FOREST LAWS.

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

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 15,000 copies of Bulletin No. 57 of the Bureau of Forestry, being a compilation of all Federal and State forest laws, of which 2,000 shall be for the use of the Senate, 3,000 for the use of the House of Representatives, and 10,000 for the use of the Department of Agriculture.

INDIAN DEPREDATION CLAIMS.

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

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress not heretofore reported at the present session.

LIST OF CLAIMS.

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

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the bal-

ances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session; also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

LIST OF JUDGMENTS.

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

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States approved March 3, 1887.

CARE OF INSANE SOLDIERS AND SAILORS.

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

Resolved, That the Committee on the District of Columbia is hereby directed, by subcommittee or otherwise, to make careful investigation during the recess of Congress as to the environment and condition of the soldiers and sailors now inmates of the Government Hospital for the Insane, with a view to the adoption of a plan to segregate them from the other inmates of that institution, report to be made to the Senate at the beginning of the next session.

TREATIES AND CONVENTIONS WITH CHINA AND KOREA.

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

Resolved by the Senate (the House of Representatives concurring), That there be printed 500 copies of the volume entitled "Treaties and Conventions Concerning China and Korea," of which 200 copies shall be for the use of the Senate and 300 copies for the use of the House of Representatives.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

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

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 10,000 copies of the proceedings in the Senate of the United States in the matter of the impeachment of Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, of which 4,000 shall be for the use of the Senate and 6,000 for the use of the House of Representatives; and that the Committee on Printing be, and is hereby, directed to prepare an index thereto.

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 27, 1905:

S. 3479. An act making provision for conveying in fee certain public ground in the city of St. Augustine, Fla., for school purposes; and

S. 7103. An act confirming the title of the St. Paul, Minneapolis and Manitoba Railway Company to certain lands in the State of Montana, and for other purposes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE 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. 18468) making appropriations for the diplomatic and consular service 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 4 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 30, 32, 33, 34, and 35; and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 22 and 23, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendments, and on page 23 of the bill, after line 16, insert the following:

"Hermosillo, Mexico.

"Jalapa, Mexico."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$164,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with amendments as follows: Strike out the matter inserted by said amendment, and on page 25 of the bill, after line 11, insert the words: "Colonia, Uruguay;" and in line 17 strike out the word "five" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$102,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$511,000;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
H. M. TELLER,
Managers on the part of the Senate.

ROBERT ADAMS, Jr.
HUGH A. DINSMORE,
Managers on the part of the House.

The report was agreed to.

LEWIS AND CLARK CENTENNIAL EXPOSITION.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution coming over from a previous day, which will be read.

The Secretary read the concurrent resolution submitted yesterday by Mr. FULTON, 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.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was unanimously agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 13094. An act for the relief of street-car motormen; and

H. R. 18975. An act to authorize the levying of certain special assessments.

H. R. 18969. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

H. J. Res. 222. Joint resolution permitting Ying Hsing Wen and Ting Chia Chen, of China, to receive instruction at the Military Academy at West Point, was read twice by its title, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 2697. An act to amend an act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

S. 5768. An act to provide for an additional judge of the district court of the United States for the district of New Jersey;

S. 6522. An act to enable independent school district No. 12, Roseau County, Minn., to purchase certain lands;

S. 6757. An act to amend section 2288 of the Revised Statutes of the United States;

S. 7049. An act 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; and

S. 7164. An act permitting the building of a railway bridge across White River, joining the township of Harrison, in Knox County, State of Indiana, and township of Washington, in Pike County, State of Indiana.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 15629) granting a pension to Walter Elkan alias Walter Eckhardt.

The message further announced that the House had passed a bill (H. R. 19026) permitting the building of a dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn.; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foss, Mr. Dayton, and Mr. Meyer of Louisiana as 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:

H. R. 746. An act granting an increase of pension to William H. Gilman;

H. R. 786. An act granting an increase of pension to Joseph V. Howell;

H. R. 928. An act granting an increase of pension to Mark S. Clay;

H. R. 1266. An act granting an increase of pension to Marshall Cox;

H. R. 1551. An act granting an increase of pension to Edward S. Clithero;

H. R. 1865. An act granting an increase of pension to Ormon W. Walsh;

H. R. 1900. An act granting an increase of pension to Samuel Visnow;

H. R. 2017. An act granting an increase of pension to Johan Mohr;

H. R. 2465. An act granting an increase of pension to Mary A. Craig;

H. R. 2479. An act granting an increase of pension to Lander Robinson;

H. R. 2487. An act granting an increase of pension to John M. Rutherford;

H. R. 2741. An act granting an increase of pension to William H. Smith;

H. R. 2992. An act granting an increase of pension to Solomon B. Umphrey;

H. R. 3061. An act granting an increase of pension to John H. Hardy, third;

H. R. 3175. An act granting an increase of pension to James H. Pemberton;

H. R. 3239. An act granting an increase of pension to Daniel Ford;

H. R. 3406. An act granting an increase of pension to Thomas J. Peaks;

H. R. 3437. An act granting an increase of pension to William B. Shepard;

H. R. 3526. An act granting an increase of pension to Mary H. Walker;

H. R. 3900. An act granting an increase of pension to William W. Donham;

H. R. 3908. An act granting an increase of pension to Jacob Trautman;

H. R. 11501. An act granting an increase of pension to Sarah S. Mulcahey;

H. R. 15008. An act granting an increase of pension to Engelhardt Roemer;

H. R. 15018. An act granting an increase of pension to Joel V. Green;

H. R. 15045. An act granting an increase of pension to William L. Waterman;

H. R. 15084. An act granting an increase of pension to Joseph W. Miller;

H. R. 15096. An act granting an increase of pension to Isaiah S. Winters;

H. R. 15151. An act granting an increase of pension to Rebecca C. Goodson;

H. R. 15158. An act granting an increase of pension to Alexander Lessley;

H. R. 15210. An act granting an increase of pension to Isaac N. Hawkins;

H. R. 15262. An act granting an increase of pension to Charles Brick;

H. R. 15337. An act granting an increase of pension to Levi L. Martz;

H. R. 15349. An act granting an increase of pension to George C. Smith;

H. R. 15642. An act granting an increase of pension to John H. Coonrod;

H. R. 15648. An act granting an increase of pension to Joseph Sawyer;

H. R. 15720. An act granting an increase of pension to William T. Finch;

H. R. 15727. An act granting an increase of pension to Lotwig Evans;

H. R. 15748. An act granting an increase of pension to Evan E. Young;

H. R. 15750. An act granting an increase of pension to William Bechtel;

H. R. 15751. An act granting an increase of pension to Aglae Bache;

H. R. 15778. An act granting an increase of pension to Michael Hanberry;

H. R. 15789. An act granting an increase of pension to Samuel Bickford;

H. R. 15661. An act granting an increase of pension to Charles O. Lapham;

H. R. 15873. An act granting an increase of pension to Sarah T. Moffett;

H. R. 15904. An act granting an increase of pension to John K. Hughes;

H. R. 15913. An act granting an increase of pension to Hiram R. Freelove;

H. R. 15925. An act granting an increase of pension to Nellie Barrett;

H. R. 15950. An act granting an increase of pension to Edward J. Lewis; and

H. R. 15961. An act granting an increase of pension to Henry Frederick.

PENSIONS FOR TOTAL DISABILITY.

Mr. McCUMBER. I ask unanimous consent to call up Senate bill 4931, a bill which is designed simply to amend existing law. It will require no debate and take only a minute to read it. I hope the Senator from Nevada will yield for this purpose.

Mr. STEWART. I yield to the Senator that he may call up the bill, if it will lead to no debate.

Mr. McCUMBER. I ask the Senate to proceed to the consideration of the bill (S. 4931) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, on page 2, line 12, after the word "same," to insert "or been totally disabled in both arms or hands;" so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of $40 per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $46 per month; that all persons who, in like manner, shall have lost an arm at the shoulder or a leg at the hip joint, or so near the shoulder or hip joint, or where the same is in such a condition as to prevent the use of an artificial limb, or been totally disabled in the same, shall receive a pension at the rate of $55 per month; and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $60 per month; and that all persons who, in like manner, shall have lost both feet, or been totally disabled in the same, or been totally disabled in both arms or hands, shall receive a pension at the rate of $100 per month: *Provided, however,* That this act shall not be so construed as to reduce any pension under any act, public or private.

The amendment was agreed to.

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

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

ESTATE OF JOHN JACOBY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3043) for the relief of the estate of the late John Jacoby.

The amendments of the House were to strike out all after the enacting clause and insert:

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.

And to strike out the preamble.

Mr. GALLINGER. I have examined those amendments, and

I move that the Senate agree to the amendments made by the House of Representatives.

The motion was agreed to.

TELEGRAPH WIRES IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4938) regulating the use of telegraph wires in the District of Columbia.

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House and request a conference on the disagreeing votes of the two Houses thereon.

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. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN were appointed.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the Indian appropriation bill he laid before the Senatae.

There being no objection, 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.

The PRESIDENT pro tempore. The first amendment passed over is on page 23, the Chair understands.

Mr. KEARNS. I ask that the resolution offered by the Senator from Idaho [Mr. DUBOIS] and now lying on the table may be read, by unanimous consent.

The PRESIDENT pro tempore. Does the Senator from Nevada yield for that purpose?

Mr. STEWART. If the speech the Senator from Utah proposes to make is not a very long one I will yield to him for that purpose.

HOUSE BILL REFERRED.

H. R. 19026. An act permitting the building of a dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn., was read twice by its title, and referred to the Committee on Commerce.

POLYGAMOUS MARRIAGES AND PLURAL COHABITATION.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted by the Senator from Idaho [Mr. DUBOIS], which will be read.

The Secretary read the resolution submitted yesterday by Mr. DUBOIS, 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.

Mr. KEARNS. Mr. President, I will not permit this occasion to pass without saying, with brevity and such clearness as I can command, what it seems to me should be said by a Senator, under these circumstances, before leaving public life. Something is due to the State which has honored me; something is due to the record which I have endeavored to maintain honorably before the world; and something, by way of information, is due to the Senate and the country.

Utah, the newest of the States, to me the best beloved of all the States, appears to be the only one concerning which there is a serious conflict with the country. I was not born in Utah, but I have spent all the years of my manhood there, and I love the Commonwealth and its people. In what I say there is malice toward none, and I hope to make it just to all. If the present day does not accept my statements and appreciate my motives, I can only trust that time will prove more gentle and that in the future those who care to revert to these remarks will know that they are animated purely by a hope to bring about a better understanding between Utah and this great nation.

Utah was admitted to statehood after, and because of, a long series of pledges exacted from the Mormon leaders, the like of which had never before been known in American history. Except for those pledges, the sentiment of the United States would never have assented to Utah's admission. Except for the belief on the part of Congress and the country that the extraordinary power which abides in that State would maintain these pledges, Utah would not have been admitted. There is every reason to believe that the President who signed the bill would have vetoed it if he had not been convinced that the pledges made would be kept.

THE PLEDGES.

As a citizen of the State and a witness to the events and words which constitute those pledges, as a Senator of the United States, I give my word of honor to you that I believed that these pledges consisted of the following propositions:

First. That the Mormon leaders would live within the laws pertaining to plural marriage and the continued plural marriage relation, and that they would enforce this obligation upon all of their followers, under penalty of disfellowship.

Second. That the leaders of the Mormon Church would no longer exercise political sway, and that their followers would be free and would exercise their freedom in politics, in business, and in social affairs.

As a citizen and a Senator I give my word of honor to you that I believed that these pledges would be kept in the spirit in which Congress and the country accepted them, and that there would never be any violation, evasion, denial, or equivocation concerning them.

I appeal to such members of this body as were in either House of Congress during the years 1890 to 1896, if it was not their belief at that time that the foregoing were the pledges and that they would be kept; and I respectfully insist that every Senator here who was a member of either House at that time would have refused to vote for Utah's admission unless he had firmly believed as I have stated.

1. Utah secured her statehood by a solemn compact made by the Mormon leaders in behalf of themselves and their people.

2. That compact has been broken willfully and frequently.

3. No apostle of the Mormon Church has publicly protested against that violation.

I know the gravity of the utterances that I have just made. I know what are the probable consequences to myself. But I have pondered long and earnestly upon this subject and have come to the conclusion that duty to the innocent people of my State, and that obligation to the Senate and the country, require that I shall clearly define my attitude.

RELIGION NOT INVOLVED.

This is no quarrel with religion. This is no assault upon any man's faith. This is rather the reverence toward the inherent right of all men to believe as they please, which separates religious faith from irreligious practice. The Mormon people have a system of their own, somewhat complex, and gathered from the mysticisms of all the ages. It does not appeal to most men; but in its purely theological domain it is theirs, and I respect it as their religion and them as its believers.

The trouble arises now, as it has frequently arisen in the past, from the fact that some of the accidental leaders of the movement since the first zealot founder have sought to make of this religion not only a system of morals, sometimes quite original in themselves, but also a system of social relation, a system of finance, a system of commerce, and a system of politics.

THE SOCIAL ASPECT.

I dismiss the religion with my profound respect; if it can comfort them, I would not, if I could, disturb it. Coming to the social aspect of the society, it is apparent that the great founder sought first to establish equality among men, and then to draw from those equal ranks a special class, who were permitted to practice polygamy and to whom special privileges were accorded in their association with the consecrated temples and the administration of mystic ordinances therein. The polygamous group, or cult as it may be called, soon became the ruling factor in the organization; and it may be observed that ever since the founding of the church almost every man of prominence in the community has belonged to this order. It was so in the time of the martyrs, Joseph and Hyrum Smith, who were killed at Carthage jail in Illinois, and both of whom were polygamists, although it was denied at the time. There were living until recently, and perhaps there are living now, women who testified that they were married in polygamy to one or the other of these two men, Joseph having the larger number. It has been so ever since and is so to-day that nearly every man of the governing class has been or is a polygamist.

Brigham Young succeeded Joseph Smith, and he set up a kind of kingly rulership, not unbecoming to a man of his vast empire-building power. The Mormons have been taught to re-

vere Joseph Smith as a direct prophet from God. He saw the face of the All Father. He held communion with the Son. The Holy Ghost was his constant companion. He settled every question, however trivial, by revelation from Almighty God. But Brigham was different. While claiming a divine right of leadership, he worked out his great mission by palpable and material means. I do not know that he ever pretended to have received a revelation from the time that he left Nauvoo until he reached the shores of the Dead Sea, nor through all the thirty years of his leadership there. He seemed to regard his people as children who had to be led through their serious calamities by holding out to them the glittering thought of divine guardianship. So firmly did Brigham establish the social order in Utah that all of the people were equal, except the governing body. This may be said to consist of the president and his two counselors, they three constituting the first presidency; the twelve apostles; the presiding bishopric, consisting of three men, the chief bishops of the church but much lower in rank than the apostles; the seven presidents of seventies, who are, under the apostles, the subordinate head of the missionary service of the church; and the presiding patriarch. These altogether constitute a body of twenty-six men. There are local authorities in the different stakes of Zion, as they are called, corresponding to counties in a State, but with these it is not necessary to deal.

Practically all of these men under Brigham Young were polygamists. They constituted what one of their number once called the "élite class" of the community. To attain this rank one usually had to show ability, and attaining the rank he was quite certain to enter into or extend his already existing plural-marriage relations. These rulers were looked upon with great reverence. Brigham Young, besides being a prophet of God, as they believed, had led them through the greatest march of the ages. His nod became almost superhuman in its significance. His frown was as terrible to them as the wrath of God. He upheld all the members of the polygamistic and governing class by his favoritism toward them. He supremely, and they subordinately, ruled the community as if they were a king and a house of peers, with no house of commons. Not elsewhere in the United States, and not in any foreign country where civilization dwells, has there been such a complete mastery of man over modern men. The subordinates and the mass would perform the slightest will of Brigham Young. When he was not present the mass would perform the will of any of the subordinates speaking in his name. Below this privileged class stood the common mass. It had its various gradations of title, but, with the exception of rare instances of personal power, there was equality in the mass. For instance, as business was a part of their system, the local religious authority in some remote part might be the business subordinate of some other man of less ecclesiastical rank, with the result that this peculiar intermingling kept them all practically upon one level of social order; and the man who made adobes under the hot sun of the desert through all the week might still be the religious superior of the richest man in the local community, and they met on terms of equality and friendship. Their children might intermarry, the difference in wealth being countervailed by a difference in ecclesiastical authority.

It was a strange social system, this, with Brigham Young and his coterie of advisers, to the number of twenty-six, standing at the head, self-perpetuating, the chief being able to select constantly to fill the ranks as they might be depleted by death; and all these ruling over one solid mass of equal caste who thought that the rulers were animated by divine revelation, holding the right to govern in all things on earth and with authority extending into heaven.

So firmly intrenched was their social system that when Brigham Young passed away his various successors who came in time to his place by accident of seniority of service found ample opportunity without difficulty to perpetuate this system and to maintain their social autocracy. As the matter has appeared so fully before the country, I will not speak further of the method of succession, but will merely call to your minds that after Brigham Young came John Taylor, then Wilford Woodruff, then Lorenzo Snow, then Joseph F. Smith, the present ruler.

Under these several men the social autocracy has had its varying fortunes, but at the present time it is probably at as high a point as it ever reached under the original Joseph or under Brigham Young. The president of the church, Joseph F. Smith, affects a regal state. His home consists of a series of villas, rather handsome in design, and surrounded by such ample grounds as to afford sufficient exclusiveness. In addition to this he has an official residence of historic character near to the office which he occupies as president. When he travels he is usually accompanied by a train of friends, who are really servitors. When he attends social functions he appears like a ruler among his subjects. And in this respect I am not speaking of Mormon associations alone, for there are many Gentiles in and out of Utah who seem to take delight in paying this extraordinary deference.

If I have seemed to speak at length upon this mere social phase it has not been without a definite purpose. I want you to know how this religion, claiming to recognize and secure the equality of men, immediately established and has maintained for the mass of its adherents that social equality, but has elevated a class of its rulers to regal authority and splendor. Understanding how the chief among them has the dignity of a monarch in their social relations, you will better understand the business and political autocracy which he has been able to establish.

In all this social system each apostle has his great part. He is inseparable from it. He wields now, as does a minister at court, such part of the power as the monarch may permit him to enjoy, and it is his hope and expectation that he will outlive those who are his seniors in rank in order that he may become the ruler.

Therefore, if there be evil in this social relation as I have portrayed it, every apostle is responsible for a part of that evil. They enjoy the honors of the social class; they help to exert the tyranny over the subjugated mass. Those of you who do me the honor to follow my remarks will realize how close is the relation between the apostles and the president, and that the apostle is a responsible part of the governing power. While I may speak of the president of the church segregated from his associates and as the monarch, it must be understood constantly that he maintains his power by the support of the apostles, who keep the mass in order and in subjugation to his will, expressed through them.

THE BUSINESS MONOPOLY.

Whatever may have been its origin or excuse, the business power of the president of the church and of the select class which he admits into business relations with him is now a practical monopoly, or is rapidly becoming a monopoly, of everything that he touches. I want to call your attention to the extraordinary list of worldly concerns in which this spiritual leader holds official position. The situation is more amazing when you are advised that this man came to his presidency purely by accident, namely, the death of his seniors in rank; that he had never shown any business ability, and that he comes to the presidency and the directorship of the various corporations solely because he is president of the church. He is already reputed to be a wealthy man, and his statement would seem to indicate that he has large holdings in the various corporations with which he is associated, although previous to his accession to the presidency of the church he made a kind of proud boast among his people of his poverty.

He conducts railways, street-car lines, power and light companies, coal mines, salt works, sugar factories, shoe factories, mercantile houses, drug stores, newspapers, magazines, theaters, and almost every conceivable kind of business, and in all of these, inasmuch as he is the dominant factor by virtue of his being the prophet of God, he asserts indisputable sway. It is considered an evidence of deference to him, and good standing in the church, for his hundreds of thousands of followers to patronize exclusively the institutions which he controls.

And this fact alone, without any business ability on his part, but with capable subordinate guidance for his enterprises, insures their success, and danger and possible ruin for every competitive enterprise. Independent of these business concerns, he is in receipt of an income like unto that which a royal family derives from a national treasury. One-tenth of all the annual earnings of all the Mormons in all the world flows to him. These funds amount to the sum of $1,600,000 annually, or 5 per cent upon $32,000,000, which is one-quarter of the entire taxable wealth of the State of Utah. It is the same as if he owned, individually, in addition to all his visible enterprises, one-quarter of all the wealth of the State, and derived from it 5 per cent of income without taxation and without discount. The hopelessness of contending in a business way with this autocrat must be perfectly apparent to your minds. The original purpose of this vast tithe, as often stated by speakers for the church, was the maintenance of the poor, the building of meeting houses, etc. To-day the tithes are transmuted, in the localities where they are paid, into cash, and they flow into the treasury of the head of the church. No account is made, or ever has been made, of these tithes. The president expends them according to his own will and pleasure, and with no examination of his accounts, except by those few men whom he selects for that purpose and whom he rewards for their zeal and secrecy. Shortly after the settlement of the Mormon Church

property question with the United States, the church issued a series of bonds, amounting approximately to $1,000,000, which were taken by financial institutions. This was probably to wipe out a debt which had accumulated during a long period of controversy with the nation. But since, and including the year 1897, which was about the time of the issue of the bonds, approximately $9,000,000 have been paid as tithes. If any of the bonds are still outstanding it is manifestly because the president of the church desires for reasons of his own to have an existing indebtedness.

It will astound you to know that every dollar of United States money paid to any servant of the Government who is a Mormon is tithed for the benefit of this monarch. Out of every $1,000 thus paid he gets $100 to swell his grandeur. This is also true of money paid out of the public treasury of the State of Utah to Mormon officials. But what is worst of all, the monarch dips into the sacred public school fund and extracts from every Mormon teacher one-tenth of his or her earnings and uses it for his unaccounted purposes; and, by means of these purposes and the power which they constitute, he defies the laws of his State, the sentiment of his country, and is waging war of nullification on the public school system, so dear to the American people. No right-thinking man will oppose any person as a servant of the nation or the State, or as a teacher in the public schools on account of religious faith. As I have before remarked, this is no war upon the religion of the Mormons; and I am only calling attention to the monstrous manner in which this monarch invades all the provinces of human life and endeavors to secure his rapacious ends.

In all this there is no thought on my part of opposition to voluntary gifts by individuals for religious purposes or matters connected legitimately with religion. My comment and criticism are against the tyranny which misuses a sacred name to extract from individuals the moneys which they ought not to spare from family needs, and which they do not wish to spare; my comment and criticism relate to the power of a monarch whose tyranny is so effective as that not even the moneys paid by the Government are considered the property of the Government's servant until after this monarch shall have seized his arbitrary tribute, with or without the willing assent of the victim, so that the monarch may engage the more extensively in commercial affairs, which are not a part of either religion or charity.

With an income of 5 per cent upon one-quarter of the entire assessed valuation of the State of Utah to-day, how long will it take this monarch, with his constantly increasing demands for revenue, to so absorb the productive power so that he shall be receiving an income of 5 per cent upon one-half the property, and then upon all of the property of the State? This is worse than the farming of taxes under the old French kings. Will Congress allow this awful calamity to continue?

The view which the people of the United States entertained on this subject forty years ago was shown by the act of Congress in 1862, in which a provision, directed particularly against the Mormon church, declared that no church in a Territory of the United States should have in excess of $50,000 of wealth, outside of the property used for purposes of worship. It is evident that as early as that time the pernicious effects of a system which used the name of God and the authority of religion to dominate in commerce and finance were fully recognized.

This immense tithing fund is gathered directly from Mormons, but the burden falls in some degree upon Gentiles also. Gentiles are in business and suffer by competition with tithe-supported business enterprises. Gentiles are large employers of Mormon labor, and as that labor must pay one-tenth of its earnings to support competitive concerns the Gentile employer must pay, indirectly at least, the tithe which may be utilized to compete with, and even ruin, him in business.

And in return it should be noted that Mormon institutions do not employ Gentiles, except in rare cases of necessity. The reason is obvious: Gentiles do not take as kindly to the tithing system as do the Mormons.

The Mormon citizen of Utah has additional disadvantages. After paying one-tenth of all his earnings as a tithe offering, he is called upon to erect and maintain the meetinghouses and other edifices of the church; he is called upon to donate to the poor fund in his ward, through his local bishop; he is called upon to sustain the Women's Relief Society, whose purpose is to care for the poor and to minister to the sick; he is called upon to pay his share of the expense for the 2,500 missionaries of the church, who are constantly kept in the field without drawing upon the general funds of the church. When all this is done, it is found that, in defiance of the old and deserved boast of the predecessors of the present president, there are some Mormons in the poorhouses of Utah, and these are sustained by the public taxes derived from the Gentiles and Mormons alike.

Broadly speaking, the Gentiles compose 35 per cent of the population and pay one-half of the taxes of Utah. In the long run they carry their share of all these great charges.

The almost unbearable community burden which is thus inflicted must be visible to your minds without argument from me.

Let it be sufficient on this point for me to say that all the property of Utah is made to contribute to the grandeur of the president of the church, and that at his instance any industry, any institution within the State, could be destroyed, except the mining and smelting industry. Even this industry his personal and church organ has attacked with a threat of extermination by the courts, or by additional legislation, if the smelters do not meet the view expressed by the church organ.

Mr. President, I ask to have read at this point an editorial from the Deseret Evening News, of October 31, 1904, which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read, as follows:

DESERET EVENING NEWS.

[Organ of the Church of Jesus Christ of Latter-day Saints.]

SALT LAKE CITY, *October 31, 1904.*

AWAY WITH THE NUISANCE.

The people of Salt Lake City are waking up to the realization of the trouble of which our cousins out in the country are complaining. The sulphurous fumes which have been tasted by many folks here, particularly late at night, are not only those of a partisan nature emanating from the smokestacks of the slanderers and maligners, but are treats bestowed upon our citizens by the smelters, and are samples of the goods, or rather evils, which farmers and horticulturists have been burdened with so long. Complaints have come to us from some of the best people of the city, of different faiths and parties, that the air has been laden with sulphurous fumes that can not only be felt in the throat, but tasted in the mouth, and they rest upon the city at night, appearing like a thin fog.

The fact is this smelter smoke will have to go; there is no mistake about that. If the smelters can not consume it they will have to close up. This fair county must not be devastated, and this city must not be rendered unhealthful by any such a nuisance as that which has been borne with now for a long time. The evasive policy that has been pursued, the tantalizing treatment toward the farmers who have vainly sought for redress, the destruction that has come upon vegetation and upon live stock, and now the choking fumes that reach this city all demand some practical remedy in place of the shilly-shally of the past.

The Deseret News has counseled peace, consideration for the smelter people in the difficulties that they have to meet, favor toward a valuable industry that should be encouraged on proper lines, and arbitration instead of litigation. But it really seems now as though an aggressive policy will have to be pursued, or ruin will come to the agricultural pursuits of Salt Lake County, while the city will not escape from the ravages of the smelter fiend. If the companies that control those works will not or can not dispose of the poisonous metallic fumes that pour out of their smokestacks, the fires will have to be banked and the nuisance suppressed. We do not believe the latter is the necessary alternative. We are of opinion that the evil can be disposed of, and we are sure that efforts ought to be made to effect it without further delay.

It looks as if the courts will have to be appealed to to obtain compensation for damages already inflicted. Also that they will have to be applied to for injunctions against the continuance of the cause of the trouble. We think there is law enough now to proceed under. But if that is not the case, then legislation must be had to fully cover the ground. Litigation will have to come first, legislation afterwards. However that may be, temporizing with the evil will not do. Patience has ceased to be a virtue in this matter. The conviction is fastening itself upon the public mind that no active steps are intended by the responsible parties, but simply a policy of delay. They must be taught that this will not answer the purpose, and that the injured people will not be fooled in that way. The smelter smoke must go. And it must not go in the old way.

The proposition to put the matter in the hands of experts chosen by the complainants is not to be seriously considered. The onus is upon the smelter men; they are the offenders, and they must take the steps necessary to remove the cause of complaint, and also reimburse those who have been injured. We do not ask anything unreasonable. We join with those of our citizens who intend that this beautiful part of our lovely State shall not be laid waste, even if the only cure is the suppression of the destroying cause. This may as well be understod first as last. Unless practical measures are adopted to abate the evil, active proceedings will have to be taken and pushed to the utmost to remove entirely the root and branch and trunk and body of this tree of destruction. The people affected are deeply in earnest and they certainly mean business.

Mr. KEARNS. Mr. President, I must not burden you with too many details, but in order for you to see how complete is the business power of this man I will cite you to one case. The Great Salt Lake is estimated to contain 14,000,000,000 tons of salt. Probably salt can be made cheaper on the shores of this lake than any where else in the world. Nearly all its shore line is adaptable for salt gardens. The president of the church is interested in a large salt monopoly which has gathered in the various smaller enterprises. He is president of a railroad which runs from the salt gardens to Salt Lake City, connecting there with trunk lines. It costs to manufacture the salt and place in on board the cars, 75 cents per ton. He receives for it $5 and $6 per ton. His company and its sudsidiary corpora-

tion are probably capitalized at three-quarters of a million dollars, and upon this large sum he is able to pay dividends of 8 or 10 per cent.

Not long since, two men who for many years had been tithe-payers and loyal members of the church, undertook to establish a salt garden along the line of a trunk railway. One of them was a large dealer in salt, and proposed to extend his trade by making the salt and reaching territory prohibited to him by the church price of salt; the other was the owner of the land upon which it was proposed to establish the salt garden. These men formed a corporation, put in pumping stations and flumes, and the corporation became endebted to one of the financial institutions over which the church exercised considerable influence. Then the president of the church sent for them. There is scarcely an instance on record where a message of this kind failed of its purpose. These men went to meet the prophet, seer, and revelator of God, as they supposed, but he had laid aside his robes of sanctity for the moment and he was a plain, unadorned, aggressive, if not an able, business man. He first denounced them for interfering with a business which he had made peculiarly his own; and, when they protested that they had no intention to interfere with his trade, but were seeking new markets, he declared in a voice of thunderous passion that if they did not cease with their projected enterprise, he would crush them. They escaped from his presence feeling like courtiers repulsed from the foot of a king's throne, and then surveyed their enterprise. If they stopped, they would lose all the money invested and their enterprise would possibly be sold out to their creditors; if they went on and invested more money, the president had the power, as he had threatened, to crush them. Not only could he ruin their enterprise, but he could ostracise them socially and could make of them marked and shunned men in the community where they had always been respected.

Is there menace in this system? To me it seems like a great danger to all the people who are now affected, and therefore of great danger to the people of the United States, because the power of this monarchy within the Republic is constantly extending. If it be an evil, every apostle is in part responsible for this tyrannical course. He helped to elect the president; he does the president's bidding and shares in the advantages of that tyranny.

I did not call the social system a violation of the pledges to the country, but I do affirm that the business tyranny of Mormon leaders is an express violation of the covenant made, for they do not leave their followers free in secular affairs. They tyrannize over them, and their tyranny spreads even to the Gentiles. In all this I charge that every apostle is a party to the wrong and to the violation. Although I speak of the president of the church as the leader, the monarch in fact, every apostle is one of his ministers, one of his creators, and also one of his creatures, and possibly his successor; and the whole system depends upon the manner in which the apostles and the other leaders shall support the chief leader. As no apostle has ever protested against this system, but has, by every means in his power, encouraged it, he can not escape his share of the responsibility for it. It is an evil; they aid it. It is a violation of the pledge upon which statehood was granted; they profit by it.

THE POLITICAL AUTOCRACY.

I pass now to the political aspect of this hierarchy, as some call it, but this monarchy as I choose to term it.

I have previously called your attention to the social and business powers, monopolies, autocracies, exercised by the leaders. Through these channels of social and business relations they can spread the knowledge of their political desires without appearing obtrusively in politics. When the end of their desire is accomplished, they affect to wash their hands of all responsibility by denying that they engaged in political activities. Superficial persons, and those desiring to accept this argument, are convinced by it. But never, in the palmy days of Brigham Young, was there a more complete political tyranny than is exercised by the present president of the Mormon Church and his apostles, who are merely awaiting the time when by the death of their seniors in rank they may become president, and select some other man to hold the apostleship in their place—as they now hold it in behalf of the ruling monarch.

In this statement I merely call your attention to what a perfect system of ecclesiastical government is maintained by these presidents and apostles; and I do not need to more than indicate to you what a wondrous aid their ecclesiastical government can be, and is, in accomplishing their political purposes.

Parties are nothing to these leaders, except as parties may be used by them. So long as there is Republican administration and Congress, they will lead their followers to support Republican tickets; but if, by any chance, the Democratic party should control this Government, with a prospect of continuance in power, you would see a gradual veering around under the direction of the Mormon leaders. When Republicans are in power the Republican leaders of the Mormon people are in evidence and the Democratic leaders are in retirement. If the Democracy were in power, the Republican leaders of the Mormon people would go into retirement and Democrats would appear in their places. No man can be elected to either house of Congress against their wish. I will not trespass upon your patience long enough to recite the innumerable circumstances that prove this assertion, but will merely refer to enough instances to illustrate the method. In 1897, at the session of the legislature which was to elect a Senator, and which was composed of sixty Democrats and three Republicans, Moses Thacher was the favored candidate of the Democracy in the State. He had been an apostle of the Mormon Church, but had been deposed because he was out of harmony with the leaders. The Hon. Jos. L. Rawlins was a rival candidate, but not strongly so at first. He was encouraged by the church leaders in every way; and finally, when his strength had been advanced sufficiently to need but one vote, a Mormon Republican was promptly moved over into the Democratic column and he was elected by the joint assembly. I do not charge that Hon. Jos. L. Rawlins, who occupied a seat with distinguished honor in this great body for six years, had any improper bargain with the church, or any knowledge of the secret methods by which his election was being compassed; but he was elected under the direction of the leaders of the church because they desired to defeat and further humiliate a deposed apostle.

I will not ignore my own case. During nearly three years I have waited this great hour of justice in which I could answer the malignant falsehood and abuse which has been heaped upon a man who is dead and can not answer, and upon myself, a living man willing to wait the time for answer. Lorenzo Snow, a very aged man, was president of the church when I was elected to the Senate. He had reached that advanced time of life, being over eighty, when men abide largely in the thoughts of their youth. He was my friend in that distant way which sometimes exists without close acquaintanceship, our friend ship (if I may term it such) having arisen from the events attendant upon Utah's struggle for statehood. For some reason he did not oppose my election to the Senate. Every other candidate for the place had sought his favor; it came to me without price or solicitation on my part. The friends and mouthpieces of some of the present leaders have been base enough to charge that I bought the Senatorship from Lorenzo Snow, president of their own church. Here and now I denounce the calumny against that old man, whose unsought and unbought favor came to me in that contest. That I ever paid him one dollar of money, or asked him to influence legislators of his faith, is as cruel a falsehood as ever came from human lips. So far as I am concerned he held his power with clean hands, and I would protect the memory of this dead man against all the abuse and misrepresentation which might be heaped upon him by those who were his adherents during life, but who now attack his fame in order that they may pay the greater deference to the present king.

You must know that in that day we were but five years old as a State. Our political conditions were and had been greatly unsettled. The purpose of the church to rule in politics had not yet been made so manifest and determined. Lorenzo Snow held his office for a brief time—about two years. What he did in that office pertaining to my election I here and now distinctly assume as my burden, for no man shall with impunity use his hatred of me to defame Lorenzo Snow and dishonor his memory to his living and loving descendants.

As for myself, I am willing to take the Senate and the country into my confidence, and make a part of the eternal records of the Senate, for such of my friends as may care to read, the vindication of my course to my posterity. I had an ambition, and not an improper one, to sit in the Senate of the United States. My competitors had longer experience in politics and may have understood more of the peculiar situation in the State. They sought what is known as church influence. I sought to obtain this place by purely political means. I was elected. After all their trickery my opponents were defeated, and to some extent by the very means which they had basely invoked. I have served with you four years, and have sought in a modest way to make a creditable record here. I have learned something of the grandeur and dignity of the Senate, something of its ideals, which I could not know before coming here. I say to you, my fellow Senators, that this place of power is infinitely more magnificent than I dreamed when I first thought of occupying a seat here. But were it thrice as great as I now know it to be, and were I back in that old time of struggle in Utah, when I was seeking for this honor, I would not permit the

volunteered friendship of President Snow to bestow upon me, even as an innocent recipient, one atom of the church monarch's favor. My ideals have grown with my term of service in this body, and I believe that the man who would render here the highest service to his country must be careful to attain to this place by the purest civic path that mortal feet can tread.

I have said enough to indicate that for my own part I never countenanced, nor knowingly condoned, the intrusion of the church monarchy into secular affairs. And I have said enough to those who know me to prove for all time that, so far as I am concerned, my election here was as honorable as that of any man who sits in this Chamber; and yet I have said enough that all men may know that rather than have a dead man's memory defamed on my account, I will make his cause my own and will fight for the honor which he is not on earth to defend. This will not suit the friends and mouthpieces of the present rulers, but I have no desire to satisfy or conciliate them; and in leaving this part of the question, I avenge President Snow sufficiently by saying that these men did not dare to offend his desire nor dispute his will while he was living, and only grew brave when they could cry:

Lorenzo, the king, is dead! Long live Joseph, the king!

As a Senator I have sought to fulfill my duty to the people of this country. I am about to retire from this place of dignity. No man can retain this seat from Utah and retain his self-respect after he discovers the methods by which his election is procured and the objects which the church monarchy intends to achieve. Some of my critics will say that I relinquished that which I could not hold. I will not pause to discuss that point further than to say that if I had chosen to adopt the policy with the present monarch of the church, which his friends and mouthpieces say I did adopt with the king who is dead, it might have been possible to retain this place of honor with dishonor.

Every apostle is a part of this terrible power, which can make and unmake at its mysterious will and pleasure. Early in 1902 warning had been publicly uttered in the State against the continued manifestation of church power in politics. The period of unsettled conditions during which I was elected had ended and we had opportunity to see the manner in which the church monarch was resuming his forbidden sway; and we had occasion to know the indignant feelings entertained by the people of the United States when they contemplated the flagrant breaking of the pledge given to the country to secure the admission of Utah. I myself, after conference with distinguished men at Washington, journeyed to Utah and presented a solemn protest and warning to the leaders of the church against the dangerous exercise of their political power. I did it to repay a debt which I owed to Utah, and not for any selfish reason. I knew that from the day I uttered that warning the leaders of the Mormon Church would hate and pursue me for the purpose of wreaking their vengeance. But as the consequences of their misconduct, their pledge breaking would fall upon all of the people of the State, upon the innocent more severely than upon the guilty, I felt that I must assert my love and gratitude to the State, even though my warning should lead to my own destruction by these autocrats. If there had been one desire in my heart to effect a conjunction with this church monarchy, if I had been willing to retain office as its gift, I would not have taken this step, for I knew its consequences. I began in that hour my effort to restore to the people of Utah the safety and the political freedom which are their right, and I shall continue it while I live until the fight is won.

The disdain with which that message was received was final proof of the contempt in which that church monarchy holds the Senate and the people of the United States, and of the disregard in which the church monarchy holds the pledges which it made in order to obtain the power of statehood.

They do not need to utter explicit instructions in order to assert their demand. The methods of conveying information of their desire are numerous and sufficiently effective, as is proved by results. To show how completely all ordinary political conditions, as they obtain elsewhere in the United States, are without account in Utah, I have but to cite you to the fact that after the recent election, which gave 57 members out of 63 on joint ballot to the Republican party, and when the question of my successor became a matter of great anxiety to numerous aspirants for this place, the discussion was not concerning the fitness of candidates, nor the political popularity of the various gentlemen who composed that waiting list, nor the pledges of the legislators, but was limited to the question as to who could stand best with the church monarchy; as to whom it would like to use in this position; as to who would make for the extension of its ambitions and power in the United States.

THE MORMON MARRIAGE RELATION.

And now I come to a subject concerning which the people of the United States are greatly aroused. It is known that there have been plural marriages among the Mormon people, by sanction of high authorities in this church monarchy, since the solemn promise was made to the country that plural marriages should end. It is well known that the plural marriage relations have been continued defiantly, according to the will and pleasure of those who had formerly violated the law, and for whose obedience to law the church monarchy pledged the faith and honor of its leaders and followers alike in order to obtain statehood. The pledge was made repeatedly, as stated in an earlier part of these remarks, that all of the Mormon people would come within the law. They have not done so. The church monarch is known to be living in defiance of the laws of God and man, and in defiance of the covenant made with the country, upon which amnesty by the President, and statehood by the President and the Congress, were granted.

I charge that every apostle is in large part responsible for this condition, so deplorable in its effects upon the people of Utah and so antagonistic to the institutions of this country. Every apostle is directed by the law-breaking church monarch. Every apostle teaches by example and precept to the Mormon people that this church monarch is a prophet of God, to offend or criticise whom is a sin in the sight of the Almighty. Every apostle helps to appoint to office and sustain the seven presidents of seventies, who are below them in dignity, and they are directly responsible for them and their method of life.

It is quite evident that the church monarchy is endeavoring to reestablish the rule of a polygamous class over the mass of the Mormon people. Of the apostles not practicing polygamy there is at most only three or four men constituting the quorum of which this could be truthfully said. Special reasons may exist in some particular case why a man in this class has not entered into such relation.

THE GENERAL SITUATION.

Briefly reviewing the matters which I have offered here, and the logical deductions therefrom, I maintain the following propositions:

We set aside the religion of the Mormon people as sacred from assault.

Outside of religion the Mormons as a community are ruled by a special privileged class, constituting what I call the church monarchy.

This monarchy pledged the country that there would be no more violations of law and no more defiance of the sentiment of the United States regarding polygamy and the plural marriage relation.

This monarchy pledged the United States that it would refrain from controlling its subjects in secular affairs.

Every member of this monarchy is responsible for the system of government and for the acts of the monarchy, since (as shown in the cases of the deposed apostle, Moses Thatcher, and others) the man who is not in accord with the system is dropped from the ruling class.

This monarchy sets up a regal social order within this Republic.

This monarchy monopolizes the business of one commonwealth and is rapidly reaching into others.

This monarchy takes practically all the surplus product of the toil of its subjects for its own purpose, and makes no account to anyone on earth of its immense secret fund.

This monarchy rules all politics in Utah, and is rapidly extending its dominion into other States and Territories.

This monarchy permits its favorites to enter into polygamy and to maintain polygamous relations, and it protects them from prosecution by its political power.

Lately no effort has been made to punish any of these people by the local law. On the contrary, the ruling monarch has continued to grow in power, wealth, and importance. He sits upon innumerable boards of directors, among others that of the Union Pacific Railway, where he joins upon terms of fraternity with the great financial and transportation magnates of the United States, who hold him in their councils because his power to benefit or to injure their possessions must be taken into account.

I charge that no apostle has ever protested publicly against the continuation of this sovereign authority over the Mormon kingdom.

Within a few months past the last apostle elected to the quorum was a polygamist—Charles W. Penrose—and his law-breaking career is well known. Previous to 1889 Penrose was living publicly with three wives. Under false pretenses to President Cleveland he obtained amnesty for his past offenses. He represented that he had but two wives, and that he married his second wife in 1862, while it was generally known that he

took a third wife just prior to 1888. He promised to obey the law in the future, and to urge others to do so; yet after that amnesty, obtained by concealing his third marriage from President Cleveland, he continued living with his three wives. His action in this matter has been notorious. He has publicly defended this kind of law breaking on the false pretense that there was a tacit understanding with the American Congress and people, when Utah was admitted, that these polygamists might continue to live as they had been living.

And it was this traitor to his country's laws, this unrepentant knave and cheat of the nation's mercy, this defamer of Congress and the people, that was elected to the apostleship to help govern the church, and through the church the State.

Is it not demonstrated that Utah is an abnormal State? Our problem is vast and complex. I have endeavored to simplify it so that the Senate and the country may readily grasp the questions at issue.

THE REMEDY.

Will this great body, will the Government of the United States, go on unheedingly while this church monarchy multiplies its purposes and multiplies its power? Has the nation so little regard for its own dignity and the safety of its institutions and its people that it will permit a church monarch like Joseph F. Smith to defy the laws of the country, and to override the law and to overrule the administrators of the law in his own State of Utah?

What shall the Americans of that Commonwealth do if the people of the United States do not heed their cry?

The vast majority of the Mormon people are law-abiding, industrious, sober, and thrifty. They make good citizens in every respect except as they are dominated by this monarchy, which speaks to them in the name of God and governs them in the spirit of Mammon. Any remedy for existing evils which would injure the mass of the Mormon people would be most deplorable. I believe that they would loosen the chains which they wear if it were possible. I think that many of them pay blood-money tithes simply to avoid social ostracism and business destruction. I believe that many of them do the political will of the church monarch because they are led to believe that the safety of the church monarchy is necessary in order that the mass may preserve the right to worship God according to the dictates of their conscience. The church monopoly, by its various agencies, is usually able to uprear the injured and innocent mass of the Mormon people as a barrier to protect the members of that monarchy from public vengeance.

It is the duty of this great body—the Senate of the United States—to serve notice on this church monarch and his apostles that they must live within the law; that the nation is supreme; that the institutions of this country must prevail throughout the land; and that the compact upon which statehood was granted must be preserved inviolate.

May heaven grant that this may be effective and that the church monarchy in Utah may be taught that it must relinquish its grasp.

I would not, for my life, that injury should come to the innocent mass of the people of Utah; I would not that any right of theirs should be lost, but that the right of all should be preserved to all.

If the Senate will apply this remedy and the alien monarchy still proves defiant, it will be for others than myself to suggest a course of action consistent with the dignity of the country.

In the meantime we of Utah who have no sympathy with the now clearly defined purpose of this church monopoly will wage our battle for individual freedom, to lift the State to a proud position in the sisterhood, to preserve the compact which was made with the country, believing that behind the brave citizens in Utah who are warring against this alien monarchy stands the sentiment and power of eighty-two millions of our fellow-citizens.

Mr. STEWART and Mr. SMOOT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. STEWART. Now let us go on with the appropriation bill.

INDIAN APPROPRIATION BILL.

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.

Mr. STEWART. At what point did we leave off?

The PRESIDENT pro tempore. The reading of the bill was completed.

Mr. STEWART. The reading was completed and certain amendments were passed over when reached in the reading. Which will be the first amendment?

The PRESIDENT pro tempore. On page 23, the Chair is informed.

The amendment reported by the Committee on Indian Affairs, on page 23, was to insert, after line 5, the following:

That no portion of the funds appropriated by this act nor the principal nor interest of any Indian trust or tribal funds held by the United States for the benefit of any Indian tribe shall be available nor be expended for the support of any sectarian or denominational school.

Mr. McCUMBER. Yesterday I offered and had printed an amendment to the amendment on page 23. I ask that the amendment may be read, and I offer it as an amendment to the amendment of the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Dakota to the amendment of the committee will be read.

The SECRETARY. On page 23, after the word "school," in line 10, insert the following:

Provided, however, That the individual owner or beneficiary of any interest in such fund who may desire to educate his ward, child, or children in any school other than a Government school may, by written order signed by him, direct that any portion of the interest accruing to him, or which would be allotted to him on such fund, be paid to the school in which such ward, child, or children may be educated.

Mr. McCUMBER. Mr. President, in explanation of this amendment I desire to say but a very few words. The bill as it passed the House and as it has been reported by the committee already provides that the tribal funds or the funds of the several Indian tribes may be allotted on the books of the Treasury to each individual Indian constituting a member of that tribe; in other words, that instead of the Treasury Department dealing directly with the entire tribe in reference to this fund it deals with the individual Indian of that tribe with respect to the proportionate share of the fund on the books of the Treasury.

Mr. President, the object of the amendment of the committee is that no appropriation made from the tribal or trust fund shall be used for the support of any sectarian school. That has been probably the policy of the Government for the last ten years. I do not understand that this policy has in any way been interfered with under the laws as they now exist. But it so happens that in many of the tribes there are numbers of the individual members who desire to send their children to some particular school, and it may be a sectarian or denominational school. My amendment, simply recognizing the improvident character of the average Indian, provides that he may, by an order signed by him, direct that the Secretary of the Treasury shall turn over to any school to which he is sending his ward, his child, or children, a portion of the interest on the fund that would belong to him.

It might be suggested that they might wait until the money came into the hands of the individual Indian, but the trouble in that case would be that it would go out of his hands ordinarily for a purpose not very useful to himself almost as soon as it would get into his hands. Therefore, it is proposed to allow him, using his own sane judgment, to say beforehand that a portion of this tribal fund belonging to him, which will be paid out from year to year, may by the Secretary of the Interior be segregated and diverted to the use of his child or children in any school to which he desires to send them. I can see no serious objection to that amendment.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, 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. STEWART. I ask that the unfinished business be temporarily laid aside that we may proceed with the consideration of the Indian appropriation bill.

The PRESIDENT pro tempore. The Chair hears no objection, and it will be temporarily laid aside.

Mr. STONE. Mr. President, I gave notice that I desired to make a point of order against the amendment on page 23. I have just come into the Chamber, having been called out, and I understand that is the amendment which is before the Senate.

Mr. STEWART. That is true. It is before the Senate now.

Mr. STONE. And the Senator from North Dakota has offered an amendment to it?

The PRESIDENT pro tempore. The Senator from North Dakota has offered an amendment to that amendment.

Mr. HANSBROUGH. Let the amendment be read.

Mr. STONE. I should like to hear the amendment to the amendment read.

The PRESIDENT pro tempore. The proposed amendment to the amendment will be read.

The SECRETARY. It is proposed to add at the end of the amendment the following proviso:

Provided, however, That the individual owner or beneficiary of any interest in such fund who may desire to educate his ward, child, or children in any school other than a Government school may, by written order signed by him, direct that any portion of the interest accruing to him, or which would be allotted to him on such fund, be paid to the school in which such ward, child, or children may be educated.

Mr. McCUMBER. I wish to insert the word "ward" before "child," so as to read "ward, child, or children," in the last line of my amendment.

Mr. MORGAN. Where does the amendment come in?

Mr. STONE. Mr. President, I do not feel disposed to press the point of order against the amendment to the amendment. I believe that the amendment proposed by the committee is subject to a point of order, and I had intended to discuss that question. I had intended to present that question to the presiding officer. But I am in sympathy with the amendment proposed by the Senator from South Dakota, and if that could be agreed to by the Senate I have no wish to raise or press the point of order. I gave notice last night that I would press it.

Mr. STEWART. I have no objection to the amendment of the Senator from North Dakota, and will accept it as far as I have the power. If there is no objection, I accept the amendment of the Senator from North Dakota. I understand that is satisfactory to the Senator from Missouri.

Mr. STONE. Yes; as I caught it I think it is.

Mr. TELLER. I think it will be.

Mr. STEWART. If that is satisfactory, then let that amendment to the amendment be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota to the amendment of the committee.

Mr. GALLINGER. Mr. President, before the motion is put I desire to make some observations on this matter. First, I would suggest to the Senator from California that I think the word "nor" in line 7, and likewise the same word in line 9, might better be "or."

Mr. BARD. Very well.

Mr. GALLINGER. I suggest that change.

Mr. President, this is not to me a matter that it is agreeable to discuss here or elsewhere. It will be recalled that two or three years ago I took part in a discussion on the question of appropriating public funds for the support or maintenance of sectarian schools. I took the ground that that was not a proper appropriation of public money, and the Senate adopted that view and passed a law prohibiting it.

Since then there has been some agitation about the diversion of trust funds of the Indians for this same purpose. I have not examined the matter very carefully, and perhaps I am not prepared to express an unqualified opinion as to whether that was a proper use of the trust funds of the Indians, but I am inclined to think that it was not. I have observed that in some instances, if the matter is stated correctly, a larger amount than what was due to the Indians had been used for that purpose. If that be so, it was a mistake, or something worse than a mistake.

Because of the attitude I took on that question I have been the subject of very severe criticism in certain quarters. I have not allowed the matter to disturb me very much, because I have been entirely content with the position I had taken, and I have had no reason to upbraid myself for any expression that I used in that debate or any vote that I cast. I will not here state the extent of the hostility that was engendered because of my position on that question or the efforts that were made in my State and outside of my State to put me in a false position.

Recently the Senator from California [Mr. BARD] called attention to a matter that impressed me very profoundly, in which he showed that a certain gentleman prominently identified with a certain church had approached him with propositions such as would have been denounced by every fair-minded man if a politician had done the same thing.

The other day I came into possession of a copy of a newspaper that was printed in the city of Washington, and perhaps is now being printed here, entitled "The Catholic News Agency," published at 931 F street NW., Washington, D. C., and edited by E. L. Scharf, Ph. D., the gentleman concerning whom the Senator from California had something to say. That paper was in communication with over 100 papers throughout the country, so that very likely I have been advertised in 100 papers of this country as an opponent of a certain church and as a narrow-minded and bigoted man, who was unwilling to do justice to that church. I want to read what this gentleman said in an edition of his paper dated October 3, 1904. In calling attention to the chairmen of the two District Committees of the House and Senate he speaks of Mr. BABCOCK and Mr. MITCHELL. He meant Mr. McMillan. He then goes on to say:

The situation, however, has changed. Senator MITCHELL—[McMillan]—

is dead and Senator GALLINGER, of New Hampshire, is chairman of the Senate District Committee, a man who has at all times shown a bitter hatred for the Catholic Church and Catholic institutions. Mr. BABCOCK, as chairman of the District Committee, is the sole hope of the sisters of Providence Hospital and of St Ann's Orphan Asylum for the continuance of the appropriations for these institutions, and they are offering daily prayers for his reelection.

In case of Mr. BABCOCK's defeat the next man in line of promotion for chairman of the District Committee is Representative SMITH of Michigan, another man who is unfriendly to our church, and with both chairmen of the District Committees against us all hopes of fair dealing to our Catholic institutions in Washington must be abandoned.

Then he goes on expressing the hope and advising his friends to vote for Mr. BABCOCK. I am glad he did that, because Mr. BABCOCK is a most excellent legislator and a friend of mine. He advises them to vote for his reelection in the interest of fair dealing toward certain hospitals in the city of Washington.

Now, Mr. President, I believe this is the first time I have, during fourteen years' service in this body, taken a single moment of the time of the Senate on a personal matter. I have been on the District of Columbia Committee for fourteen years. During that time every bill which came to that committee in reference to the hospitals or charitable institutions of Washngton was referred to me as a subcommittee. I have worked diligently to secure what I have conceived to be good legislation for the hospitals and eleemosynary institutions of this city, and if I have done any good work during my service in this body it has been in that connection. This is the first criticism that has ever been passed upon me in that connection, so far as I know. I have known no difference, so far as the hospitals were concerned, as to their management. I have voted for and advocated appropriations to all these institutions, without any regard to their management, and I am astounded that a gentleman who is connected with a great institution in Washington, and who has the distinction of being a doctor of philosophy, should have made such an unwarranted and unjust attack upon me as has been made in this publication. It is a slanderous matter, unworthy of any man, whether he be a doctor of philosophy or a man of less distinction. I want simply to say that I have done nothing, I have cast no vote, I have uttered no word, I have performed no act, either in the committee or in this body, that justifies it.

Now, Mr. President, with that simple statement I desire merely to say that I see no objection to the amendment the Senator from North Dakota has offered to the committee amendment. We want to deal fairly about this matter. If an individual Indian voluntarily wishes to contribute money to the education of his child in a Methodist, a Baptist, a Congregational, an Episcopal, or a Catholic school, I think he ought to have that right. I think it would be a narrow and bigoted view to take if we undertook to deny him that right provided he is not coerced in the matter. So in that view I see no objection whatever to the amendment to the committee amendment, and if that shall be adopted I trust then the committee amendment will be adopted and we shall go along in this matter without any acrimonious discussion, which I certainly desire very much to avoid, and put this matter on what I think will be a fair and just basis as between the people who pay the taxes and the Government and these institutions, which are doing good work toward educating the Indian children.

That is all I care to say.

Mr. STONE. Mr. President, I am not a Catholic; as far as church preferences go I am inclined to be a shouting Methodist; but I do not think that the question now before the Senate should be treated from a sectarian standpoint—that is to say, I do not think we ought to determine what our duty is upon the basis of our religious convictions or church preferences.

The country has been recently excited by revelations, somewhat startling revelations, made by one of the Senators from California. I do not care to discuss that matter further than to say that the proposition made to the Senator from California was indefensible and discreditable.

Whether that proposition, in form or substance, was made again and elsewhere, I do not know and I will not conjecture. The question I have had in mind, and the only question I have in mind, is not political, but concerns only the proper and lawful use of trust funds belonging to Indian tribes. After a careful investigation into this matter, I have no doubt that the President of the United States had a right under the law to direct the use and disposition of the trust funds of Indian tribes. I think the President acted within his authority under the law when he made an order, as we are told he did, directing that the income arising from Indian trust funds should be

used for the education of Indian children at contract or mission schools.

I wish to be understood as confining what I say in this behalf to trust funds. I do not speak of any other funds. In the distribution of the trust funds recently made under the order of the President I think a mistake was made and an injustice done. That is all I wish now to say—that a mistake was made.

I am not attributing wrong motives to anyone; but in the distribution of these Indian trust funds the truth is that the children who attended the mission schools received far more than their rightful share of the funds; so much more, indeed, that it resulted practically in depriving the other children, who were far more numerous, of all benefit from the funds. Let me illustrate what I mean. The children attending the sectarian schools at the Crow Creek, Pine Ridge, and Rosebud agencies, taken together, would have been entitled to only $1,803 upon an equal distribution of the educational fund belonging to the Sioux Indians, whereas they received $55,620. There were 200 pupils at these mission schools. They received more than their share. They practically absorbed the whole fund, to the injury of their fellows. To the extent that these 200 pupils received an excess of the trust funds, the children of the tribe who attended the Government schools were deprived of their fair share. And what is true of this particular case is also true in other cases. Therefore I have said that in the distribution of these funds for the education of children attending mission schools injustice has been done. I am not discussing motives; I am merely stating facts.

Again, Mr. President, funds have been diverted by the executive department to the support of contract schools which were not trust funds, but public funds. Funds have been used for the support of contract schools which were taken from appropriations out of the public Treasury, where the balance remaining over, if any, would be covered back into the Treasury, and not credited to the account of the tribe. Where that has been done—and that has been done in several instances—the transaction was unlawful. It was in contravention of the law of the land and the established policy of the Government.

Mr. President, what I have said is, I believe, warranted by the undisputed facts. I am not questioning or assailing the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or any other executive officer; that is not my purpose. I am simply saying what I believe is unquestionably true, that in the execution of the executive power some serious mistakes were made. I do not care at this time to state the matter in more emphatic form.

Mr. President, so far as purely public funds are concerned, I agree that they should be expended only for public purposes and should be rigidly guarded against sectarian appropriation. Public moneys for the most part are raised by taxation and belong to all the people, and therefore the appropriation of the public revenue to private or sectarian uses is against the public and constitutional policy of the Republic. As to this there can be no serious difference of opinion. Again, the principle of a complete separation of church and state is with us a fundamental principle. The reasons for this are too well understood to need restatement, and no infraction of this great principle should be permitted. It may be that the use of public funds for a sectarian purpose may sometimes be promotive of immediate good, but the practice of using public moneys for sectarian purposes, or through sectarian agencies, is wrong in principle, and, if entered upon, would lead to intolerable abuses. Such a policy, if inaugurated, would soon degenerate into a scandalous scramble between rival organizations for preferment; but, worse than that, it would be a policy violative of all our best tradition and subversive of our theory of government. In defense of all these principles, so generally accepted as sound doctrine in America, I will go as far and stand as resolutely as any man. But that is not the question here. This amendment concerns not only public funds, but also funds which belong to the Indians themselves.

So far as the amendment proposed by the committee relates to public funds, it is unnecessary, for the law already forbids the use of such funds for sectarian purposes. With that I am in hearty sympathy. But in dealing with the Indian trust funds we are confronted by wholly different considerations. The Government has appointed itself as guardian of the Indians and has taken charge of their property. In the management of Indian properties tribal and trust funds belonging to the Indians, and to which the people have no claim, have come into the hands of the Government. In these funds the Government has no beneficial interest. They belong to the Indians, and the Government merely holds them in trust. They are as absolutely the property of the Indian wards of the Government as the property of any minor in one of our States, held by his guardian, is his property.

Now, Mr. President, I am a devoted friend and advocate of public education. I believe in that great system of public schools which has grown up in our States, and nothing in reason can be said in praise of the public schools that I will not heartily indorse. At the same time I have a great regard for the schools and colleges which are not supported by public taxation or controlled by public authority. There is no good reason for envious or hostile rivalry between the public schools and other schools under the guidance of churches or private individuals. The field is wide enough for all to work in, and there is no need for them to clash. I believe there are instances where denominational schools can be more efficient and accomplish better work than the public schools. It would not be difficult to cite such instances, particularly in great cities, or in communities more or less isolated and where there are few influences operating in restraint of vice. Especially do I profoundly believe that church schools are better than public schools for the education of Indian children whose parents are only semicivilized. With such children moral culture is more important and beneficial than mere intellectual culture. The two of course should go hand in hand, but more attention should be given to inculcating correct conceptions of moral right, responsibility, and duty than to anything else.

If they can be taught to be reverent, humane, just, orderly, and industrious they will have learned what to them are the most necessary and useful lessons. When they have grasped these great lessons in civilization they are better fitted not only for useful living but for profitable mental training. In the prosecution of this work, and in the solution of the problems growing out of it, I have no doubt whatever that schools conducted under the auspices of the church are superior to the public schools. If the parents of any of these Indian children who have been converted to Christianity desire to have their children attend the church schools I believe the proportion of the trust or tribal funds which, properly divided, would belong to such children should be used as their parents desire in this direction. This is a matter of conscience as well as of right. I would give to Indian parents the same liberty we enjoy ourselves in this behalf.

Mr. President, if the amendment to the amendment, proposed by the Senator from North Dakota [Mr. McCumber], should be agreed to, my purpose will be substantially accomplished, and in that view of the matter I am not disposed to press the point of order I raised on yesterday against the amendment in question.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from North Dakota [Mr. McCumber] to the amendment of the committee.

Mr. PENROSE. Mr. President, I desire to raise the point of order which was raised last night, that this amendment is not germane and is of the character of general legislation. The amendment was ruled upon by the then occupant of the Presiding Officer's chair; it was ruled in accord with the contention made by me, and the amendment was declared out of order, as I suppose the Congressional Record will show.

Mr. LODGE. This amendment has never been ruled upon and the point of order has never been raised against it.

Mr. PENROSE. The Senator is right as to the amendment just offered.

Mr. LODGE. No; I mean the main amendment, which was passed over on request, without any point of order or any discussion or anything being raised.

Mr. PENROSE. The point of order was raised, passed upon, and subsequently passed over, and I stated at the time that the amendment was out of the bill. The Presiding Officer assented, and I jokingly remarked that perhaps if I raised the point when the Committee of the Whole reported the bill to the Senate a similar ruling would be made, and the Presiding Officer assented.

Mr. LODGE. That was another amendment. The point of order was suggested last night by the Senator from Missouri [Mr. Stone], the amendment having been passed over, and the amendment could not have been taken up last night, because it had been passed over by unanimous consent.

Mr. PENROSE. The Senator from Massachusetts must have been out of the Chamber at the time. It is true that the amendment was passed over, but subsequently the junior Senator from Missouri rose in his place and stated that he raised the point of order.

Mr. LODGE. He could not raise it, because the amendment had been passed over.

Mr. PENROSE. The Chair told him that the amendment had been passed over. The Senator from Missouri stated that

he had a right at any time to raise the point of order, and he requested a ruling thereon. Thereupon the Chair did rule as I have stated. If there is any question about it, I appeal to the Senator from Missouri or to the CONGRESSIONAL RECORD.

Mr. STONE. I think the Senator from Pennsylvania states substantially what happened as it appears in the RECORD.

Mr. PENROSE. Therefore, Mr. President, I again raise the point which, as the CONGRESSIONAL RECORD will show, was passed upon last night by the then Presiding Officer of the Senate, that this amendment is not germane and is in the nature of general legislation.

Mr. LODGE. Mr. President——

Mr. PENROSE. I do not know, Mr. President, that it is a very material matter whether my contention is right about the action of the Senate on this point, because I raise the point of order now for a ruling, although I suppose it will add more force to the point I raise if I can establish a precedent so recent as last evening.

Mr. LODGE. Mr. President, I am looking for the point in the RECORD where that ruling was made. I remember the Senator from Missouri said he desired to raise the point, but before that the amendment had been passed over by unanimous consent. It has now been taken up by unanimous consent. The point of order was not made against it at that time because it was not before the Senate.

Mr. STONE. I call the attention of the Senator from Massachusetts to page 3660 of the RECORD.

Mr. LODGE. I should like to read from the RECORD:

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. PENROSE. Will the Senator please advise me from what point he is reading?

Mr. LODGE. Page 3660.

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.

No ruling was made by the Chair.

Mr. PENROSE. Well, Mr. President, the Chair certainly gave me the impression that he ruled last night upon this amendment.

Mr. LODGE. I have read everything in connection with it.

Mr. PENROSE. I have not had time to examine the previous part of the discussion in the RECORD.

Mr. LODGE. That is all of it. I have read the whole discussion.

Mr. PENROSE. I make the point of order now.

The PRESIDENT pro tempore. The pending motion is a motion to amend the amendment. The Chair thinks that had better be disposed of before the point of order it made, because it might be adopted, and that might change the ruling of the Chair. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment of the committee.

Mr. LODGE. If the point of order is to be made at this time, when the Senator from Pennsylvania is through I should like to be heard on the point of order.

The PRESIDENT pro tempore. The Chair is ready to rule on the point of order without any discussion.

Mr. LODGE. That may be. I will not detain the Chair.

Mr. PENROSE. Mr. President——

Mr. McCUMBER. I hope the amendment may be laid aside for a moment that the Senator may raise the point of order upon the original amendment of the committee.

The PRESIDENT pro tempore. The Chair overrules the point of order. The question is on the amendment.

Mr. McCUMBER. Now, I suppose the Senator from Pennsylvania can raise the point of order.

Mr. LODGE. I understood the Chair overruled the point of order.

The PRESIDENT pro tempore. That leaves the amendment in.

Mr. LODGE. That leaves the amendment in, and, therefore, an amendment to that amendment is now in order.

The PRESIDENT pro tempore. That is right.

Mr. PENROSE. Then, Mr. President, I raise the point of order on the amendment of the Senator from North Dakota.

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

Mr. PENROSE. Then, at the proper time, after debate has been had upon this amendment as amended, in case the amendment is adopted, I shall ask for the yeas and nays upon this question, instead of asking for the point of order to be referred, as, I believe, I have the right to do under the rules of the Senate, to the Senate that it may be passed upon by the body itself.

The PRESIDENT pro tempore. The Senator did not state what his point of order was.

Mr. PENROSE. My point of order is that the amendment is in the nature of legislation and therefore is subject to the point of order that it is not properly on the bill.

The PRESIDENT pro tempore. That could not be referred to the Senate. The Chair decides that. If the point had been raised that the amendment was not germane, then the Chair would have been obliged to leave it to the Senate; but on the point that it is general legislation the Chair himself is obliged to rule.

Mr. PENROSE. Then I will content myself with asking at the proper time for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from North Dakota to the amendment of the committee.

Mr. MORGAN. I want some information about this matter. I am not at all satisfied with the amendment of the Senator from North Dakota [Mr. McCUMBER], but I do not wish to retard the progress of this bill at all, and I certainly do not wish to raise any political question in connection with it. I do not wish to raise any question as to the propriety of the action of the President of the United States in authorizing money to be paid out of the Treasury heretofore on this question; but it seems to me that the amendment of the Senator from North Dakota has given away the whole question. It confirms all that has been done, if anything has been done, that is illegal in respect to the distribution of these Indian funds, and makes that legal which heretofore has been considered, at least by the great body of the Senate, I think, as being entirely illegal and without authority.

I wish to give notice merely that I will not obstruct this bill in its present form, but when the bill is reported to the Senate I will reserve any vote that may be taken on this question, and expect to discuss it as fully as I think it needs.

Mr. McCUMBER. Mr. President, I could not very well hear all that the Senator from Alabama [Mr. MORGAN] stated, but, as I understand him, he asserted that the amendment which I offered would make that legal which without it would be illegal. I suppose he means that which under the present is illegal. It certainly does nothing of the kind. The Senator could not for a moment contend that any individual would not have an absolute right to determine where funds or property belonging to him should go. He could not for a moment sustain the proposition that an Indian desiring to send his ward or his children to a Catholic or a Presbyterian school does not have the legal right at the present time to say that funds which belong to him individually should go toward the payment of the expenses of the school which is educating such ward or child or children. That is practically all there is in this amendment. It seems to me it would be against the law to deny them that right.

Mr. MORGAN. Mr. President, in stating my attitude on this question I shall say a few words as to the question of the legality of the preceeding. This rule applies, when we enact the proposed law, if we ever do, to all Indians, no matter what their relation may be to the United States Government, who have annuity funds in the Treasury of United States. Some of the Indian tribes stand on much higher ground in the contemplation of the statutes of the United States than others do; but this applies alike to all of them. We have reserved these funds in the Treasury, paying at our pleasure such portion of the annuity as we see proper to individual Indians. But in respect of all these Indians over whose property and rights and money we exercise this authority the Government of the United States occupies the position of guardian, and they occupy the relaion of ward to the Government.

Mr. SPOONER. Trustee.

Mr. MORGAN. It is guardian and ward. Now, a law that authorizes a ward in advance of the payment of money to him to mortgage it or give it away, pay it out at his own will and pleasure, is a law that does not exist on the statute books now. When we enact the amendment of the Senator from North Dakota we will then have on the statute books a law

authorizing him to give it to schools for the education of the children he may have in the schools.

If we should conceive the idea that it was necessary and proper, for the improvement of the Indian or his delectation or anything of that sort, to pay out the money upon orders issued by the parent, who is not the guardian of the children at all, for any purpose whatever, to a man who keeps a corner grocery or anything of that sort, we would have just as much right to do it as to pay it to a school or church. It is a change in the law. It is the creation of a law that does not exist. It is new law.

I think I can see in that new law many very great dangers and objections. I do not refer to the question of a choice of schools between Catholic and Protestant or anything of that kind or any sectarians whatever. But I can see very great objection and very great danger in allowing the Indian father—not the mother—who is a ward of the United States, and who, if he receives the money from the United States, must do it through an act of grace, through an act of judgment on the part of the guardian, to give these orders in advance of the money becoming due. Such a person holding the relation of parent to his family has not any right, in advance of the payment of the money to him, to mortgage it either to his creditors, to pay his debts with it, or for ecclesiastical purposes, or any purposes of personal comfort, such as drugs and medicine and fees to physicians.

Whenever we establish the law as it is stated here, we will have but one more step to take to permit the Indians to give to anybody advance liens upon all their annuities. We can not resist it. We can not say that a Catholic school or a Protestant school or any kind of a school, a Government school, is a matter of personal utility to the Indian children, and that upon that ground, the ground of humanity, the ground of civilization, we make a departure in this case and authorize the father to dedicate the fund to a particular church or a particular school in advance, and then turn around to the honest creditor of an Indian, who sustained the Indian when his life was about to be sacrificed, who saved him from starvation in some cold winter, and say to the Indian as respects that creditor, "You can not give him an order in advance."

If you commence on that line of distribution by the orders of the Indian, you give up the power of direction and appropriation. The principle is all wrong and it is a very dangerous principle. Gentlemen may see great philanthropy and great benevolence in giving to the priests and the searchers after the alms of the country the right to go to the Treasury of the United States and demand payment out of the Treasury whenever the money may become due by an advance arrangement with the Indian, but I do not, in trying to pursue, as much as I am inclined to do, any scheme of benevolence in favor of the Indians, see any necessity for an absolute departure from principle.

Let the Congress of the United States make an appropriation direct and not on the order of the Indians who may have children in a Catholic school; let it make the appropriation out of the annuity when it shall become due, directly to that school for the benefit of the Indians; or if it is a Protestant school let the appropriation be made direct to it.

What is the policy of the Government of the United States on that subject? We refuse absolutely to make appropriations out of our own money in the Treasury to sectarian schools. Time and again that question has come up here since I have been in the Senate and it has been very seriously debated and has been the subject of much controversy and much heartburning, I think, among the denominations of the country.

Now we are doing by indirection simply what we have refused in late years to do directly, to make appropriations out of the Treasury to sectarian schools as such. We have refused to set apart to sectarian schools the school fund that we may be ready to appropriate. Here, by indirection, we allow the Indians to make that appropriation to any sectarian school he pleases; and we know, of course, that this is a movement on the part of the sectarians to get the funds. This controversy that has been waged in the United States for some months past is a controversy between the churches as to who shall get control of the Indians' money. That is all of it. The priests are at work at it, and when I say the "priests" I do not mean the Catholic priests merely. I mean priests of all denominations, missionaries, etc.

Now it is proposed to turn the Indians over to them, and the priest comes and tells an Indian he is going to hell if he does not make that subscription to the school; that he is going to be driven out of his church; that he is going to lose all the benefits of his religion if he does not subscribe his child's money to the school in advance of the time when it shall become due, and keep up the subscription. The Indian gives one order, and that continues—to pay to the order of Billy Bowlegs the amount of money that is coming to him from the Treasury of the United States as his share of an annuity of the Seminole tribe of Indians, or any other. The direction is to pay it to the order of the priest or the missionary, whenever it falls due, for the purpose of educating his children in a certain sectarian school. That is a good order under this proposed law, and it is a continuous order. It is an appropriation by the Indian of a part or all of his annuity to this church or to this school or to this missionary for this purpose. It is simply whipping the devil around the stump.

If we are going to make the appropriation, let us do it directly and take the responsibility for it. I would rather vote, in cases where Indian children are being educated by the Catholic Church, to apply, to the extent of the necessities of the Indians, the money directly out of the Treasury than to authorize the ward of the United States, who is supposed to be incapable of attending to his own business, to give an order to a priest to go to the Treasury and get the money under a continuing order, and let the school or the church have the benefit of the appropriation in that form continuously as long as that annuity remains payable by the Government of the United States.

I merely wanted to suggest some of the views I entertain on this subject. I expect to discuss it further in the Senate when the measure reaches that stage.

Mr. McCUMBER. Mr. President, I simply call the attention of the Senator from Alabama to the fact that the relation of guardian and ward between the Government and the Indian is peculiar in itself, differing materially in principle from the relation of guardian and ward as we generally understand it. Under the law of every State the ward practically has no authority over the property held in trust for him. That principle is not followed in the dealing between the Government and the Indian. Though we have always regarded the Indian as incompetent, by reason of improvidence, to control absolutely his property, yet to a great extent we have given him absolute independence and have dealt with him as an individual capable of entering into contracts on his own behalf and on behalf of his tribe. We must apply, therefore, different rules to the different conditions that we are met with in our relations with the Indian tribes.

The Senator says that there is no necessity for a departure from principle. I do not understand that in this amendment there is any departure from principle. We regard the Indian as having a right, an absolute right, though he may be a ward, when his money is turned into his hands to spend it as he sees fit. That is a right which has never been accorded a ward, as we generally understand that relation.

I can see no difference in principle whether we say that the Indian may give an order upon the Treasury as to the disposition of certain funds annually accredited to him or whether he shall check upon a bank in which he has deposited such funds after they have been paid over to him. There is no more mortgaging in one case than in the other.

I stated in the beginning that the policy of the Indian Department now would be to segregate the individual share of the Indian from all tribal interest, so that the Indian would deal entirely with his own property. We take cognizance of the unfortunate character of the Indian, and I think we exercise the duties of a guardian to better advantage when we say he may mortgage a certain portion of that fund (if you desire to use that term to express it) for the purpose of educating his children than when the fund is subject to a saloon keeper's requisition the moment it gets into the hands of the Indian. In the one case it inculcates the principles of care and thought and self-preservation in reference to property rights. In the other case the money is squandered, as we know, and universally squandered. So it seems to me the amendment is not open to the objection that has been made by the Senator from Alabama.

Mr. MORGAN. Mr. President, if the money of the Indians is squandered and universally squandered after it is paid to them, they certainly are not qualified after they receive it to dispose of it for the benefit of the education of their children. There are wards who when they get some portion of their estate into their hands squander it for any purpose, even for the purpose of intemperance, as the Senator stated. But here it is proposed to give to an Indian, who will go and squander his money at the saloon or in any other way the moment he lays his hand upon it, the privilege of transferring that money to a sectarian school before it goes into his possession. You are simply dealing with a man who is unable to take care of his family or himself, because he squanders that which arises out of the annuity, and you propose to permit him to anticipate the

payment and give the order therefor to a church or a school before he lays his hand on it. That is a species of benevolence which the Congress of the United States has no right to exercise. I never before heard that a trustee could take the cestui que trust or the guardian take the ward and pay money out to his order before the time when the money would reach his hands, when the ward was not worthy or fit to take care of it after it came into his hands, but would squander it at the saloon or elsewhere the very moment he got the money into his hands.

We can not reform the Indian tribes in this way, and this is a mere pretense, as I understand, to enable the priests to go there and get these orders. They can not wait until it is paid to the Indians, because he will squander it. Therefore they must have the payment in advance, and Congress must authorize the payment in advance to the missionary agent, or whoever it may be—the schoolmaster who holds his order for the funds. We just take out of the Indian fund a sum of money that is due to each head of a family—I suppose that is the method of payment—and instead of letting that head of a family receive it and use it for his family, upon the ground that he is unfit to do it, we make the appropriation to the sectarian Indian school by allowing him to give an order in advance. That is not a fair, sincere way of dealing with a ward's money.

I can see no reason for changing the amendment which the Senate committee have agreed to. It is a good amendment and a proper one, and it needs no amendment at all. That amendment will keep the money in the hands of the Government until the Indian is ready to receive it and entitled to receive it, and to pay it out to him without enabling any intervenors to come in before that time and get orders for it and appropriate it to sectarian schools or to any other schools. We ought to stand on that amendment, and the amendment of the Senator from North Dakota I still insist has no other effect, whatever the purpose may be, than merely to enable the priests, the missionary, whoever he may be, to get hold of that Indian before his money is due and persuade him under such impression as he can make upon his mind to turn over his interest in the annuity to that particular school. If we have always acted upon the correct principle in refusing to make an appropriation of public money to sectarian schools, I protest that we ought not to go into Indian funds, either the capital or the monthly annuities, and bestow money therefrom upon sectarian schools; and I think that the attempt on the part of sectarian schools to get the money in this way is an insidious movement against the Treasury of the United States to get hold of it for the purpose of building up their schools. It seems to me an unfair way of attacking the Treasury of the United States to go and get hold of an Indian, who you contend is not able to spend his money upon his family with a reasonable degree of propriety or caution, and for that reason enable him to give an order in favor of a sectarian school before the money falls due and fix it as a permanent mortgage on his annuity.

The Senator referred to some Indians who are enlightened and who will make good use of the privilege. I have not any doubt there are Indians just as capable of bestowing this money, before it is due or after it is due, by their order or by a check on a bank, as any white man. But there are Indians in the United States who are not thus situated, and this is a comprehensive scheme and includes them all.

Any Indian who has an annuity coming to his tribe now in the Treasury of the United States, it makes no difference what his condition may be, is simply made a prey of these men who are everlastingly on the hunt to get money for the purpose of building up their sectarian institutions. Protestants and Catholics alike, they are all after it. I have not seen any of them less hungry than the others. I think they are all attempting to use the powers of the Congress for the purpose of building up their sectarian schools by indirection. If they want money out of the Treasury, let them come here and say so. Let them put in their propositions and their demands, and let us vote the money out of the Treasury, but do not let us invade this separate fund and enable the Indians to make the appropriation that we seem to be afraid to make. We do not seem to have the courage to face the proposition here in the Senate and to deal with it as it ought to be dealt with.

Mr. QUARLES. Not with a view of antagonizing this amendment, but with a view of calling the attention of the Senator from North Dakota to what seems to me to be a practical difficulty, if his attention has not been called to it, I will say that it seems to me on the face of the amendment the Senator has lost sight of a business difficulty.

Here is a fund that belongs to a tribe or a band of Indians. The personnel of that tribe or band is changing from year to year, from time to time. John Doe, a member of that band, has no definite interest. It is an undivided interest, and that interest depends upon the number of members of the tribe on a given day.

Now, how, under this amendment, will you ascertain that John Doe as a member of this tribe has any definite sum to his credit? By what system of bookkeeping that we now have, at least, will you keep track of these Indians and all these orders, charging up to them the sums of money that are taken for the purpose named in the amendment?

Mr. McCUMBER. The Senator from Wisconsin was not present when I first spoke on this amendment, I think. Otherwise that would have been made clear to him, at least as clear as I can make it.

I stated at that time, and I will briefly reiterate it, that this bill itself provides practically for the allotment of all of the tribal funds and the opening up of accounts with the individuals of the tribes. It was the suggestion of the Commissioner of Indian Affairs, concurred in by the Secretary of the Interior. It was thought that there would be very little difficulty in accomplishing this.

It will compel each individual to deal with respect to his own particular interest, and instead of sending the money——

Mr. PENROSE. I should like to ask the Senator from North Dakota a question on this point.

Mr. McCUMBER. Certainly.

Mr. PENROSE. It is whether during the period when this readjustment is to be brought about it will not be a serious embarrassment to the Indian schools affected by this amendment to have the individual Indian designate the choice of school, and his willingness to have the fund segregated to his individual use applied to that purpose? I should like to ask the Senator from North Dakota when this segregation of the Indian trust funds and the gradual breaking up of the tribal condition will be brought about?

Mr. McCUMBER. So far as the trust fund is concerned, if the bill passes, of course the Department will immediately enter upon that system. The number of Indians holding tribal funds in the United States is not so great but that it can be accomplished in a month.

Mr. SPOONER. Mr. President, we can not hear what the Senator from North Dakota is saying.

Mr. McCUMBER. I have stated that if this bill becomes a law the system will be inaugurated almost immediately.

Mr. SPOONER. What system?

Mr. McCUMBER. The system of allotting the tribal and trust funds to the individuals of the tribe upon the books of the Treasury. So instead of dealing with the tribes, instead of sending the annuity out in a lump sum to the agent to be distributed by him, the account will be kept with the individual members of the tribe having an interest in that fund, and the Department will deal with the individual and not with the tribe.

Mr. SPOONER. Is this amendment to constitute the only authority in the Department to segregate the funds?

Mr. McCUMBER. I have stated that the bill already provides for that.

Mr. SPOONER. This bill?

Mr. McCUMBER. This bill, if it becomes a law.

Mr. QUARLES. Suppose it does not?

Mr. McCUMBER. Then, I presume there would be no method by which they could arrive at this except to go to the rolls. The rolls of each tribe would show the number and necessarily the proportionate interest of each member in the entire fund. But it would necessitate in that case a matter of computation on each individual order.

Mr. SPOONER. Then, if I understand the Senator, this trust fund, which is now held by the Government of the United States for the benefit of the tribe, is, in order to accomplish this particular appropriation, to be subdivided and allotted to individual Indians and to be subject entirely to the control of the individual Indians.

Mr. McCUMBER. On the contrary, that idea of the amendment had never been considered in the slightest degree. It was a matter that was reported favorably by the Interior Department and by the Commissioner of Indian Affairs, who believed that they would facilitate the enlightenment and self-reliance of the individual Indian if we would allot the annuities the same as we allot the land and keep an account separately with each individual Indian. Now that has passed the House, and it will undoubtedly pass the Senate.

Mr. STEWART. Will the Senator allow me to answer the question further? The interest is now allotted to the individual. The interest is paid to them annually, and the money is sent in bulk to the agent.

Mr. MORGAN. Is it allotted to all the tribes?

Mr. STEWART. To pretty nearly all. It is not allotted in the Department; it is allotted to the Indian. The Indians are

called up, and they are paid individually. I understand it makes a good deal of trouble in administration, and the Department says if we can allot it on our books and keep an account with each individual it will be more accurately and more conveniently done, and that is what we propose to do in this bill.

Mr. MORGAN. This amendment, if the Senator will allow me, does not reach the fund; it reaches only the interest on the fund?

Mr. STEWART. That is what it is—the interest. We do not propose to pay the principal by the allotment spoken of. We simply provide that there shall be a separate account, and it shall be credited to them on the books individually, instead of standing to the credit of the tribe. The interest is to be paid to them individually as it now is, but there is a very bungling way of doing it. It will make a good deal more work for the Department to have an account with each Indian, but they say it will be much more satisfactory, and I think I can see how that will be the case.

Mr. MORGAN. Now, if the Senator from Wisconsin will indulge me a single moment to state the proposition, if Congress undertakes to permit the Indian to put his interest falling due upon his share of the security fund upon his personal order in the hands of a school-teacher, or anybody of that sort, why could not the Indian just as well under that law go and dispose of his interest in the annuity? What will prevent him from doing it? And it will be done. These Indian funds will find their way into the fiscal foundations of these sectarian schools if we ever once break this line. That is exactly what is meant by this whole proposition, anyhow. We commence with the interest, and then reach down to the principal, and Congress is asked: What is the difference? You have allowed us to anticipate payment of the interest to the Indian, and you have allowed him to make a transfer of it by giving a check on a bank, or in some other way. Why not allow him—how can you refuse him—the right to devote the whole of his fund, by will, or deed, or check, or an order, or in any other way, to these school foundations they have gotten up? They will absorb every dollar the Indians have if we start this system.

Mr. SPOONER. The Senator from Alabama is, in my judgment, entirely right in his diagnosis of this situation. There seems to be a great deal of system in this legislation. I do not mean on this particular bill, but on the Indian bills.

First, the Government has provided for the allotment of lands to the Indian. It has provided that the allottee shall upon the consummation of the allotment become a citizen of the United States. In the operation of the system as it has proceeded in its development tribal relations have been severed from time to time. The Indian has been given control, in some instances fully, in others qualifiedly, of his allotment. Restrictions upon his power of alienation, which were once twenty-one years, I think once much longer, have by this time become reduced to five years, which is a fraud on the Indian. As was stated last night, there may as well be none.

The Indian was permitted to control the sale of the timber upon his land, retaining only the fee, which in the case of cut-over land was as a rule valueless, and they have squandered the proceeds of the sales of their timber.

I wish the Senator from Alabama will turn to page 89. This bill is full of propositions to remove the restrictions upon the power of alienation, which, under older and better laws, in the interest of the Indians have been imposed, so that the Indian may be a ward one day, and without any change in character, without any increase in experience, judgment, prudence, a full citizen, free as the wisest man in the country, the next day to dispose of property, taking away from the Congress of the United States the right to protect the Indians in the States from debauchment and spoliation. Then we come to these trust funds that remain in the Treasury of the United States, a sacred fund, intended to be used by a good and honest trustee for the benefit of tribes. The allotment of the land leads logically to the allotment of the trust funds in the Treasury, and so it is provided in this bill, in section 6, on page 89:

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—

Not the interest, as the Senator from Alabama pointed out, but the fund itself—

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—

Not for individual Indians, but—

for such tribe or tribes——

To be distributed by the trustee among the cestui que trust honestly and to subserve the best interest of the various members of the tribe.

Mr. McCUMBER. I wish to call the Senator's attention to the provision on page 90 which modifies this provision.

Mr. SPOONER. Very well. The language is:

To be allotted in severalty to the members thereof.

What does this mean? It does not mean that it shall be allotted in severalty on the books of the Treasury simply. It says what it means, that the individual Indian shall be permitted to manage his share. Let us go along a little with the provision—

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 individuas 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 is fundamental.

That the President may, by Executive order, from time to time, order the distribution and payment of such funds or the interest accruing thereon—

The whole trust fund or the interest on the trust fund—

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.

That is an abdication of trusteeship. That is an abandonment of wardship. That is following the precedent of allotments in severalty. That is turning over to the Indian his share or his interest in his share and making the last that remains to him a subject for the spoliation of the white man who is always there and always ready to despoil him.

Mr. STONE. Will the Senator permit me to state that it is what is known as the "Lacey bill" to which he addresses himself? It passed the House.

Mr. SPOONER. That is not conclusive that it ought to pass the Senate.

Mr. STONE. Certainly it is not. I was going to add, however, that it has been put in the bill in accordance with the judgment of the committee and on the recommendation of the President and the Secretary of the Interior. I wish to take the judgment of the Senator on the question. He is a very experienced legislator. If it be true that an Indian or an Indian tribe is so far advanced in the arts of civilization as that the individual members of the tribe are capable of managing their own affairs, is there any reason why the tribal funds or the trust funds should not be among them.

Mr. SPOONER. Mr. President, I have perfect faith in the purpose of the President of the United States to deal wisely and fairly with the Indians and I have perfect faith in his disposition to deal wisely and patriotically with every problem which confronts him. I have faith in the Secretary of the Interior. I believe him to be an absolutely honest, high-minded official, charged with a multifarious and delicate task. But the President of the United States can not know, nor can the Secretary of the Interior know, except as he is informed by Indian agents, as to the fitness of this Indian or that Indian to become absolutely the possessor and controller of his own affairs and the affairs of his family.

I stated last night I had occasion many years ago to know something of the Indian; I have had occasion since to know something of the Indian; and it is an exceptional case, unless it be in the Indian Territory, of which I know nothing, that the Indian can safely be free from the guardianship of the Government. But that is not all there is to this bill. I care not who introduced it or where it has passed or who recommends it. Each Senator here must deal with it under his own oath upon his own judgment. That is what I propose to do with this and every other matter, so far as I may, which comes before the Senate.

Provided—

Here is the limitation—

That no part of the principal of any tribal fund—

No part of the principal of any tribal fund—

shall be given to any member of the tribe concerned, unless—

What a protection, in view of the legislation of the last few years to which my friend from Connecticut, who has always ably studied the interests of the Indian, objected!

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.

"With an immediate right of alienation." No wonder these Indian bills are filled with propositions large and small to take away, to abrogate, the restrictions upon alienation. You abrogate the restriction upon alienation and you put the Indian where when overcome by drink he may part with his homestead,

he may lose his heritage. Having become the owner in fee without restriction of the land allotted and having leased it, he is entitled to have paid over to him his share of the trust fund in the Treasury which during all these years has been accumulating for his benefit.

I admit that there are some cases where it is safe, but we are dealing with a large subject. How long would it be before most Indians, having received into their own control their share of the trust fund, would be absolutely penniless?

Mr. McCUMBER. Mr. President——

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

Mr. SPOONER. I am through.

Mr. McCUMBER. I agree, and heartily agree with the Senator from Wisconsin. I have tried to express on several occasions that it is a bad policy to limit these restrictions to five years. If I had my own way I would increase every one of them to at least fifty years before the Indian would have any right to absolutely sell and dispose of his land.

Mr. SPOONER. Mr. President, will my friend permit me? The Senator from North Dakota is a lawyer of great ability. Has he considered the question as to the power of Congress, where a patent has not issued, to increase the time during which there shall be a restriction upon alienation?

Mr. McCUMBER. That is just what I was coming to; and I was going to appeal to the superior knowledge of the Senator from Wisconsin on great constitutional questions to give me his opinion upon that subject.

Mr. SPOONER. The difficulty——

Mr. McCUMBER. I merely want to make myself clear.

Mr. SPOONER. Very well.

Mr. McCUMBER. We have provided by law that the restrictions on these allotments shall expire in five years.

Mr. SPOONER. How general is that?

Mr. McCUMBER. It is very general throughout the Indian Territory.

Mr. SPOONER. Have the patents been issued?

Mr. McCUMBER. Patents have not been issued to any extent. The provision is that the limitation on the alienation of the land shall commence at the time of issuing the patent. Therefore it must be five years thereafter, as I understand it.

Mr. PLATT of Connecticut. They can not alienate a homestead.

Mr. McCUMBER. The homestead is for twenty-one years, I think, for the most part.

Now, let us suppose that a given quantity of land is set aside as their homestead. Children are being born every day to these Indian tribes. There is but a little of their own lands that are left.

My own opinion is that the restriction should be extended, if it is possible to extend it at this time, notwithstanding the previous law has fixed the restriction at five years. I believe myself that in the Territory, the Government of the United States having police control within the limits of that Territory, the Indian being still the ward of the Government, the Government itself has a right to modify a mere matter of permission; that by reason of the position of guardian the Government can say to the Indian: "We did at one time say that you might sell this land, on which you have yet no patent and the fee of which still remains in us after a period of five years. As your guardian, we now say that we will extend that limit to twenty-five years." I myself believe that the mere granting to those Indians of the right of citizenship does not take away from Congress the authority to increase the limit of time within which the Indian shall not be allowed to dispose of the lands which have been allotted to him. I know that there are Senators to whom I look for legal information who differ with me upon this proposition.

Now, in regard to the provision which was read by the Senator from Wisconsin, I certainly can see but two propositions. The one is that the tribal fund shall be converted into individual funds upon the books of the Treasury. The second (and that is the part, I am free to admit, I do not agree with) is that the President may, in his discretion, direct that the principal may be paid over to such Indians as have received the patent in fee. I agree with the Senator from Wisconsin. I do not think that ought to be the law. I do not believe, however, that it would be abused. It does not direct that it shall be done in all cases, but in individual cases after the matter has been investigated by the Commissioner. If he finds that the Indian who has received his allotment and his land and a patent in fee has so conducted his affairs that it is perfectly safe to turn over to him the principal of that allotment, he will have power to do so. It is not a general turning over, but it is giving a general authority to the Secretary of the Interior, for practically it is the Secretary who will determine it, to do what we are now giving him authority to do by special laws, adding a number of these every year.

Mr. SPOONER. Mr. President, the Senator is a member of the Committee on Indian Affairs. I am not, and I have never been, and of course never will be. I have not been able, in the discharge of other duties, to give attention to the details of Indian legislation.

So, Mr. President, I am not sufficiently advised of the fact to be able to form a very definite opinion as to the power of Congress to increase the time during which there shall be restrictions upon the power of alienation, but I know enough about Indians to know that you can not change the Indian by giving him in severalty a tract of land with power to dispose of it as if he were the owner in absolute fee. I know enough to know that you can not instill into the Indian the prudence and the care and business judgment of the thrifty white man, of the cunning white man, the money-making white man, by simply declaring by act of Congress that he is a citizen of the United States. I know, or I think I know, that this whole system will turn out to have been, as I personally know in many instances it has turned out to be, a wicked, a cruel, and a merciless abandonment by the Government of the care which the Government ought to have exercised for all the reasons growing out of the history of its relations with the Indian.

Mr. McCUMBER. I absolutely admit that, Mr. President; but we are face to face with conditions as they are and as they have been made in the past.

Mr. SPOONER. Well, I take the conditions as they are. I will admit that what has been done is past recall; I will admit that the allotment system has been consummated, and will within a year be all through the country in the main consummated; that the Indian may dispose of his land and squander the proceeds, except in some cases where he can not dispose of the homestead. I have believed if he could not dispose of the homestead, as the white man can not in many States without the signature of the wife, that he could not dispose of it at all, because the Indian squaw loves her children and her home as the white woman loves her children and her home, and she, as a rule, is careful lest in some unguarded moment her family loses.

But take the situation as it is, and we are confronted here with another proposition, and that is that the Indian who has had his allotment and probably sold his allotment—his land—becomes thereby under this law entitled to receive, if some agent appointed by the Interior Department thinks it wise, his share of the trust funds held in the Treasury.

Mr. President, enact that, remove all these restrictions, and there will not be in two years an Indian in the United States who will not, under the provisions of these sections, be entitled to receive from the Treasury not the interest on the trust fund, keeping the principal intact, but his share of the trust fund, to be squandered as his allotment was squandered and as the proceeds of his allotment were squandered.

The trained business men throughout the country guard their children after their death against improvidence by trusteeships, by securing to the daughter or the son an annuity from some investment. That is a matter of common prudence with thousands and hundreds of thousands of business men of sagacity. It is needed, it is wise, it is loving, it is just, it is forethought and safeguarding of those who are to come after us. Are we treating the Indians, in the propositions made in this bill, as the white man treats his child, who he thinks may not be able wisely to manage a large fund? Not at all. Are we treating the Indians as a loving and wise man often provides for his married daughter, lest the speculation or the improvidence of her husband may some day leave her in want? No, we are not; we are simply opening a door for the cupidity in one guise and another of the white man, to be found everywhere, to despoil the Indian even of trust funds. We had better leave the few Indians—relatively few—who could be safely trusted to manage the trust funds than because of them to turn the whole nation, the tribes, free, loose in this matter, to be despoiled.

I do not know what view my friend from Connecticut [Mr. PLATT] may take of this. I am speaking about it from my somewhat old knowledge of the Indians—a pretty intimate knowledge—and this seems to me, taken in connection with the steps which have preceded it, to be the last step toward the absolute dependence of the Indians.

Mr. PLATT of Connecticut. Mr. President, I am not going to try to discuss the questions which are raised by the amendments in this bill. I simply want a moment's time to protest in this Senate against dealing with these questions on the Indian appropriation bill.

Take this very matter which has been the subject of discus-

sion for the last half hour between the Senator from Wisconsin [Mr. SPOONER] and the Senator from North Dakota [Mr. McCUMBER]—an able discussion—and it is utterly impossible to give it the consideration here on this appropriation bill, within four days from the time when that clock will mark the expiration of this Congress, that it is entitled to and that it must have so as not to be injurious to the Indians to a great extent and degree. Yet, Mr. President, we never get any legislation about Indians until the Indian appropriation bill has passed the other House, has come to the Senate, and is incorporated on the appropriation bill in the way of Senate amendments.

My experience on the Committee on Indian Affairs leads me to say that, no matter how much attention a member on that committee may give or try to give to these great questions, he can not thoroughly consider them as they ought to be considered when the committee places them upon the Indian appropriation bill.

If the matters raised by these amendments were discussed as they ought to be discussed, in view of the obligations of the Government to the Indians, in view of the necessities and the interests of the Indians, it would take every moment of the time from now until 12 o'clock the 4th day of March.

But what I want to protest against, Mr. President, as I have always protested in committee and out of it, is the attempt to legislate for the Indians as to their rights and our obligations as guardians of the Indians upon the Indian appropriation bill. Every one of such amendments ought to be stricken from the bill. We ought to have an appropriation bill pure and simple without legislation upon it.

Mr. SPOONER. That is true.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment of the committee.

Mr. MALLORY and Mr. PENROSE addressed the Chair.

Mr. PENROSE. Mr. President, the Senator from Florida, I believe, first addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MALLORY. Mr. President, I should like to inquire if the amendment proposed by the Senator from North Dakota [Mr. McCUMBER] has been adopted?

The PRESIDING OFFICER. It has not been.

Mr. MALLORY. After listening to the remarks of the Senator from Connecticut [Mr. PLATT], it strikes me that this matter is inappropriate on this appropriation bill, and I will raise the point of order that it is not germane or relevant to the subject-matter of the bill.

Mr. PENROSE. If the Senator from Florida will permit the suggestion, I would suggest to him, as I am equally as opposed to the proposition as he is, to permit the amendment offered by the Senator from North Dakota [Mr. McCUMBER] to the committee amendment to be adopted as a part of the committee amendment, and then he can raise his point order on the amendment as amended.

Mr. MALLORY. Very well.

Mr. PENROSE. He can raise the point that it is not germane, and under the rules request that the question be submitted to the Senate. I will suggest that to the Senator for his approval.

Mr. MALLORY. Very well; I agree to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota to the amendment of the committee.

Mr. PLATT of Connecticut. I ask for a division.

Mr. CULBERSON. Let the amendment be stated, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PENROSE. Mr. President, is the question on the point of order raised by the Senator from Florida?

The PRESIDING OFFICER. It is not. It is on agreeing to the amendment offered by the Senator from North Dakota [Mr. McCUMBER] to the committee amendment. The amendment to the amendment will be stated.

Mr. BACON. I ask that the committee amendment may be also read, so that we may have the two amendments in connection.

The PRESIDING OFFICER. The amendment and the committee amendment will both be stated.

The SECRETARY. On page 23, after line 5, the committee propose to insert:

That no portion of the funds appropriated by this act nor the principal nor interest of any Indian trust or tribal funds held by the United States for the benefit of any Indian tribe shall be available nor be expended for the support of any sectarian or denominational school.

To which the following amendment, submitted by Mr. McCUMBER, is proposed:

Provided, however, That the individual owner or beneficiary of any interest in such fund who may desire to educate his ward, child, or children in any school other than a Government school may, by written order signed by him, direct that any portion of the interest accruing to him, or which would be allotted to him on such fund, be paid to the school in which such ward, child, or children may be educated.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment of the committee.

Mr. BARD. I ask for the yeas and nays, Mr. President.

Mr. PENROSE. Then I will raise the point of order, with the permission of the Senator from Florida [Mr. MALLORY], on the amendment, that it is not germane to the bill; and I will ask that the matter be referred, under the rule, to the Senate.

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

Mr. PENROSE. The amendment offered by the Senator from North Dakota——

The PRESIDING OFFICER. The amendment of the Senator from North Dakota is in order.

Mr. PENROSE. But I have raised the point of order that it is not germane to the bill in its subject-matter, and I ask, therefore, under Rule XVI, which provides that all questions of the relevancy of amendments, when raised, shall be submitted to the Senate, that the question shall be so submitted.

The PRESIDING OFFICER. Does the Senator from Pennsylvania wish to raise that point on the amendment of the Senator from North Dakota to the amendment of the committee or on the amendment after it has been amended?

Mr. PENROSE. I had not intended to raise it until the amendment had been amended, but in view of the fact——

The PRESIDING OFFICER. It has not yet been amended.

Mr. PENROSE. But in view of the fact that the yeas and nays have been called for on the amendment to the amendment, I raise the point of order.

Mr. DIETRICH. I should like to ask the Senator in charge of the bill a question. Does the Commissioner of Indian Affairs approve of the amendment which has been asked to be adopted by the Senator from North Dakota [Mr. McCUMBER]?

Mr. STEWART. I do not think his approval is necessary.

The PRESIDING OFFICER. The Senator from California [Mr. BARD] has asked for the yeas and nays.

Mr. BARD. On the amendment to the amendment.

The PRESIDING OFFICER. On the amendment to the amendment.

Mr. PENROSE. I will withdraw the point of order on the amendment, and let us have a vote first on the adoption of the amendment to the amendment.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question now is on the amendment to the amendment.

Mr. PLATT of Connecticut. I ask for a division, Mr. President.

The question being put, there were, on a division—ayes 22, noes 19.

The PRESIDING OFFICER. The result of the division having disclosed the lack of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger	Depew	Kean	Overman
Allison	Dick	Kearns	Patterson
Ankeny	Dietrich	Kittredge	Penrose
Bacon	Dillingham	Knox	Perkins
Bailey	Dolliver	Lodge	Pettus
Bard	Dryden	Long	Platt, Conn.
Bate	Dubois	McComas	Platt, N. Y.
Berry	Foraker	McCreary	Proctor
Burnham	Foster, La.	McCumber	Quarles
Burrows	Frye	McEnery	Scott
Carmack	Fulton	McLaurin	Simmons
Clapp	Gallinger	Mallory	Stewart
Clark, Mont.	Gamble	Martin	Stone
Clark, Wyo.	Gibson	Millard	Taliaferro
Clay	Hansbrough	Money	Teller
Culberson	Heyburn	Nelson	Warren
Daniel	Hopkins	Newlands	

The PRESIDENT pro tempore. Sixty-six Senators have responded to their names. There is a quorum present. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment of the committee, on which a division has been demanded. Senators in favor of the amendment to the amendment will rise and stand until they are counted.

Mr. GALLINGER. Mr. Persident, before the vote is taken,

I simply wish to say that at the opening of this debate I took occasion to remark that I saw no objection to the amendment submitted by the Senator from North Dakota [Mr. McCUMBER]. I have had time to reflect upon the matter, however, and, inasmuch as I shall vote against the amendment, I wish to state that it is because I have satisfied myself that, if adopted, it will defeat the purpose of the committee amendment.

Mr. McCREARY. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will again be read.

The Secretary read the amendment proposed by Mr. McCUMBER to the amendment of the committee, as follows:

Provided, however, That the individual owner or beneficiary of any interest in such fund who may desire to educate his ward, child, or children in any school other than a Government school may, by written order signed by him, direct that any portion of the interest accruing to him, or which would be allotted to him on such fund, be paid to the school in which such ward, child, or children may be educated.

Mr. LODGE. Mr. President, I desire merely to say that my first impression as to this amendment is the same as that of the Senator from New Hampshire [Mr. GALLINGER], but I now think there can be no doubt that it would alter the purport of the original amendment..

Mr. PETTUS. Mr. President, I rise to make a point of order on this amendment.

The PRESIDENT pro tempore. The point of order has been made and overruled.

Mr. PETTUS. I make the point of order against this proposed amendment to the amendment and the amendment itself.

The PRESIDENT pro tempore. If the Senator will please wait until disposition is made of the amendment to the amendment and then raise his point against the whole amendment, that would save two votes.

Mr. PETTUS. I think one point carries the whole.

The PRESIDENT pro tempore. The Chair overrules the point of order on this amendment.

Mr. PETTUS. Mr. President, please allow me to state the point of order. It is that the amendment itself is new legislation on an appropriation bill, and the amendment to the amendment is additional new legislation on an appropriation bill.

The PRESIDENT pro tempore. It has been held over and over again by the Presiding Officer of the Senate that any amendment is in order where an appropriation is made of funds and it undertakes to distribute the funds in any direction. That was settled a long while ago.

The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment of the committee.

Mr. LODGE. Let us have the yeas and nays.

Mr. McCUMBER. Before the question is put, I want to say just a word in response to the statements made by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Massachusetts [Mr. LODGE]. I simply want to call attention to the amendment to the amendment. The amendment known as the Bard amendment now reads as follows:

That no portion of the funds appropriated by this act nor the principal nor interest of any Indian trust or tribal funds held by the United States for the benefit of any Indian tribe shall be available nor be expended for the support of any sectarian or denominational school.

That, Mr. President, is a pretty broad assertion. I am not certain that it does not absolutely prohibit the Indian himself, after he has got his money, from using it for any such purpose. It certainly is clear that it can not be used to educate his children wherever he may be pleased to place them. The amendment to the amendment is intended simply and solely to give him the opportunity to declare that where he does not send his children to a Government school—and in some places there may not be a good Government school—he may by his own written order direct that a portion of the little interest which comes to him may be paid for the support of his children in another school, be it denominational or otherwise.

Mr. PLATT of Connecticut. I rise to a parliamentary inquiry. Am I entitled to demand the yeas and nays now, Mr. President?

The PRESIDENT pro tempore. The Senator is undoubtedly entitled to do so.

Mr. PLATT of Connecticut. I ask for the yeas and nays upon this question.

The PRESIDENT pro tempore. Upon the amendment?

Mr. PLATT of Connecticut. Upon the amendment to the amendment.

The yeas and nays were ordered; and 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]. In his absence, I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Indiana [Mr. FAIRBANKS]. I believe he has not voted. If he were present, I should vote "nay."

Mr. PETTUS (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE]. I therefore withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. ALLISON (after having voted in the affirmative). I have a general pair with the senior Senator from Missouri [Mr. COCKRELL]. I therefore withdraw my vote.

Mr. BERRY. I should like to inquire if the senior Senator from Minnesota [Mr. NELSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. BERRY. I am paired with that Senator, and therefore withhold my vote.

Mr. MARTIN (after having voted in the affirmative). I desire to inquire if the senior Senator from Illinois [Mr. CULLOM] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. MARTIN. As I have a general pair with that Senator, I withdraw my vote.

The result was announced—yeas 31, nays 26, as follows:

YEAS—31.

Bacon	Dubois	Long	Penkins
Bailey	Frye	McCreary	Platt, N. Y.
Ball	Fulton	McCumber	Stewart
Clark, Mont.	Gamble	McEnery	Stone
Clark, Wyo.	Hansbrough	Mallory	Taliaferro
Dick	Kearns	Millard	Teller
Dietrich	Kittredge	Patterson	Warren
Dolliver	Knox	Penrose	

NAYS—26.

Alger	Clay	Gibson	Overman
Ankeny	Daniel	Heyburn	Platt, Conn.
Bard	Depew	Latimer	Proctor
Blackburn	Dryden	Lodge	Scott
Burnham	Foraker	McComas	Spooner
Burrows	Foster, La.	McLaurin	
Carmack	Gallinger	Money	

NOT VOTING—33.

Aldrich	Cockrell	Hale	Pettus
Allee	Crane	Hawley	Quarles
Allison	Culberson	Hopkins	Simmons
Bate	Cullom	Kean	Smoot
Berry	Dillingham	Martin	Tillman
Beveridge	Elkins	Mitchell	Wetmore
Burton	Fairbanks	Morgan	
Clapp	Foster, Wash.	Nelson	
Clarke, Ark.	Gorman	Newlands	

So Mr. McCUMBER'S amendment to the amendment of the committee was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

Mr. PENROSE. I now revive the point of order raised by the Senator from Florida, that the amendment as amended is not relevant; and on the question of the relevancy, under Rule XVI I ask what the Chair would do as a matter of course anyhow, that the matter be submitted to the Senate; and on that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair submits to the Senate the question of relevancy. The Senator from Pennsylvania on that question demands the yeas and nays.

The yeas and nays were ordered.

Mr. CARMACK. I should like to have the question stated.

The PRESIDENT pro tempore. The question of the relevancy of the amendment as amended has been raised, and under the rule the Chair is obliged to submit it to the Senate. Of course a "yea" vote will hold it is relevant and a "nay" not.

Mr. PENROSE. Those opposed to the amendment being put in the bill at all, of course will vote that the amendment is not relevant, as I understand. I ask the Chair to state the exact parliamentary question, so that those Senators who are opposed to the amendment being put in the bill will know whether to vote "yea" or "nay" upon the parliamentary question involved.

The PRESIDENT pro tempore. The Chair would hardly like to instruct Senators in the exact direction. If they are against the amendment they would vote that it was not relevant. Of course if a majority of the Senate hold that it is not relevant it goes out.

Mr. STONE. Mr. President, last night I stated I would make the point of order that the amendment proposed by the committee was general legislation. I waived the point to-day. But after all the debate, if it is now in order to make the

point of order, I raise the point of order that the whole amendment is general legislation and out of order.

Mr. MALLORY. I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. MALLORY. It is that a point of order is now pending.

The PRESIDENT pro tempore. One point of order is now pending.

Mr. MALLORY. And the yeas and nays have been ordered.

Mr. BACON. I simply desire to know whether I understood the Chair correctly in response to the point made by the Senator from Alabama to say that in his opinion the amendment is in order and relevant.

The PRESIDENT pro tempore. The Chair gave no opinion as to its relevancy. He is not allowed to, except by his vote.

Mr. BACON. The reason I made the inquiry is—I knew the rule in that regard—that I had understood the Chair so to indicate, and I was disposed to be guided by the opinion of the Chair.

The PRESIDENT pro tempore. The Chair would be delighted to have the Senate governed by his opinion on points of order.

Mr. BARD. Mr. President——

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. BARD. Mr. President——

Mr. TELLER. The Senator from California wants to be heard.

Mr. BARD. I desire to make some remarks with reference to the relevancy of this amendment.

Mr. PENROSE. I understand the question is not debatable.

The PRESIDENT pro tempore. It is debatable. Almost anything is debatable in the Senate now.

Mr. TELLER. I do not like to take exception to the statement of the Chair that anything is debatable in the Senate, but since I have been in the Senate it has always been the right of every Senator to debate a question of this kind.

The PRESIDENT pro tempore. It is still the rule.

Mr. BARD. Mr. President, in order to show the relevancy of the amendment it will be necessary, I think, to go into the history of the legislation on this subject as it is shown on the statute books.

The appropriation act for the fiscal year ending June 30, 1895, approved August 15, 1894, contains the following proviso:

Provided, That the Secretary of the Interior is hereby directed to inquire into and investigate the propriety of discontinuing contract schools, and whether, in his judgment, the same can be done without detriment to the education of the Indian children, and that he submit to Congress at the next session the result of such investigation, including an estimate of the additional cost, if any, of substituting Government schools for contract schools, together with such recommendation as he may deem proper.

Mr. PENROSE. I rise to a question of privilege and order.

The PRESIDENT pro tempore. The Senator from Pennsylvania will state it.

Mr. PENROSE. I raise the point of order that this question is not debatable under the third clause of Rule XVI. I ask the Secretary to read it.

The PRESIDENT pro tempore. There is no need of that, for the Chair was wrong; the question is not debatable. The rule distinctly declares that it is not debatable.

Mr. PENROSE. I ask that the question be submitted.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Indiana [Mr. FAIRBANKS].

Mr. PETTUS (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE].

The roll call having been concluded, the result was announced—yeas 50, nays 10, as follows:

YEAS—50.

Alger	Cullom	Heyburn	Money
Ankeny	Daniel	Hopkins	Overman
Bacon	Depew	Kean	Patterson
Bailey	Dietrich	Kittredge	Platt, Conn.
Ball	Dolliver	Latimer	Platt, N. Y.
Bard	Dryden	Lodge	Proctor
Berry	Dubois	Long	Spooner
Blackburn	Foraker	McComas	Stewart
Burrows	Foster, La.	McCreary	Stone
Carmack	Frye	McEnery	Teller
Clark, Mont.	Fulton	McLaurin	Warren
Clark, Wyo.	Gallinger	Martin	
Clay	Gibson	Millard	

NAYS—10.

Dick	Kearns	Penrose	Taliaferro
Foster, Wash.	McCumber	Perkins	
Hansbrough	Mallory	Scott	

NOT VOTING—30.

Aldrich	Clarke, Ark.	Gorman	Pettus
Allee	Cockrell	Hale	Quarles
Allison	Crane	Hawley	Simmons
Bate	Culberson	Knox	Smoot
Beveridge	Dillingham	Mitchell	Tillman
Burnham	Elkins	Morgan	Wetmore
Burton	Fairbanks	Nelson	
Clapp	Gamble	Newlands	

The PRESIDENT pro tempore. The Senate determines that the amendment is relevant. The question is on agreeing to the amendment as amended.

Mr. MALLORY. I should like to inquire if the point of order has been raised on the allegation that this is general legislation. I understood that it had been, and that there had been a ruling by the Chair.

The PRESIDENT pro tempore. The Chair ruled on the amendment before it was amended. That amendment having been amended, it is still open.

Mr. MALLORY. I raise the point of order that it is general legislation. I will not undertake to discuss it.

The PRESIDENT pro tempore. The Chair overrules the point of order. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. STEWART. I should like to have the amendment on page 27 disagreed to. It is at the top of the page. I had the text amended under a false impression as to the necessity for it.

The PRESIDENT pro tempore. By unanimous consent the amendment at the top of page 27, to strike out all of lines 1, 2, 3, 4, and 5, will be reconsidered, and the amendment will be rejected. The next passed-over amendment will be stated.

The SECRETARY. On page 34, after line 22, it is proposed 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.

Mr. McLAURIN. I have an amendment I desire to offer to the amendment.

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

The SECRETARY. It is proposed to strike out of the amendment the words "or for a grossly inadequate consideration," where they appear in lines 1 and 2 and in line 5 on page 35.

Mr. McLAURIN. That is accepted by the chairman of the committee.

Mr. McCUMBER. Just a moment on that. It has not yet been accepted by the Senate.

Mr. STEWART. No.

Mr. McCUMBER. I want to say a word on this subject if no other Senator has the floor. I can not tell. I ask the Secretary to read again the amendment. I did not catch it.

The SECRETARY. On page 35, in the committee amendment, in lines 1 and 2, strike out the words "or for a grossly inadequate consideration," and in line 5 strike out the same words, "or for a grossly inadequate consideration."

Mr. McLAURIN. Mr. President, last night I made the point of order that this amendment is general legislation on an appropriation bill. I was asked to withdraw the point of order, and by unanimous consent the amendment went over, the point of order standing as it was until this morning.

I am willing to waive the point of order with the striking out of this sentence in the two places where it is found in the amendment. I am not willing to withdraw the point of order without it. If the law is now that a grossly inadequate consideration for a contract is in itself sufficient to constitute fraud, then it is not needed. If that is not the law, then the contracts that have already been made can not be impaired by providing that gross inadequacy of consideration shall vitiate the contract. And that is my objection to this phraseology. It impairs the obligation of a contract, and therefore is in the face of the Constitution.

I have agreed to withdraw my point of order because of the acceptance of the amendment by the chairman of the committee.

Mr. McCUMBER. Mr. President, just a word. I really do

feel that in striking out this clause where it appears in the bill the Senator from Mississippi practically takes the very life and soul out of the enactment. The cases of fraud that are perpetrated down there are in nearly every instance cases of inadequacy, gross inadequacy, in the matter of payment for the leases. It has been shown before the committee that where land might be obtained under a lease for 60 cents an acre or so from the Indian holding the land it would immediately be subleased at from three to five dollars per acre. So the owner, often a minor, would receive practically nothing; and I know of no other evidence of fraud that you could probably show in a court except the fraud due solely to the inadequacy of the consideration.

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

Mr. McCUMBER. With pleasure.

Mr. McLAURIN. Does the Senator from North Dakota hold that if these words are stricken out the contract of lease could not be canceled because of fraud; that it would not be fraudulent if these words were stricken out?

Mr. McCUMBER. I am afraid that there might be a construction given to it that a grossly inadequate consideration standing alone would not operate as a fraud. I am not sure as to what the holding might be.

Mr. McLAURIN. If that is so, then the lease is good. Now, is it competent for Congress to enact a law that would vitiate a lease made under a contract if the lease is good? Can Congress in this way impair the obligation of a contract of lease? Does the Senator so hold?

Mr. McCUMBER. I hold it is not impairing the obligation of a contract, because if that which appears as a contract is obtained for a grossly inadequate price, amounting in effect to fraud, then it would not be an obligation which the law would recognize.

Mr. PLATT of Connecticut. Is there anything in the Constitution of the United States which forbids Congress passing a law impairing the obligation of contracts?

Mr. McCUMBER. I do not think there is anything in the Constitution——

Mr. SPOONER. Except by States.

Mr. LODGE. Except by the States.

Mr. PLATT of Connecticut. I know that.

Mr. McCUMBER. There is something in the inherent nature of the Government that prohibits it, and therefore I do not believe our courts would sustain the proposition that we could set aside a fair obligation, though we attempted to do so. As we both aim at the same thing I do not see why the Senator from Mississippi should insist that we shall not say that this gross inadequacy of consideration standing alone with no other testimony may be considered fraud.

Mr. McLAURIN. Mr. President, I read from section 10 of Article I of the Constitution:

> No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

While the Constitution says that no State shall do this thing, it was recognized by the framers of the Constitution that all the authority that Congress ever had must be affirmative authority given by the States, and when they began to limit the power of the States, they limited the power of the States to make a law impairing the obligation of a contract. The Government could not do anything except what it is authorized by the Constitution to do; the Congress could not do anything except that which the Constitution authorized it to do, whereas the States could do anything that was not forbidden by the Constitution of the United States. It has always been the understanding that the Congress of the United States can not make any law impairing the obligation of a contract, and it was necessary to put into the Constitution that clause in order to prohibit the States from making such a law.

But whether that is so or not, it would certainly be in bad faith, and no Senator ought to want to enact a law that would impair the obligation of a contract already entered into.

Mr. PLATT of Connecticut rose.

Mr. McLAURIN. Does the Senator from Connecticut [Mr. PLATT] desire to interrupt me?

Mr. PLATT of Connecticut. Has it not been decided over and over again by the Supreme Court of the United States that it could not be set up against a law passed by Congress that it impaired the obligations of a contract?

Mr. McLAURIN. I do not remember any such decision as that, Mr. President. If these leases and these contracts of lease were obtained by fraud, then fraud vitiates everything into which it enters, but if the leases are good, Congress ought not to enact, even if it had the power to do so, any law that would impair the obligation of the contract. If gross inadequacy of consideration did not vitiate the contract when it was made, then there ought not to be an act passed afterwards by Congress avoiding that contract for gross inadequacy of consideration. If it was a good contract and is a good contract to-day before this bill is enacted into a law, then it ought to remain a good contract. While the rules of evidence may be applied to the court and while rules of procedure may be changed, that which would make it void ought not to be enacted after the lease has been contracted.

Mr. McCUMBER. I wish to ask the Senator from Mississippi one question merely.

Mr. McLAURIN. Certainly.

Mr. McCUMBER. I admit that the Senator can raise the point of order if he desires, but let us suppose this situation. Suppose it should appear before the court that a lease had been obtained for 30 cents an acre, that it was obtained knowingly, that the owner of the land, who may be an adult Indian, consented to it and agreed to accept 30 cents an acre, that there was no other fraud imposed upon him, and that the lessee immediately subleased the same land for $8 an acre, does not the Senator believe that we, as guardians of the Indians, in a case of that kind should have the right to step in and say that that lease should be absolutely vacated, although there was no fraud other than this mere badge of fraud, it may be called?

Mr. McLAURIN. The facts might in themselves amount to proof; they might prove fraud; they might themselves constitute fraud; and in that case the provision in the law is sufficient to set aside that conveyance. But if they do not amount to fraud, then, if the lease is good now under the law, which it is not if it is fraudulent, there ought not to be legislation that would legislate a man's contract out of his possession and out of his control and legislate him out of the benefit of his contract.

Mr. McCUMBER. I wish to call the Senator's attention to this point. The courts do often hold that a mere grossly inadequate price standing alone will not vitiate the contract, that it is simply a badge of fraud and must be supported by other evidence. I admit that that is not the universal holding, as I believe the courts hold both ways.

Mr. SPOONER. That depends somewhat upon the person with whom the contract is made, whether compos mentis or a child, sometimes a woman, a relation, and all that.

Mr. McCUMBER. I agree with that.

Mr. SPOONER. A contract may be good when made with a person of ability, wisdom, knowledge of the world, like my friend from Mississippi——

Mr. McLAURIN. I do not claim any such prominence or eminence as that.

Mr. SPOONER. Where the consideration might be grossly inadequate if made with a child.

Mr. McCUMBER. Or any ward.

Mr. SPOONER. Or any ward. When made with some one ignorant, some one who is not prudent or familiar with business transactions or values, it might be a fraud in law.

Mr. McCUMBER. The Senator must remember this——

Mr. SPOONER. I am on the Senator's side.

Mr. McCUMBER. We must always treat the Indian as a ward in that respect.

Mr. BAILEY. If the Senators will permit me——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. McLAURIN. Certainly.

Mr. BAILEY. Last night I ventured to express the opinion to the Senator from North Dakota that no court had ever held that gross inadequacy of price alone would invalidate a contract. He did not subscribe to that, but I am confirmed in my opinion by some investigations which I have made this morning. However, aside from that, which might be in a manner purely and only academic, I find in the court of appeals holding its session at St. Louis, which is the court of appeals to which any question of this kind would go on appeal from the Indian Territory, that court holds flatly that the mere inadequacy of price, of consideration, will not invalidate a contract.

Mr. SPOONER. Certainly; that is the rule.

Mr. BAILEY. That is, I think, the universal rule. They do say that where the price is grossly inadequate and there are slight circumstances tending to establish fraud; and, as the Senator from Mississippi well said, you have the additional circumstance in the fact that the positions of the parties were not equal—one an intelligent white man, the other an ignorant Indian—and consequently you make out your case of fraud

under the act with the amendment of the Senator from Mississippi adopted, and if you can not make out a case of fraud under that, you can not pass a law to reach a mere inadequacy of price.

If the Senator from Mississippi and the Senator from North Dakota will indulge me, I wish to say to the Senator from Connecticut that he can not find in the Reports of the Supreme Court from first to last an intimation that the Federal Government can destroy a lease or a title, but it is true that the court has said on one or two occasions that the limitation against the power to impair the obligation of a contract is a limitation upon State and not upon Federal power. It is equally true that the opinion of the Supreme Court, in the celebrated Pacific Railroad cases, declared that Congress itself, however, could not impair the obligations of a contract. But that is not the question with which we are called upon to deal here.

If, as the Senator from Mississippi has well said, this is a valid contract when made and binding between the parties, then a property right vests, and it is protected by the fifth amendment to the Constitution, which explicitly declares that no man shall be deprived of his life, his liberty, or his property without due process of law; and certainly it is not due process of law, within any meaning of that term ever sanctioned by any court, that the legislature shall divest a title in fee or a leasehold.

Mr. STEWART. Let me appeal to the Senator from North Dakota to withdraw his objection and let us vote.

Mr. McCUMBER. Certainly, if the Senator insists on it, I will withdraw my objection and let the amendment go in.

Mr. McLAURIN. Then I yield the floor.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. McLAURIN. Before yielding the floor I wish to thank the Senator from Texas for calling attention to the fifth amendment, which had escaped me at the time.

Mr. SPOONER. Mr. President, I do not think the amendment ought to be adopted.

Mr. McCUMBER. I accept it simply because I understand the whole matter will go out if I do not.

Mr. BAILEY. Now, Mr. President——

Mr. McLAURIN. One moment, if the Senator from Texas will allow me. Is the amendment agreed to?

The PRESIDENT pro tempore. Will the Senate agree to the amendment?

The amendment was agreed to.

Mr. BAILEY. I wish to call the attention of the chairman to another amendment which I think ought to be adopted. In line 8, on page 35, in the amendment, the words "in cases where all parties consent thereto" ought to be stricken out, and for this reason: It might happen, as it has happened in the Indian Territory, that a man procures a lease which he subsequently assigns or sublets. The original lessor and the lessee might agree between themselves upon terms that would absolutely destroy the rights of the sublessee.

Mr. STEWART. We had that question brought up and we inserted the words "all parties."

Mr. BAILEY. You inserted the words "all parties" there?

Mr. STEWART. Yes.

Mr. BAILEY. The trouble about that—I simply want to indicate it—is that the sublessee is not a party to that contract or lease.

Mr. STEWART. Then I suggest to put in the words "in interest," so as to read "all parties in interest."

Mr. BAILEY. That is all right. I think if you would strike it out it would be the same. Then it leaves it to the court to modify it and protect the interest of everybody.

Mr. STEWART. I am willing that the clause should be stricken out.

Mr. McCUMBER. I hope the Senator will not agree to strike it out.

Mr. STEWART. Then let it read "all parties in interest."

The PRESIDENT pro tempore. The Senator from Texas, I think, has the floor.

Mr. McCUMBER. I merely wish to say to the Senator from Texas—the Senator will undoubtedly agree with me—that the only power of the court would be, under ordinary circumstances, if it found fraud in the lease itself, to absolutely vacate it. He could not make a new contract, he could not make a new lease, but in order to cover the case where the lessee says "although I received this for an inadequate price I am willing to pay more," and the sublessee agrees to that, under the words "all parties," the court may instead of vacating it modify it.

Mr. BAILEY. He would simply come in under a new contract.

Mr. McCUMBER. Certainly.

Mr. BAILEY. And he could do that without it. I will say to the Senator from North Dakota that in that country the sublessee is entitled to more consideration at the hands of Congress than the lessee——

Mr. McCUMBER. That is true.

Mr. BAILEY. Because the lessees have gone in there and made contracts and they are speculating upon the sublessees who are developing the country.

Mr. STEWART. I move to insert the words "in interest" after the words "all parties," in line 8.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "parties," in line 8, insert the words "in interest."

Mr. BAILEY. Of course there is some difficulty about that. It is a well understood rule of law that a sublessee is not a party to a contract or lease. The assignee of a lease is, but the sublessee is not. The original lessor could not sue him except upon a covenant running with the land, and he is under no obligation. But I think with this statement probably there will be no trouble about that.

The amendment to the amendment was agreed to.

Mr. STEWART. On line 14, page 34, I propose an amendment. I move to strike out "Secretary of the Interior" and insert "such person as the President may appoint;" and in line 16 strike out the word "Secretary" after "said"——

The PRESIDENT pro tempore. On what page?

Mr. STEWART. Page 34, line 14, strike out the words "Secretary of the Interior" and insert "such person as the President may appoint."

Mr. FULTON. I suggest to the Senator to strike out the word "the" preceding the words "Secretary of the Interior."

Mr. STEWART. Yes; strike out the words "the Secretary of the Interior" and insert "such person as the President may appoint;" and in line 16——

Mr. MONEY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. What does the Senator from Nevada state as a part of the amendment which has been under discussion?

Mr. MONEY. That is what I want to know.

Mr. STEWART. This is part of the same amendment.

Mr. BAILEY. No.

The PRESIDENT pro tempore. Not at all.

Mr. STEWART. Very well.

Mr. BAILEY. I did not want to interrupt the chairman of the committee, but if we are to return to it, I want to move to disagree to the amendment in lines 17 and 18, which strikes out the prohibition against the subleasing of the estates of minors. In just a moment I beg to say that in the beginning I myself was in favor of that prohibition; but upon a fuller investigation, and upon conferences with gentlemen who reside there, who are entirely reputable and who have always kept themselves free from any speculation upon the ignorant or unfortunate people there, I am told this would be greatly to the injury of the people who are farming and thus bringing those lands under cultivation. For instance, a man has a number of leases. Whether he got them fraudulently or not we have now authorized the Secretary of the Interior to inquire. If he has acquired them without any fraud, and has subleased them, his sublessees have entered upon the premises, or are even now preparing for their crops in the coming year. In some cases they made improvements upon them, and now to be turned out and the premises returned to the original lessees would be an injustice.

Mr. McCUMBER. Mr. President——

Mr. BAILEY. I was going to say (and I think the Senator rose to anticipate that) that of course we will agree that this would only apply to leases hereafter.

Mr. McCUMBER. Certainly; it is not retroactive.

Mr. BAILEY. I was going to say, if this system of subleasing has heretofore operated wisely, beneficially, I am inclined to think it may operate that way hereafter for this reason. The Indians themselves, in many instances, are without the capital to improve their land. They must lease them either to a man who can both improve and work them, or they must lease them to some man who can provide living quarters and other necessary improvements, who will in his turn, not being a farmer himself, lease them to somebody who will do the work.

Now, every one of these contracts of a minor must first be scrutinized by a court and approved by a court, and I am inclined to think it is a question between the lessee and the lessor, or rather it is a question between the principal lessee and the sublessee, with which we have no great concern. Our

important and great and unavoidable duty is to see, so far as in our power lies, that the contract of lease with the Indian owner is a just and fair one. That duty performed, then we can well afford to leave the subcontract as between the white men who improve it and the white men who cultivate it to their own devices. I should like very much—I believe it is in the interest of the Indians themselves—that that should go out.

Mr. McCUMBER. Mr. President, I can only state that which actuated the committee in reporting in favor of this proposition which prohibits subleasing. The Senator will first observe that it applies only to minors and not to adults; secondly, all of the frauds, all of the inadequacy and gross inadequacy of values have arisen entirely from the spirit of speculation, which can only be carried into effect by subleasing. The speculators take possession. It is the speculator who gets hold of the Indian. It is the speculator who gets a guardian appointed. It is the speculator who goes into court and on ex parte evidence shows the value of these premises and their renting value. He gets, then, his contract upon that and subleases at values from $5 to $20, the amount which he paid in the first instance.

Now, if the lease is made to the real individual who wants to go there and farm you get the white settler there, you get his influence among the Indians, you have the real worker, the person who is interested in it, and the person whose influence is desired working on the land; and at the same time you have eliminated this middleman and given the profits entirely to the Indian without the necessity of a third person to come in and get 40 or 100 or 500 per cent of the profits.

Mr. HEYBURN. I should like to know what Indians are supposed to be doing after they have leased their land. I do know, so far as that question applies to the real Indians in the Northwest, that I think the most unwise legislation which was ever enacted by Congress was that which recognized the right and provided for the method of leasing Indian lands. I have seen the operation of it around me for many years. The Indian, instead of drawing an income in money from his land, ought to be making the land produce the income by his own labor, because, as I see it around me every day there, when the Indian has leased his land he goes to the town to spend the money that he receives.

The object of allotting land to the Indian in severalty was to concentrate and limit the Indian's operations to the farm. It was not to relieve him of the necessity of furnishing himself with the means of livelihood from the products from his farm. That was not the intention of allotting lands to the Indian. It was that he might learn how to be a home maker and how to start a home. We have in our State several tribes of Indians, some of whom under existing provisions are permitted to lease their land. They live like barons. They are among the richest people per capita in the United States. They do not work. They hire white men to work for them. Take the Nez Perces Indians. I do not suppose that 10 per cent of them work their ranches. They hire men to work for them, and they live in idleness. They do just exactly what the Government never intended that they should do. These people whom we term the "wards of the Government" are and always have been in reality prisoners of war under patrol. That is all they are. We do not treat them as the guardian treats the ward, preserving their property, administering it for the benefit of the Indian. Every time Congres has met and legislated upon this subject it has opened the door wider to the speculator, to the man who lives by his wits applied against the ignorance and innocence and incapacity of the Indians.

It is true, as the Senator from Texas has suggested, that the Indians in the Indian Territory are more of a mixed breed. The smaller percentage of them are real Indians, blanket Indians, and this provision applies only to the Indian Territory. But I could not refrain from calling the attention of the Senate at this time to the evil, the unmitigated and unmixed evil, which arises out of that system which permits the leasing of the Indian land. I would make him stay there, and I would make him work that farm, earn his living by his products, and not turn it over to some man who must necessarily make a profit between himself and the Indian and pay the Indian in money and make him a loafer. That has been the result of the system of leasing Indian lands.

Mr. BAILEY. Mr. President, it is a great pity that some philanthropist with a good purpose and also with the ability to accomplish it, like the Senator from Idaho, was not among the Indians of the Indian Territory, but if he should undertake to make them cultivate their soil, except the Army of the United States were there to protect him, they would make a saint of him long before he made farmers out of them.

But, Mr. President, the purpose for which I rise at this moment is to call the attention of the Senator from North Dakota and the Senate to the fact that this bill expressly provides that no land belonging to any estate of a dead man or a child shall ever be leased at all, except under the approval of the court.

I do not believe that it will be so easy to secure the approval of those courts for these leases as the Senator supposes. He doubtless knows that many of the judges in the Indian Territory are good lawyers, and I will say all of them are good men. I think it would be simply a gross flattery to say they were all good lawyers, but some of them are excellent lawyers, and all of them are good men, and I think it requires that a man should be a good man rather than a good lawyer to protect the Indian against being overreached in making these leases.

When you provide, first, that the principal lessee shall not be permitted to make a lease contract with a minor Indian until he has first secured the approval of the court, you have done enough to protect him, because after his lease has been made he ceases to have any further interest in it.

I want to call the attention of the Senator from North Dakota to the condition that exists there that does not exist in an older community. Many of the men who will go there to convert these allotments into productive farms are not prepared to build either the home or the stable or to purchase the horses or mules necessary to the cultivation. They must make the contract with the principal lessee to provide for them, or else, if they make it themselves, they then must mortgage their crop to the shylocks at an usurious rate of interest in order to enable them to live, and I believe it is safer to trust the development of that country to lessees under men whose leases must have the approval of the court than it is to send a man who is without means.

Mr. President, realizing that the chairman of the Committee on Indian Affairs is anxious to proceed with his bill, I shall not detain the Senate longer; but I sincerely hope that after having provided that the lease of minors' land shall be scrutinized and approved by a court the Senate will not then deny the man who leases it the right to sublease it. I believe it is in the interest of the development of that country that that provision shall be stricken from the bill.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STEWART. On page 34, line 14, I move to strike out "the Secretary of the Interior," and insert "such person as the President may appoint."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, line 14, after the word "upon," it is proposed to strike out "the Secretary of the Interior," and insert "such person as the President may appoint;" so as to read:

Provided, That the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon such person as the President may appoint, etc.

Mr. MONEY. Mr. President, I should like to have the Senator in charge of the bill answer whether or not the Committee on Indian Affairs has considered this proposition?

Mr. STEWART. No; but I have consulted several members of the committee in regard to it.

Mr. MONEY. I had supposed that the Senator was consulting all the members of the committee when he was adding these several amendments, on which the point of order has not been made. I am opposed to the proposition he has just offered for the reason that it has not been considered by the committee and for the further reason that it seems to me like preparing a place for somebody. I think this is a matter which belongs to the Secretary of the Interior. We are just now about to get rid of a Commission that has been hanging for a long time on our hands and which has outlived its usefulness, I think, and now here comes this proposition.

Mr. STEWART. Rather than have any discussion about the amendment I will withdraw it. I want to get on with the bill.

Mr. MONEY. I am glad the Senator agrees to withdraw the amendment. It will save me the trouble of speaking on it.

Mr. STEWART. I think the President could be trusted to appoint a proper man to the place, but I have withdrawn the amendment. Let us go ahead with the bill.

The PRESIDENT pro tempore. The amendment on page 34, lines 17, 18, 19, 20, 21, and 22, reported to be stricken out by the committee was passed over last night.

Mr. STEWART. That was agreed to last night.

The PRESIDENT pro tempore. It does not stand as agreed to. The amendment which was passed over will be stated.

The SECRETARY. On page 34, line 17, after the word "five," it is proposed 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. STEWART. I should like to have that amendment now agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STONE. Mr. President, I asked last night that the amendment striking out from line 17 to line 22 on page 34 should be passed over, but because of the value of time I will not press the request.

Mr. STEWART. Let us go on with the next amendment, on page 37, which was passed over. I want to perfect that amendment because of some suggestions of the Senator from Connecticut [Mr. PLATT] that it was not sufficiently definite, and I desire to make it so.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 37, line 23, after the words "conditions of," it is proposed to insert "the lease herein authorized, the same being a renewal as to a part of the premises covered by;" so that the amendment, if amended, will read:

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 the lease herein authorized, the same being a renewal as to a part of the premises covered by 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 aggregate, 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. LODGE. Is not that a part of the amendment we are acting upon?

The PRESIDENT pro tempore. It is. The Senator from Nevada [Mr. STEWART] has offered an amendment to that amendment.

Mr. STEWART. I hope the amendment will be amended in that way.

Mr. LODGE. Let me make the point of order. The Senator from Maine [Mr. HALE], who is detained from the Chamber by duties on the Committee on Appropriations, asked me to make the point of order which he made on this amendment last night and which was then allowed to go over, that it is general legislation, extending existing leases, and is not in order on this bill.

The PRESIDENT pro tempore. In the opinion of the Chair, it is general legislation and subject to the point of order.

Mr. LODGE. I think there can be no question of that.

Mr. DEPEW. Is it permissible to debate the merits of the amendment at all, Mr. President.

The PRESIDENT pro tempore. The amendment has been ruled out, but the Chair will regard it as an open question if the Senator wishes to discuss the question of order.

Mr. DEPEW. I am not interested in discussing the question of order. I want to make a statement as to the merits of the amendment.

The PRESIDENT pro tempore. The Senator from New York.

Mr. DEPEW. Mr. President, this amendment presents unusual features from the fact that it is intended to prevent the confiscation of property acquired under a lease made by the Indians and sanctioned by the United States Government. There are many hundreds of citizens of the United States—several hundred of them in my own State—who are practical oil men, who years ago were invited to prospect the Osage Reservation for the purpose of ascertaining whether it was an oil-producing territory. They went down there and discovered that it was, but before that discovery was made they had expended hundreds of thousands of dollars. They then made a lease with the Indian nation, which, before it became operative, was ratified by the Interior Department. Here are the terms of the lease:

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 and the Secretary of the Interior.

These men have been operating down there since 1894. They have expended between four and five million dollars. Most of them, and many from my own State whom I know personally, have put in there every dollar they are worth in the world, and they have put it in on the faith of the United States and the faith of the Indian nation that there would be a renewal of the lease if the results were satisfactory. The results have been sufficiently satisfactory to make the royalty amount to nearly $200,000 a year, which amount is paid to the Osage Indian Nation.

In the hearing which was had before the Committee on Indian Affairs it was admitted by all the parties in interest—the Secretary of the Interior, the representative of the Indians, and all others—that so far as the compensation to the Indians in the way of royalty is concerned it is as large as that which is paid between private parties anywhere in the United States, and that when the fact is taken into consideration that the quality of oil is not so good and the risk in boring wells is greater the compensation is larger than is paid anywhere in the United States.

Mr. LODGE rose.

Mr. DEPEW. I am not going to debate this question for a great while, I will say to the Senator from Massachusetts.

Mr. LODGE. I was only going to say to the Senator that I made the point of order against this amendment in behalf of the Senator from Maine [Mr. HALE].

Mr. DEPEW. I understand.

Mr. LODGE. I will withdraw the point of order if the Senator from New York will allow the amendment to go over until the Senator from Maine returns. In his absence I do not feel able to withdraw the point of order.

Mr. STEWART. Let that be done.

Mr. DEPEW. All right.

Mr. LODGE. I ask, therefore, Mr. President, that the amendment may go over for the moment.

The PRESIDENT pro tempore. The amendment will be passed over for the time being. The next passed-over amendment will be stated.

Mr. LONG. The amendment on page 3, beginning in line 10, was passed over.

The SECRETARY. The next amendment passed over 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 a 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. KEAN. The point of order was made on that amendment, if I remember aright.

The PRESIDING OFFICER. Has a point of order been made on this amendment?

Mr. KEAN. It has been been. The point of order was made last night.

Mr. STONE. The amendment was passed over last night.

Mr. TELLER. It was passed over last night upon the objection made at that time by the Senator from Maine [Mr. HALE]. I am authorized to say that the Senator from Maine has advised me that he will make no further objection to it. I explained to him what I thought were the facts in the case, and I feel authorized to say that if he were present he would not further object.

The PRESIDENT pro tempore. The Chair thinks a point of order would not lie against the amendment.

Mr. TELLER. I do not think so myself. I understood it was not subject to the point of order.

Mr. KEAN. It takes money out of the Treasury.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over 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. STEWART. That amendment is recommended by the Department.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. BAILEY. Mr. President, I have an amendment pending to follow the amendment which has just been agreed to.

The PRESIDENT pro tempore. Is it an amendment to the amendment?

Mr. BAILEY. No. I offered it last night, with the understanding that it should be pending and passed over until we reached this point in the bill to-day.

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

The SECRETARY. On page 65, line 23, after the word "person," it is proposed to insert the following:

That an appeal is hereby allowed from the decision of the citizenship court for the Choctaw and Chickasaw nations, rendered in the case of E. H. Bounds and others, against the Choctaw and Chickasaw nations, rejecting the applicants therein, to the Supreme Court of the United States. Said appeal shall be taken within thirty days after the approval of this bill by the President, and shall be prosecuted by the applicants procuring from the chairman of the Commission to the Five Civilized Tribes, the present custodian of the records of the said citizenship court, a certified copy of the records in said cause, including the judgment and opinions of the court and evidence offered, and the briefs on file, and filing the same with the clerk of the Supreme Court, and serving the governors of said tribes with notice of said appeal, unless the same shall be waived. That when said record is so filed the case shall be placed on the docket of said court and the record printed as in other cases. That within thirty days from the service of notice of appeal the appellants shall file their brief and serve the opposite party with a copy thereof. And the tribes shall file their brief in reply within thirty days after the receipt of the brief of the appellant. That when said briefs are filed said cause shall stand for trial on the docket of said court, and it shall be the duty of the court to advance and try the cause at the earliest practicable time. The decision of the Supreme Court shall only relate to the questions of law involved in the appeal, which shall be raised by proper assignments of error, filed in the Supreme Court by the appellants at the time of filing the record.

In the event the decision in said cause is favorable to the appellants the same shall be certified to the Commission to the Five Civilized Tribes for its observance, and the said Commission shall be governed by said decision in the enrollment of persons similarly situated to the appellants in said cause without reference to any decision that may have been rendered in their case by the citizenship court.

Mr. STEWART. I make the point of order against that amendment.

Mr. DEPEW. If I may have a moment, with the courtesy of the Senator from Texas [Mr. BAILEY], as the Senator from Maine [Mr. HALE], in whose behalf the Senator from Massachusetts [Mr. LODGE] made objection to a previous provision of the bill with regard to the Osage Indians, is now present, having come in from the Committee on Appropriations, where his presence is needed, I ask the Senator from Texas if he will allow his amendment to be passed over for a moment, so that while the Senator from Maine is here the Osage matter may be disposed of?

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. PERKINS, and Mr. MARTIN were appointed.

SCHOOL LANDS IN ST. AUGUSTINE, FLA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3478) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes.

Mr. QUARLES. I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. QUARLES, Mr. SCOTT, and Mr. BLACKBURN were appointed.

SHOSHONE OR WIND RIVER INDIANS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLARK of Wyoming. I move that the Senate insist upon its amendments and 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. CLARK of Wyoming, Mr. LONG, and Mr. CLARK of Montana, were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 6487. An act to amend section 4952 of the Revised Statutes;

H. R. 10089. An act for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.;

H. R. 14589. An act to provide for terms of the United States district and circuit courts at Washington, N. C.; and

H. R. 17632. An act granting a pension to James H. Thomas.

The message also announced that the House had passed with amendments the bill (S. 3478) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as the "Moat," for school purposes; in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendment to the bill (S. 202) granting a pension to Harriet E. Penrose, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARSHALL, Mr. LACEY, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further announced that the House had passed the concurrent resolution of the Senate to print and bind in cloth 6,200 additional copies of the eulogies on the late Senator Marcus A. Hanna.

ENROLLED BILLS SIGNED.

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

H. R. 4454. An act granting an increase of pension to Andrew F. Kraner;

H. R. 4636. An act granting an increase of pension to Martin J. Severance;

H. R. 4721. An act granting an increase of pension to Thomas Hutchinson;

H. R. 4984. An act granting an increase of pension to Charles F. Bowman;

H. R. 5000. An act granting an increase of pension to Jackson D. Siner;

H. R. 5044. An act granting an increase of pension to Joseph L. Croskrey;

H. R. 5297. An act granting an increase of pension to Hampton L. Maxfield;

H. R. 5390. An act granting an increase of pension to Katharina A. Mueller;

H. R. 5623. An act granting an increase of pension to Annie Creagh;

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. 5691. An act granting an increase of pension to Henry Rinehart;

H. R. 5701. An act granting an increase of pension to James M. Harper;

H. R. 5730. An act granting an increase of pension to James McEntire;
H. R. 6324. An act granting an increase of pension to John H. McKee;
H. R. 6607. An act granting an increase of pension to John Blair;
H. R. 6714. An act granting an increase of pension to George E. Pierson;
H. R. 6910. An act granting an increase of pension to Mary E. Campbell;
H. R. 6992. An act granting an increase of pension to Isaac B. Vendevanter;
H. R. 7060. An act granting an increase of pension to Falin H. Sims;
H. R. 7218. An act granting an increase of pension to Alfred F. Clarke;
H. R. 7423. An act granting an increase of pension to Thomas D. Fitch;
H. R. 7429. An act granting an increase of pension to John Q. Converse;
H. R. 7443. An act granting an increase of pension to William Henry Lewis;
H. R. 7518. An act granting an increase of pension to Eliza Flynn;
H. R. 7593. An act granting an increase of pension to Charles H. McGee;
H. R. 7716. An act granting an increase of pension to John W. McIntyre;
H. R. 8352. An act granting an increase of pension to John Salsbury;
H. R. 8626. An act granting an increase of pension to Rosa Rossiter;
H. R. 8820. An act granting an increase of pension to Thomas L. Judd;
H. R. 9130. An act granting an increase of pension to Charles Van Rey;
H. R. 9367. An act granting an increase of pension to James T. Collier;
H. R. 9430. An act granting an increase of pension to Stephen Houghtaling;
H. R. 9458. An act granting an increase of pension to Martha A. Harper;
H. R. 9478. An act granting an increase of pension to Austin P. Hemphill;
H. R. 9517. An act granting an increase of pension to Joseph Starr;
H. R. 9580. An act granting an increase of pension to John Knight;
H. R. 9598. An act granting an increase of pension to Ambrose N. Smith;
H. R. 10039. An act granting an increase of pension to Margaret C. Hecker;
H. R. 10081. An act granting an increase of pension to William A. Russell;
H. R. 10210. An act granting an increase of pension to Chester S. Rockwell;
H. R. 10244. An act granting an increase of pension to George W. Nance;
H. R. 10487. An act granting an increase of pension to Almira Carion;
H. R. 10506. An act granting an increase of pension to Charles H. Gardner;
H. R. 10649. An act granting an increase of pension to Lucius Harrington;
H. R. 10804. An act granting an increase of pension to Sarah Kearney;
H. R. 10837. An act granting an increase of pension to Elizabeth A. Copper;
H. R. 11014. An act granting an increase of pension to Robert L. Duncan;
H. R. 11105. An act granting an increase of pension to Peter Fournier;
H. R. 11142. An act granting an increase of pension to Charles H. L. Groffman;
H. R. 11316. An act granting an increase of pension to Daniel J. Nunnemaker;
H. R. 12093. An act granting an increase of pension to Sarah A. McMurtrie;
H. R. 12157. An act granting an increase of pension to Asher D. Bice;
H. R. 12158. An act granting an increase of pension to Lyman L. Smith;
H. R. 12349. An act granting an increase of pension to Thomas D. Horner;
H. R. 12411. An act granting an increase of pension to Joseph D. Walser;
H. R. 12486. An act granting an increase of pension to Andrew Deming;
H. R. 12558. An act granting an increase of pension to George Van Horn;
H. R. 12670. An act granting an increase of pension to William Nease;
H. R. 12753. An act granting an increase of pension to James M. Martin;
H. R. 12810. An act granting an increase of pension to Octavia J. Trull;
H. R. 13061. An act granting an increase of pension to Henry S. Tillinghast;
H. R. 13305. An act granting an increase of pension to Amos L. Griffith;
H. R. 13444. An act granting an increase of pension to Eugene H. Harding;
H. R. 13447. An act granting an increase of pension to Nancy A. Rickman;
H. R. 13486. An act granting an increase of pension to Henry Hovey;
H. R. 13503. An act granting an increase of pension to Catharine J. Hill;
H. R. 13541. An act granting an increase of pension to Ephraim E. Lake;
H. R. 13654. An act granting an increase of pension to Thomas H. Soward;
H. R. 13881. An act granting an increase of pension to Nancy Gabriel;
H. R. 13905. An act granting an increase of pension to Moses Jones;
H. R. 14021. An act granting an increase of pension to Henry C. Earle;
H. R. 14034. An act granting an increase of pension to Edward C. Sanders;
H. R. 14125. An act granting an increase of pension to Joel Hudson;
H. R. 14271. An act granting an increase of pension to John C. Tinker;
H. R. 14395. An act granting an increase of pension to Frank Loveley;
H. R. 14410. An act granting an increase of pension to Moses F. Colby;
H. R. 14456. An act granting an increase of pension to Henry Leichty;
H. R. 14481. An act granting an increase of pension to Albert H. Estes;
H. R. 14594. An act granting an increase of pension to Mary E. Williams;
H. R. 14613. An act granting an increase of pension to Samuel E. Rumsey;
H. R. 14665. An act granting an increase of pension to Harriet H. Heaton;
H. R. 14771. An act granting an increase of pension to Alexander Hawkins;
H. R. 14785. An act granting an increase of pension to Warren C. Gilbreath;
H. R. 14925. An act granting an increase of pension to Robert T. Porter;
H. R. 14935. An act granting an increase of pension to William G. Taylor;
H. R. 14958. An act granting an increase of pension to Hiram Burkholder;
H. R. 15000. An act granting an increase of pension to Isabel Nichols; and
H. R. 15931. An act granting an increase of pension to Ephraim L. Mack.

INDIAN APPROPRIATION BILL.

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.

Mr. HALE. I understand the Senator from New York, by the indulgence of the Senator who has the floor, has called up the amendment on page 37.

Mr. DEPEW. Yes.

Mr. BAILEY. The other matter is pending, having been passed over for the time being. I have no desire to interfere with this. But of course it is understood that the amendment which has just been read and which I had proposed will not lose any of its rights or place.

The PRESIDING OFFICER (Mr. KEAN in the chair). It will not lose any of its rights.

Mr. HALE. I am about to relieve the situation, and to say to the Senator from New York that the point of order that I wished to make is not upon his proposition at all. He can let this be agreed to, if he can get the Senate to do it. There is no point of order against it. My point of order was as to another matter, coming later in the bill. So I am not interfering with this.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on agreeing to the amendment as amended.

Mr. STEWART. I think it ought to be amended so as to make it definite, by agreeing to the amendment I sent up.

The PRESIDING OFFICER. The amendment to the amendment was agreed to.

Mr. STEWART. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. HALE. The Senator from Massachusetts in my absence made a point of order. It was not his fault, because I had not told him where my point of order came in.

Mr. DEPEW. Very well.

Mr. BAILEY. Do I understand from the Senator from New York, now that the Senator from Maine is present, that he is prepared to proceed with the amendment?

Mr. LODGE. That has been disposed of.

The PRESIDING OFFICER. It has been disposed of.

Mr. BAILEY. Then my amendment is before the Senate. I did not want to press it in the absence of some Senator who had requested the Senator from New York to delay its consideration until he could be present.

Mr. LODGE. That related to another matter.

Mr. STEWART. Another matter, and it has been disposed of.

Mr. BAILEY. I misunderstood the Senator from New York.

Mr. DEPEW. I am obliged to the Senator from Texas for giving me the opportunity, but the matter has been disposed of.

Mr. PLATT of Connecticut. Mr. President, what amendment is pending now?

Mr. STEWART. I desire to make a point of order against the amendment. It is legislation changing existing law. The judgments of the court are declared final, and this allows an appeal from them.

Mr. BAILEY. Mr. President, I desire to discuss the question for a moment. I remind the Senator from Nevada that the citizens who held judgments which were set aside by the court, from whose judgments I now ask for an appeal, likewise had final judgments rendered by a court of competent jurisdiction.

Mr. SPOONER. Had they been made final?

Mr. BAILEY. They had expressly been made final by the act which authorized the court to render them. But when the Senator from Nevada and his committee brought into the Senate a provision in an appropriation bill, just as I now propose to incorporate this, I did not make a point of order. It is true that they proposed originally an unconstitutional provision, because they proposed to set aside the judgments rendered by a court of competent jurisdiction.

Under a criticism of that provision the Senator from Nevada and his associates amended their bill to relieve it from that objection. But I refrained from raising a point of order because, believing that there were men holding judgments who were not fairly entitled to them, I desired to see the dishonest pretenders lose the benefit of their judgments.

I believe to-day that some men who are fairly and honestly entitled to their judgments have been denied their just rights by what is known as the "citizenship court," and I simply seek an opportunity to have that question determined in a court not only competent as a matter of jurisdiction, but qualified by its learning in the law to decide it. I intend no reflection upon the citizenship court that rendered these judgments, but if they were right as a matter of law, it can do precious little harm to allow the Supreme Court of the United States to review their judgment.

Mr. President, this is not only just to the judgment holders, but it is the only way to settle the allotment of that land within anything like a reasonable time. No man in the Senate knows better than the Senator from Nevada, who makes the point of order, that there were well on to 3,000 of these judgments set aside by that citizenship court. Now, it is fortunate in this country that a man can not be deprived of an opportunity fairly to test his rights. Deny this appeal and you do not prevent these people from testing the constitutionality of that court and the legality of its conclusions. A man who obtained his judgment under the first law, a law that made the judgment which he obtained final, entered upon the land, as he was entitled to do. He remained in possession of it—some of them longer than two years—and then the Congress of the United States, realizing that frauds had been committed against the Indian tribes, enacted a law under which every judgment of these United States courts of competent jurisdiction, judgments declared by the law of Congress to be final, were practically set aside and a legislative grant of a new trial made.

They were set aside upon an appeal in a way. But let me tell the Senate how the appeal was provided. That law required certain cases to be tried as test cases, just as I propose to do here, and this is one of the test cases. The court decided as a matter of law in these test cases, involving probably ten judgment holders, that every judgment was illegal because the service had not been made on both tribes; and upon that ruling the court set aside every judgment of the United States courts in the Indian Territory.

The court went further first, and set aside the judgments of the Dawes Commission, which they were not authorized to hear and determine; but it subsequently reformed the original decree and eliminated the judgments of the Dawes Commission from their sweeping condemnation, leaving it to stand against judgments rendered by courts of the United States for the Indian Territory. And thus 3,000 men, upon a suit involving ten, had their judgments set aside, and under the provisions of that law they were then compelled to appeal to the citizenship court.

They did appeal, or many of them did. Their cases were tried. I do not ask that any inquiry be made into the facts. I am willing to say that, so far as the facts are concerned, the court did not err; and if I am right in saying that the court did err as a matter of law, these men who have no representatives here or in the other branch of Congress are entitled to a hearing in a higher court. If the court did not err as a matter of law, then in ninety days that fact can be determined, and that is the end of the litigation.

But if we deny this appeal then these men who held the judgments which were set aside by the citizenship court and who entered upon their allotments, as they had a right to do under those judgments, will simply bring an action of ejectment against the Indian who claims it and defends his title upon the theory that the action of the citizenship court in annulling the prior judgment was legal and valid.

There are 3,000 of those cases, and every one of them can institute a separate lawsuit against the man who claims under the second judgment. This multiplication of lawsuits, if for no other reason, should impress Congress with the necessity of allowing this appeal.

Let me astonish the Senator from Wisconsin, who is a great lawyer, by telling him that the judgment of that citizenship court went to this extent: It annulled and vacated the judgment of the United States court in the first instance, and turned the allottee, who had entered upon his allotment, adrift in the world without one penny's compensation for his improvements. It does not look like it is possible to make such a statement in the Senate of the United States in this enlightened day, and yet I declare that those men who entered upon those allotments under a final judgment of a court of competent jurisdiction were treated as naked trespassers and denied compensation for the improvements they had made.

The Senator from Nevada knows that in many of these judgments the questions were purely of law and not of fact, and yet what does the Senator and his committee propose? I make no criticism of them; I make no inquiry how many of them were willing to allow this to be done and how many refused it. But with the knowledge that 3,000 lawsuits in that Territory are inevitable, without this amendment, they have refused to report it. Suppose the final judgment of the court of the United States shall be held valid in these ejectment suits, and the Indians who allotted under it are held to be entitled to their allotments, a new roll of citizens and a new allotment of lands must be made. The Senator from Nevada will not dispute that statement.

If the Indians who now allot the land shall be held in the end to have no title to it because a prior and legal allotment vested by the judgment of the United States court, the Senator knows that every Indian who takes this allotment, of which the prior judgment holders were deprived, will in turn be driven from those allotments and left without an acre of land.

How much better, easier, quicker, and juster is it to let these questions of law go to the highest court in the land and be settled at once and for all time. Fifteen million dollars are in-

volved in this controversy by the showing of the Senator's committee and by the showing before the Interior Department.

Mr. President, the amount involved is so large that upon the cancellation of these judgments it was estimated by the Secretary of the Interior that such a vast sum of money was saved to these two Indian tribes that the attorneys for these tribes were allowed a fee of $750,000; and I am not one of those who believe that the fee was in the least excessive. If these attorneys, working for several years, a long and laborious task, finally saved under any decision of any court—"finally," mark you—to these Indians $15,000,000 worth of land, it was a modest compensation to allow them a fee of $750,000; and that fee was found by this very citizenship court to be a fair one.

The matter was brought from the citizenship court to the Secretary of the Interior, and carried from his office into the courts of the District of Columbia. It was adjudicated by a court here within the last two days to be a proper and reasonable compensation or at least to be a valid demand. And with $15,000,000 that belongs to somebody—I shall not undertake to say who is its rightful owner—but with $15,000,000 in controversy it is no more than just and right that the law relating to a question of that magnitude should be settled by the highest court in the land.

I sincerely hope the Senator from Nevada will withdraw his point of order and allow the vote to be taken upon the merits of the proposition.

Mr. STEWART. If I thought the matter had any merit, the appeal of the Senator from Texas would be very strong, but I do not think there is any merit in the amendment. In the first place, the Dawes Commission undertook to enroll the Indians, and they worked along for some time. Finally it was provided that these cases might be taken into the courts. They were taken there. The courts were crowded. Very little attention was paid to them. They were given to referees, and they went through them in a very loose way. The Secretary of the Interior called the attention of the Indian committees of Congress to the fact that something ought to be done; that many of them were not Indians at all; that they were enrolled on false affidavits; that the courts had not acted upon them at all, and advised that a tribunal be constituted for the purpose of reviewing them. It is a mistake to assert that any of these parties had any right to land. The enrollment——

Mr. BAILEY. The Senator will not say that it is a mistake to assert that whenever the party had a judgment he was entitled to the possession of land which he was entitled to allot. The Senator will not say that is a mistake.

Mr. STEWART. None of them had received allotments.

Mr. BAILEY. They have not yet, so far as that is concerned, and especially the Chickasaws and Choctaws.

Mr. STEWART. A great many have. They are allotting them land very rapidly. The allotment, however, has not been completed. Most of the claimants went upon this land unlawfully, as the country was full of improvements. It created a great deal of scandal, so much so that a court was created in the Choctaw and Chickasaw agreement to try the cases. One of the questions before the court was this: A person having the right to an allotment could do so in either the Choctaw or Chickasaw country. So each nation had an interest in the land that might be entered in consequence of these allotments; and the question was submitted to the court whether both of the nations ought to have notice and opportunity to resist it, because the land might be taken indiscriminately out of the land of either nation. A test question was put to them in the citizenship court whether both nations should have had notice and be brought into court. The citizenship court held that both nations were entitled to notice and entitled to a day in court when the decision might result in taking their lands; whenever the allottee when he became enrolled as a citizen might take the land of either. Consequently it was held by the court that both nations ought to have a day in court.

The lease was tested in the court. The decision of the court was very able. I think there is no necessity for disturbing it. There should not be any lawsuit. There ought to be an end to litigation. There ought to be an end to the question as to who are Choctaws and Chickasaws.

I would have preferred, and I think it ought to have been the case, that the Choctaws and Chickasaws should have been trusted to determine that question for themselves, to determine who were citizens under their own laws. I think it would have been better if Congress had left it to them entirely to say who they would receive as citizens. But Congress delegated it to the Dawes Commission, and then, not being satisfied with that, allowed it to be appealed to the court, and then the court, having been clogged with cases, let them pass through referees, and it was alleged that many of the referees would be attorneys in one case and referees in another, and they put these 4,000 cases through. The Secretary of the Interior called attention——

Mr. BAILEY. I ask the Senator from Nevada a question. That statement has been made in the Senate without any shadow of authority. I ask him if he is willing to say in the Senate that any judge of the United States court in the Indian Territory would appoint as a master to decide one case a man who was an attorney in precisely the same kind of a case?

Mr. STEWART. I do not know that they were before the same court.

Mr. BAILEY. They could not be practicing around indiscriminately. Each court sat in its own district.

Mr. STEWART. But the reports are very meager. The Attorney-General's Office examined the decisions of the court, and they say they have gone to the bottom of it.

Mr. BAILEY. Will the Senator from Nevada tell me where the Attorney-General's Office obtained any right to examine the decisions of that court?

Mr. STEWART. They have given me their opinion on it. I do not say that they have any right except as we all have a right to examine them.

Mr. BAILEY. But one Department of this Government is hardly authorized to be examining or approving or disapproving any of the opinions of another.

Mr. STEWART. I did not say that they had been approving, but they have been examined by lawyers. I say there ought to be an end of this enrollment, and if you can open it now for enrollment there are a great many thousands outside who still think they ought to be enrolled. There are thousands in who want to be enrolled. You must stop somewhere. The nations protest against their being enrolled, and they ought to have the right to do the whole business themselves. They say they are not of their tribe and they ought not to be enrolled, and they have been put to a great deal of expense to test this question. They protest against it, and I say that their protest in the first instance ought to have been conclusive, and they ought to have been allowed to determine who were their people.

Now they protest against it. I say it is not fair. I have not heard of any litigation from any person outside who did not get on the roll. If he had a title to land, that is a different thing, but here it is a question of title to enrollment and a title to become a member of the nation. This court that they have organized says that they are not members of the tribe, and a good many on the Dawes Commission said they were not members. Some appeals were taken and now it is proposed to enlarge that right. You never will close these rolls in that way. If you are going to have the titles settled in that country they must stop letting in any more citizens.

This amendment changes the law and is subject to a point of order, and I raise the point of order against it. I have here a letter with regard to it from the Department, which I should like to have read.

Mr. BAILEY. We are doing a great many things for the Departments without reading their reasons.

The PRESIDENT pro tempore. The hour of 5 o'clock has arrived, at which time unanimous consent was given to consider certain bills.

Mr. STEWART. Not to interfere with appropriation bills.

The PRESIDENT pro tempore. Yes; it was.

Mr. STEWART. Oh, no.

The PRESIDENT pro tempore. The Chair made no such request as that.

Mr. TELLER. I ask that I may have leave to offer an amendment to the pending bill before we take up the other bills.

The PRESIDENT pro tempore. The amendment will be received.

Mr. STEWART. We will go on with the Indian appropriation bill when we get through with the other bills.

Mr. BAILEY. The Senator from Nevada can get through with this bill very quickly by accepting this amendment.

Mr. TELLER. I offer an amendment to the bill to come in on page 43, after line 23. I send it to the desk and should like to have it pending. It is to carry out a decision of the Court of Claims.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment will lie on the table for the present. The Secretary will state the first bill under the special order.

INSPECTION OF STEAM VESSELS.

The bill (H. R. 18196) to amend section 4405 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The PRESIDING OFFICER. If there be no amendment proposed, the bill will be reported to the Senate.

Mr. SPOONER. I should like to have the bill reread.

The Secretary again read the bill.

Mr. PLATT of Connecticut. I do not know that I wish to make any objection to this bill, but I should like to know from the Senator having it in charge what sort of rules and regulations it is that are going to be made by this board of supervising inspectors to have the force and effect of law. Is it criminal law?

Mr. FRYE. That is simply the existing law, and under the existing law they have a right to make regulations, and those regulations have the force and effect of law.

Mr. PLATT of Connecticut. Do they make penal ordinances and enactments?

Mr FRYE. Oh, no.

Mr. SPOONER. Are they subject to the approval of any susuperior authority or are they a law to themselves?

Mr. FRYE. The Department of Commerce has the appointment of all supervising inspectors in the country.

Mr. SPOONER. Are they subject to the approval of the Department of Commerce?

Mr. FRYE. They are.

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

The bill (H. R. 18198) to amend sections 4417, 4453, 4488, and 4499 of the Revised Statutes, relating to the Steamboat-Inspection Service, and section 5344 of the Revised Statutes, relating to misconduct by officers or owners of vessels, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in section 4, page 8, line 24, after the word "same," to strike out "criminal;" on page 9, line 2, after the word "be," to strike out "criminally;" and in the same line, after the word "liable," to insert "to such penalties;" so as to make the section read:

SEC. 4. That section 4499 of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

"SEC. 4499. If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this title, the owner shall be liable to the United States in a penalty of $500 for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. Persons or corporations chartering or engaging or contracting for the use of vessels subject to this title, under such terms and conditions that they have full and exclusive control of the management and operation of such vessels, shall be subject to the same penalties for violations of the provisions of this title as are now imposed upon owners of vessels thereunder, and in such cases the owners shall not be liable to such penalties for such violations by such charterers or contractors."

The amendments were agreed to.

Mr. MALLORY. I have an amendment that I desire to offer.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 9, after the word "equipment," strike out the period and substitute a colon, and add immediately thereafter the following:

Provided, That except in the case of steamers navigating rivers exclusively at least 75 per cent of the navigating crew, exclusive of licensed officers, shall be individually effective hands—that is, of a rating not less than able seaman; and no one shall be signed as an able seaman unless he shall be 19 or more years of age and shall have served at least three years on deck at sea or on the Great Lakes.

Mr. PLATT of Connecticut. Where does the amendment come in?

The SECRETARY. After the word "equipment" in line 9, page 2.

Mr. FRYE. The Senator should except the Lakes as well as the rivers.

Mr. MALLORY. It does except the Lakes.

Mr. FRYE. It does extend to the Lakes.

Mr. MALLORY. To this extent: That it requires that they shall serve on the Lakes or on the sea; in other words, it does not affect the Lakes any more than it does the ocean.

Mr. FRYE. I am not objecting to it. It will simply put all the Lakes service and the river service and the Atlantic coast service into the hands of the Seamen's Union.

Mr. SPOONER. It is guaranteeing to people who travel on steamships the safety which results from a competent crew. They can charge more money—they are not limited by the interstate commerce law or anything of that kind—but they must have an efficient crew.

Mr. MALLORY. I do not know whether this amendment will put the steamship lines on the lakes or on the ocean in the hands of the seamen's union. I know nothing about it. I know that no such motive was influencing me in offering the amendment. I offered it because all of this legislation is in the direction of providing safe means of transporting passengers where people confide themselves to the care and attention of a steamship transportation company.

Mr. FRYE. The amendment should really, if the Senator desires to offer it, be offered to the last bill, which will be taken up, which has a provision in relation to crews, as the Senator remembers. If it is to be adopted, I would a great deal rather have it adopted on that bill than on this.

Mr. MALLORY. I am not particular.

Mr. FRYE. Let it come in on the last bill.

Mr. MALLORY. The law does not provide anything in this direction, but simply leaves it to the mercy of the inspectors to determine whether there is a sufficient crew or not.

Mr. FRYE. If the Senator will withdraw the amendment at this place, I will show him where it may come in.

Mr. MALLORY. I will withdraw it at the request of the Senator.

Mr. PLATT of Connecticut. The amendment does not seem to have any relation to the text of the pending bill.

Mr. SPOONER. I think that is true.

Mr. FRYE. It is not the proper place for it.

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.

The bill (H. R. 18202) to amend sections 4415, 4416, 4423, 4426, 4449, 4452, 4470, 4472, 4498, and 4233 of the Revised Statutes of the United States, relating to steamboat inspection, was considered as in Committee of the Whole. The bill was reported from the Committee on Commerce with amendments, in section 8, line 10, after the word "extinguished," to strike out "before" and insert "immediately after;" in line 8, after the word "until," to strike out "after" and insert "immediately before;" and in line 9, before the word "the," to strike out "have left" and insert "leave;" and in the same line, after the word "the," to strike out "same" and insert "vessel;" so that the proviso will read:

Provided, however, That all fire, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: *Provided further*, That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids.

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.

The bill (H. R. 18201) to amend sections 4418, 4480, and 4483 of the Revised Statutes, and to repeal sections 4435, 4436, and 4459 of the Revised Statutes, all relating to the Steamboat-Inspection Service, was considered as in Committee of the Whole.

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

The bill (H. R. 18200) to amend section 4414 of the Revised Statutes of the United States, was considered as in Committee of the Whole.

Mr. MALLORY. I offer an amendment to that bill, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. In section 1, on page 3, line 14, after the name "Michigan," it is proposed to insert "Bangor, Me., and Apalachicola, Fla.;" in line 15, after the name "Ohio," where it occurs the second time, to insert "Evansville, Ind.; Memphis, Tenn.; Nashville, Tenn.; Gallipolis, Ohio; Wheeling, W. Va.; Burlington, Vt., and Jacksonville, Fla.;" and on the same page, after line 17, to strike out:

For the districts of Bangor, Me., and Apalachicola, Fla., and the ports of Evansville, Ind.; Memphis, Tenn.; Nashville, Tenn.; Gallipolis, Ohio; Wheeling, W. Va.; Burlington, Vt., and Jacksonville, Fla., at the rate of $1,200 per year for each local inspector.

So as to read:

For the districts of Pittsburg, Pa.; New Haven, Conn.; Savannah, Ga.; Charleston, S. C.; Galveston, Tex.; New London, Conn., and Superior, Mich.; Bangor, Me., and Apalachicola, Fla.; and the ports of Dubuque, Iowa, and Toledo, Ohio; Louisville, Ky., and Cincinnati, Ohio; Evansville, Ind.; Memphis, Tenn.; Nashville, Tenn.; Gallipolis, Ohio; Wheeling, W. Va.; Burlington, Vt., and Jacksonville, Fla., at the rate of $1,500 per year for each local inspector.

Mr. FRYE. There is no objection to that amendment.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

CREWS OF VESSELS.

The bill (H. R. 18197) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, was considered as in Committee of the Whole.

Mr. FRYE. This is a bill which the Senator from Florida [Mr. MALLORY] wishes to amend.

Mr. MALLORY. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 10, after the word "watchmen," it is proposed to strike out the period and insert a colon and the following:

Provided, That, except in the case of steamers navigating rivers exclusively, at least 75 per cent of the navigating crew, exclusive of licensed officers, shall be individually effective hands, that is, of a rating not less than able seaman; and no one shall be signed as an able seaman unless he shall be 19 or more years of age and shall have served at least three years on deck at sea or on the Great Lakes.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

UNITED STATES COURTS AT SELMA, ALA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 6232) to provide for circuit and district courts of the United States at Selma, Ala., which were, on page 1, line 5, to strike out "Monroe;" on page 2, line 1, to strike out "fourth" and insert "first;" and on page 4 to strike out line 6, down to and including line 10, and insert:

SEC. 8 That the western division of the northern district of the State of Alabama is hereby established, composed of the counties of Tuscaloosa, Bibb, Greene, Sumter, and Pickens, and a term of the circuit and district court of the western division of the northern district of Alabama shall be held in Tuscaloosa, in Tuscaloosa County, in said State, on the first Tuesday in January and June of each year; and it shall be the duty of the clerk, marshal, and other officers of the northern judicial district of said State to attend said terms of court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed: *Provided, however*, That suitable rooms and accommodations shall be furnished for the holding of said court free of expense to the Government of the United States. All other provisions of this act relating to the northern division of the southern district of Alabama shall, as far as practicable, relate and apply to the western division of the northern district of Alabama.

SEC. 9. That in all prosecutions for crimes or offenses heretofore committed within either the northern, middle, or southern districts of Alabama, as hitherto constituted, such prosecutions shall be commenced and proceeded with in each of said districts, respectively, the same as if this act had not been passed. This act shall be in force from and after April 1, A. D. 1905. All laws and parts of laws inconsistent with this act are hereby repealed.

Also to amend the title so as to read: "A bill to provide for circuit and district courts of the United States at Selma and Tuscaloosa, Ala."

Mr. PETTUS. I move that the Senate concur in the amendments made to the bill by the House of Representatives.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. GALLINGER. I want to make an appeal to the Senator from Nevada [Mr. STEWART].

It will be remembered that the Senate very kindly gave me thirty minutes for the consideration of House bills favorably reported by the Committee on the District of Columbia, provided no objection was made by a Senator having in charge an appropriation bill. The Senator from Nevada will doubtless get his appropriation bill through after 8 o'clock this evening, and if he will give me the time between now and the recess I think I can clear the Calendar of House bills reported by the Senate Committee on the District of Columbia.

Mr. STEWART. How much time does the Senator want?

Mr. GALLINGER. Until 6 o'clock. We take a recess at that time.

Mr. STEWART. I am willing to give the Senator until 6 o'clock.

Mr. GALLINGER. I thank the Senator.

The PRESIDENT pro tempore. Under the unanimous consent agreement, the unobjected House bills reported by the Committee on the District of Columbia will now be considered.

Mr. HEYBURN. I ask that the unfinished business, being the pure-food bill, be laid before the Senate.

The PRESIDENT pro tempore. It has been laid before the Senate.

Mr. HEYBURN. I ask that it be temporarily laid aside.

The PRESIDENT pro tempore. It will be temporarily laid aside.

EXTENSION OF W STREET, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I will take the liberty of calling for the consideration of the bills according to my own order. I first ask for the consideration of the bill (H. R. 18000) authorizing the extension of W street NW.

Mr. ELKINS. I object to the consideration of that bill under Rule VIII.

Mr. GALLINGER. Very well; the bill will go over, then.

Mr. TELLER. If I may make an inquiry, do I understand any further business will be transacted between now and 6 o'clock?

The PRESIDENT pro tempore. No. The Senator from New Hampshire [Mr. GALLINGER] has had thirty minutes given him by unanimous consent for the consideration of bills reported by the District Committee.

Mr. GALLINGER. And I will occupy it.

Mr. TELLER. That will shut out all other business until 6 o'clock, as I understand.

The PRESIDENT pro tempore. Yes; and the order provides only for the consideration of unobjected District bills.

LIMITS OF SQUARE 1131, WASHINGTON, D. C.

Mr. GALLINGER. I now ask for the consideration of House bill 17109.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17109) to define the limits of square 1131 in the city of Washington, D. C.

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

COLUMBIAN COLLEGE IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I now ask for the consideration of House bill 18725.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18725) supplemental to the act of February 9, 1821, incorporating the Columbian College in the District of Columbia, and the acts amendatory thereof.

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

EXTENSION OF T STREET.

Mr. GALLINGER. I now ask for the consideration of House bill 14423.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14423) for the extension of T street, and for other purposes.

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

AMENDMENT TO THE DISTRICT CODE OF LAW.

Mr. GALLINGER. I now ask for the consideration of House bill 18589.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18589) to amend an act entitled "An act to establish a code of law for the District of Columbia."

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

SECTION 602 OF DISTRICT CODE.

Mr. GALLINGER. I now ask for the consideration of House bill 16989.

The Senate, as in Committee of the Whole, proceeded to consider 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.

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

JUDGMENTS IN INDIAN DEPREDATION CASES.

Mr. BAILEY. Mr. President——

Mr. GALLINGER. I yield to the Senator from Texas to offer a resolution.

Mr. BAILEY. I ask for the immediate consideration of the resolution which I send to the desk. It is the usual resolution calling upon the Department of Justice for a list of judgments rendered by the Court of Claims.

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

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress, not heretofore reported at the present session.

Mr. BAILEY subsequently said: A moment ago I submitted a resolution asking for a list of certain judgments from the Attorney-General. I find that a similar resolution was passed earlier in the session at the suggestion of the Senator from Maine [Mr. HALE]. I move to reconsider the vote by which the resolution was agreed to.

The motion to reconsider was agreed to.

Mr. BAILEY. I withdraw the resolution.

The PRESIDENT pro tempore. The Senator from Texas withdraws the resolution.

SECTION 1141 OF DISTRICT CODE.

Mr. GALLINGER. I now ask for the consideration of House bill 15970.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15970) to amend section 1141 of the "Act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act approved June 30, 1902.

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

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

Mr. GALLINGER. I now call up the bill (H. R. 14752) to change the name of the East Washington Heights Traction Railroad Company.

The Secretary proceeded to read the bill.

Mr. STEWART. Is it a railroad bill?

The PRESIDENT pro tempore. It changes the name of a railroad company.

Mr. GALLINGER. A little railroad across the river.

Mr. STEWART. I object to it.

Mr. GALLINGER. The bill will go over

The PRESIDENT pro tempore. The bill will go over.

EXTENSION OF RITTENHOUSE STREET.

Mr. GALLINGER. I call up next the bill (H. R. 18881) for the extension of Rittenhouse street, and for other purposes.

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

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

KALORAMA AVENUE AND PRESCOTT PLACE.

Mr. GALLINGER. Next I ask consideration for the bill (H. R. 16917) to provide for condemning the land necessary for joining Kalorama avenue and Prescott place.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

EXTENSION OF NINTEENTH STREET.

Mr. GALLINGER. Finally, I ask for the consideration of the bill (H. R. 16187) for the extension of Nineteenth street from Woodley road to Baltimore street.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 6644) to authorize the President of the United States to cause certain lands heretofore withdrawn from the market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law with certain restrictions; in which it requested the concurrence of the Senate.

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

H. R. 17748. An act to set aside a portion of the proceeds of the sales of public lands in the Philippine Islands for school purposes;

H. R. 18596. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

H. R. 18597. An act to authorize the county of Quitman to construct a bridge across the Tallahatchie River, Mississippi;

H. R. 18598. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi; and

H. R. 18902. An act to authorize Everett Leftwich, of Williamson, W. Va., to bridge the Tug Fork of the Big Sandy River at Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

PROTECTION OF STREET-CAR MOTORMEN.

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

Mr. GALLINGER. I ask the Senator from New Jersey to withhold the motion for a moment while the Senator from North Carolina [Mr. SIMMONS], who has a District bill he desires to report, may have that privilege.

Mr. KEAN. I yield.

Mr. SIMMONS. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 13094) for the relief of street-car motormen, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

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

It provides that every person or corporation operating street cars in the District of Columbia shall provide each car with a glass vestibule, surrounding, as nearly as possible, the place where the motorman operating the car stands, so that the motorman shall be protected from inclement weather.

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

EXECUTIVE SESSION.

Mr. KEAN. I renew my motion.

Mr. GAMBLE. I wish the Senator from New Jersey would yield to me that I may submit a report and ask unanimous consent for the present consideration of the bill.

Mr. KEAN. I can not yield for that purpose, as it is nearly 6 o'clock now.

Mr. GAMBLE. I withdraw the request.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Jersey 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 two minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

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

H. R. 18596. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi;

H. R. 18597. An act to authorize the county of Quitman to construct a bridge across the Tallahatchie River, Mississippi;

H. R. 18598. An act to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi; and

H. R. 18902. An act to authorize Everett Leftwich, of Williamson, W. Va., to bridge the Tug Fork of the Big Sandy River at Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

H. R. 17748. An act to set aside a portion of the proceeds of the sales of public lands in the Philippine Islands for school purposes was read twice by its title, and referred to the Committee on the Philippines.

INDIAN APPROPRIATION BILL.

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.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. BAILEY] on which a point or order was raised by the Senator from Nevada [Mr. STEWART].

Mr. STEWART. Mr. President——

Mr. SPOONER. I think it would be only fair to allow that to go over until the Senator from Texas is here. There are other provisions in the bill which will attract attention.

Mr. SCOTT. I ask unanimous consent to call up House bill 18358.

The PRESIDING OFFICER. The Senator from Nevada has the floor on the Indian appropriation bill.

Mr. SCOTT. Will the Senator yield to me to call up a very short bill?

Mr. STEWART. Is that the bill the Senator has been anxious to get up for some time?

Mr. SCOTT. Yes, sir; for two or three weeks.

Mr. STEWART. I yield to the Senator from West Virginia.

BORDERLAND COAL COMPANY.

Mr. SCOTT. I ask the Senate to proceed to the consideration of the bill (H. R. 18358) to authorize the Borderland Coal Company, of Nolan, W. Va., to bridge the Tug Fork of the Big Sandy River at a point about 2 miles east of Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, each with amendments; in which it requested the concurrence of the Senate:

S. 4069. An act to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise; and

S. 5203. An act providing for the resurvey of township 18 north, range 6 east, and township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana.

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

H. R. 16914. An act to provide for the investigation of leprosy, with special reference to the care and treatment of lepers in Hawaii;

H. R. 17019. An act granting certain lands to the city of Tacoma, in the State of Washington, for use as a public park;

H. R. 17102. An act 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;

H. R. 19528. An act to provide for the covering into the reclamation fund certain proceeds of sales of property purchased by the reclamation fund;

H. R. 18752. An act for the resurvey of certain townships in the counties of Rock and Brown, in the State of Nebraska;

H. R. 19029. An act to regulate the construction of dams across navigable waters;

H. R. 19052. An act to incorporate the American Academy in Rome;

H. R. 19118. An act to authorize the Secretary of the Interior to construct dams across the Yellowstone River in Montana, in connection with irrigation works; and

H. R. 19140. An act to authorize Trigg County, Ky., to bridge the Cumberland River at or near Canton, Trigg County, Ky.

The message further returned to the Senate, in compliance with its request, the following bills and joint resolution:

S. 175. An act for the relief of Robert D. McAfee and John Chiatovich;

S. 705. An act for the relief of the legal representatives of G. B. Stimpson;

S. 735. An act for the relief of Jean Louis Legare, of the Dominion of Canada;

S. 964. An act to grant jurisdiction and authority to the Court of Claims in the case of *Southern Railway Lighter No. 10*, her cargoes, etc.;

S. 2269. An act for the relief of Capt. Archibald W. Butt, quartermaster, United States Army;

S. 2547. An act for the relief of the owners, master, and crew of the schooner *Ella M. Doughty;*

S. 2749. An act for the relief of Henry Bash;

S. 2876. An act for the relief of Sarah E. Jenkins;

S. 2888. An act for the relief of Priscilla R. Burns;

S. 3197. An act for the relief of H. H. Thornton and Ben D. Rochblaive;

S. 4236. An act to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me.; Fort Winthrop, Mass.; Fort Hamilton, N. Y., and Fort H. G. Wright, N. Y., as reported by board of army officers constituted to ascertain the same;

S. 4260. An act for the relief of Thomas C. Sweeney; and

S. R. 11. Joint resolution to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona.

HOUR OF MEETING TO-MORROW.

Mr. ALLISON. I move that when the Senate adjourns today it be to meet to-morrow morning at 11 o'clock.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

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, the pending question being on the amendment proposed by Mr. BAILEY.

Mr. STEWART. Now we will proceed with the pending amendment. I had sent a letter from the Interior Department to the desk when the hour of 5 o'clock arrived. I ask that it be read.

The PRESIDING OFFICER. The Senator from Nevada asks that the following letter be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 28, 1905.

Hon. WILLIAM M. STEWART,
United States Senate, Washington, D. C.

SIR: Referring to the request of the Senate Committee on Indian Affairs for a copy of office report of last year concerning H. R. 21, entitled "A bill providing for an appeal of one case from the citizenship court of the Indian Territory to the Supreme Court of the United States," there is inclosed a copy of office report to the Department of January 22, 1904 (Land, 4885).

The citizenship court has completed its work and adjourned sine die and the enrollment work in the Choctaw and Chickasaw Nations is nearing completion.

The legislation concerning the Choctaw and Chickasaw citizenship court is fully discussed in the report mentioned, and for the reasons therein stated I do not believe the amendment introduced by Mr. BAILEY, authorizing the appeal of one case from the decision of the citizenship court to the Supreme Court of the United States, should become law.

Very respectfully,

F. E. LEUPP, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 22, 1904.

The honorable the SECRETARY OF THE INTERIOR.

SIR: The Office is in receipt of Department letter of January 21, 1904 (I. T. D. 444), transmitting for immediate report and recommendation H R. 21, entitled "A bill providing for appeal of one case from the citizenship court of the Indian Territory to the Supreme Court of the United States." The preamble recites that Congress, by the act of June 10, 1896, authorized the Commission to the Five Civilized Tribes to make "upon certain conditions" a roll of the citizens of the Choctaw and Chickasaw nations; that said act did not provide that notice should be "given to either of said tribes of any application for enrollment;" that it was required that the Commission have due regard for the laws, usages, and customs of the tribes mentioned; that the Chickasaw Nation, by virtue of an act of its national legislature, approved September 10, 1874, and the Choctaw national council, by an act approved October 19, 1876, provided "each a local and separate committee" to pass on questions of citizenship in each tribe, and that by virtue of the Chickasaw constitution, adopted in 1867, the Chickasaw Nation provided for citizenship by marriage, adoption, and otherwise; that the Commission to the Five Civilized Tribes, acting under the act of June 10, 1896, undertook to make such rolls as was required by the provisions of the act; that a large number of applications for citizenship was made under the act of June 10, 1896, and many persons admitted to citizenship, "but many more rejected;" that the act of June 10, 1896, provided that either party dissatisfied with the decision of the Commission might appeal to the United States court for the Indian Territory, and that the decision of the court should be final; that appeals were taken to such courts and many of the applicants admitted to citizenship and others rejected; that these judgments remained in force about four years "under which successful applicants acted, relying upon such judgments;" that by sections 31 and 33, inclusive, of the Choctaw-Chickasaw supplemental agreement provision was made for the establishment of a citizenship court, before which a test suit should be brought by the Choctaw and Chickasaw nations, in order to test the question as to whether notice to both of the nations was a prerequisite under the act of June 10, 1896, to the right to enrollment, and whether the trial of these cases before the United States courts for the Indian Territory should have been trials de novo; that "regardless of the fact that the nation in which citizenship was sought by the applicant had appeared in the original cause, had itself taken new testimony therein and tried its cases de novo without objection, it being claimed that the main object of the proceeding was to prevent fraud or wrong against the Indians;" and that the Choctaw and Chickasaw nations, acting under the supplemental agreement, brought a test suit before the citizenship court in the Indian Territory, styled "The Choctaw and Chickasaw nations or tribes of Indians, plaintiffs, *v.* J. T. Riddle and others, defendants," and that said court rendered an opinion in the case holding that all judgments of the United States courts in citizenship matters were "a nullity because of the failure to give notice to both tribes of the application for citizenship before the said Commission," under the act of June 10, 1896, and "because that on appeal to the said United States courts of the Indian Territory the said causes were tried de novo."

The preamble further recites that much of the testimony taken before the Dawes Commission upon the original applications has been destroyed; that a great deal of it was taken by ex parte affidavits; that many of the records and papers have been destroyed; that a large number of witnesses have died "and removed from the country;" that in many cases practically no testimony was taken until after appeal of the cause, and that it is now claimed that the result of said decision by the citizenship court "is of very great detriment and hardship upon some four or five thousand applicants for citizenship, and in many instances, if not all, is absolutely destructive of their rights;"

that the applicants referred to desire to bring the test suit before the Supreme Court of the United States on appeal in order that the two questions therein involved may be finally passed upon by the Supreme Court; and that it is claimed that, while technically the two tribes hold their lands in common, yet that an application for enrollment is only an application to fix a status and not for property; "and that if notice to any tribe was necessary at all, that it was sufficient to notify the tribe in which citizenship was claimed, that being the rule heretofore adopted by each of said nations, who operated under different laws, different constitutions, and with separate governments, and who have not in any wise at any time considered that one nation or tribe had any right to question an application for citizenship in the other tribe."

The proposed legislation is as follows:

"*Be it enacted, etc.*, That an appeal is hereby granted in the test suit, so recently decided before the said citizenship court, and styled as aforesaid in the preamble to this act, to the United States Supreme Court: *Provided*, That the record and transcript therein is presented and filed in said court within sixty days after the passage of this act. It shall be the duty of the said Supreme Court, without motion, to immediately advance and give precedence to the said cause over all other causes pending before it, and upon the hearing of said cause to fully determine the two questions passed upon in the said cause by the said citizenship court, and its decision shall not only be final, but shall be obeyed and fully enforced by all tribunals of whatsoever nature before whom either or both of the said questions are, or may be, involved in said citizenship matter; and such appeals shall be taken without any regard to form or regularity or prerequisite, except that the record be properly certified and filed within the time herein specified.

"SEC. 2. That it is hereby made the duty of the clerk of the said citizenship court upon the application of any party interested in said cause, or his attorney, to make out and fully transcribe the record of said cause as tried, before the said citizenship court at South McAlester, in the Indian Territory, and to certify to the same as other said transcripts are certified, and who shall receive as compensation such fees as are granted to other clerks of the United States courts in the Indian Territory for making and certifying records on appeal to the circuit court of appeals, to which such appeals are taken."

In connection herewith attention is respectfully invited to office report of February 9, 1903 (Land, 8895) reporting on H. R. 16461, entitled "A bill providing for appeal of one case from the citizenship court of the Indian Territory to the Supreme Court of the United States."

The bill referred to was similar in purpose to the bill now under consideration. The office, for the reasons stated in said report, recommended that the chairman of the House Committee on Indian Affairs be advised that the Department saw no objection to the enactment of H. R. 16461 into law if amended as suggested in office report of February 9, 1903. Since that time, however, U. S. Joines et al. applied to the Supreme Court of the United States for a writ of prohibition to be directed to and issued against the Choctaw-Chickasaw citizenship court, established in accordance with the provisions of the Choctaw-Chickasaw supplemental agreement. The Supreme Court denied the application. Furthermore, Congress, after mature deliberation, enacted into law the legislation under which the citizenship court exists, and if an appeal in the test suit is allowed at this time it will delay the final conclusion of citizenship matters in the Choctaw and Chickasaw nations.

In view of the foregoing and considering that the preparation of rolls of citizens of the Choctaw and Chickasaw nations is nearing completion, the office believes that the interests of all persons concerned demand that bill H. R. 21 be not enacted into law, and it is respectfully recommended that the chairman of the House Committee on Indian Affairs be so advised.

Very respectfully,

A. C. TONER,
Acting Commissioner.

Mr. STEWART. Mr. President, there appears to me to be a misapprehension about the origin of this citizenship court. The one great complaint about the enrollment is that there was a supplemental agreement made with the Choctaw and Chickasaw nations. They insisted that there should be some provision made for straightening up this business. The Committee on Indian Affairs called on the Commissioners of the Five Civilized Tribes and got all the other information they could. They received from the Commissioners a letter, in addition to their oral testimony, in which the Commission explained the reason why this matter should be settled. I think my friend from Texas was mistaken. I think the same persons who were referees in these courts were in other cases engaged as attorneys. I ask the Secretary to read the letter from the chairman of the Commission to the Five Civilized Tribes. The Commissioner was before the committee, and he sent a letter giving the reason why it was so badly done by the judges.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Washington, D. C., June 10, 1902.

SIR: In answer to your inquiry with regard to applications for citizenship in the Choctaw and Chickasaw tribes, and also in other tribes, I have to say:

An act of June 10, 1896, authorized the Dawes Commission to admit to citizenship and to make enrollments in addition to the enrollments made by the tribes themselves. The applications were required to be made within three months from the date of the passage of the act, and the Commission was required to decide all the cases within ninety days after the applications were made. Applications were made in the several tribes by between twenty and thirty thousand people. It was impossible for the Commission to examine with due care such a vast number of applications in the brief period of ninety days.

An appeal was allowed from the decision of the Commission to the United States court in the Indian Territory. There were two courts sitting, one for the Choctaw and one for the Chickasaw Nation. The law required that the appeal should be taken in sixty days from the date of the decision of the Commission. There were in the Choctaw and Chickasaw nations several hundred cases, including about 4,000 claims. The value of the land claimed by them, at present estimated worth, would reach over $20,000,000. The vast number of cases overwhelmed these two courts, and the judges were forced to have many of them investigated by referees.

Each of the nations had one counsel, which made due preparation of the appeals an impossibility. Most of the lawyers living in these nations were engaged for the applicants, consequently they were really disqualified for acting impartially as referees; but there were few other lawyers from whom to select referees, therefore the cases were reported by lawyers who themselves had similar causes before the court. The cases were so numerous that the judges were compelled in most instances to rely on the reports of the referees, and were unable to give them such personal attention as their merits required.

These facts have inspired the Indians with distrust, and it must be admitted that such conditions do not commend themselves to the judgment of fair-minded men. The Indians, in fact, are very much dissatisfied, and contend that they were deprived of an opportunity to secure fair hearings in these important matters.

To require the Indians to prove specific acts of fraud or perjury in such a mass of cases which were rushed through in the manner described would deprive them of any fair opportunity to assert their rights. There must have been many cases decided upon inadequate testimony. In fact, several hundred names were improperly interpolated into the judgment of the courts, which matter the Commission investigated and reported to the judges, whereupon the courts eliminated them. If the Indians are not allowed to have cases retried where they are able to show affirmatively that the plaintiffs were not entitled to enrollment they will never be satisfied that justice has been done.

Very respectfully,

TAMS BIXBY.

Hon. WILLIAM M. STEWART,
Chairman Committee on Indian Affairs, United States Senate.

Mr. STEWART. The supplemental agreement would never have been ratified if there had not been provision made to satisfy the Indians that they would have justice. While it was pending before the committee, I think my friend from Texas came there. The committee proposed in the first place to confer jurisdiction upon the other judges who had not participated. I think it was my friend from Texas.

Mr. BAILEY. No; the Senator from Nevada is mistaken. They proposed in the first place to authorize any judge to try these cases provided he had never decided a case against the Indians, no matter how many he had decided against the others. That was the provision of the bill.

Mr. STEWART. I think it was the suggestion of my friend that we should have a new court composed of disinterested men. I recollect his making that objection. Then a new court was provided in that agreement, which made it possible to have the agreement ratified. That agreement was discussed here. It was not in an appropriation bill, but it was a bill to ratify the agreement. My recollection is that it was a separate bill, and it was discussed here at great length.

There are many pages of the RECORD containing the debate. Every provision of the bill was discussed. It was the agreement with the Indians that it should be final. The decisions have now been made, and any attempt to reopen it would really be bad faith to the Indians. They have spent a good deal of money. I understand the fees were $750,000, which were recently allowed. That comes out of these Indians. They have made a great fight from the beginning against these enrollments, and when on an appropriation bill the matter was opened it created great dissatisfaction.

The matter as to who are citizens of the Choctaw and Chickasaw nations ought to be settled, and it ought originally, as I have often contended, to have been settled by them. But it was taken out of their hands by the act of 1896 and turned over to the Dawes Commission and then appealed to the court, and the court was so overloaded that cases went through without examination.

It was conceded on all hands that it should be reexamined, and immediately after it occurred the matter was brought before the committee. The first I heard of it was from the former Senator from Arkansas, Mr. Jones. He said that we had to look into that matter. He was a member of the committee then. He brought it to the attention of the Senate immediately after it occurred. He said it was not fair play to the Indians; that it should be rectified. Then we entered into an agreement with them. We created this court and provided it should be final.

To open it now by an appeal will keep the Indians in turmoil for a long time and make them fear that there will be others let in. They are very suspicious, because they have had so much trouble and it has cost them so much money. I think they have fought this fight sufficiently long to have an end put to it. They understood when they ratified the agreement that it would be an end.

I do not wish to cut off remarks by the Senator from Texas in reply to my remarks. I called attention to the fact that I would make the point of order that this is legislation. I would

like to have the point of order acted upon whenever the Senator from Texas has made his reply.

Mr. BAILEY. Mr. President, I will detain the Senate but a moment. I am a little surprised that the Senator from Nevada should have read within the hearing of the Senate a letter from any man who urges the defeat of a measure and justifies his position by alleging that to require men to prove the fraud which they charge would be a hardship upon them. The letter of Tams Bixby, advocating in that instance the reopening of the final judgment which then existed as the record of a court of competent jurisdiction, was written in answer to an argument which I had urged upon the committee, and which I afterwards repeated upon the floor of the Senate, insisting that they should confine their efforts against those judgment holders to cases of fraud or perjury.

The Senator from Nevada will bear me a willing witness, I am sure, that both before the committee and in the Senate I was as earnestly in favor of permitting the Indians to attack and vacate the judgments obtained by fraud and perjury as he was. The only argument which finally prevailed with the Senate was the assurance that nobody else would be molested. It is inconceivable that the Senate of the United States would pass a law subjecting the honest holders of a judgment to the expense, vexation, and delay of a new trial, except there were good reasons for that unusual, I might say unprecedented, course. Though I doubted the result of this eminently fair and wise tribunal which they were creating, I did not succeed in impressing my fear upon the Senate, and I was told by all that the whole purpose of that legislation was to afford the Indians an opportunity to attack and annul judgments obtained against them by fraud and perjury.

That there were such judgments is undoubtedly true; that there were many such judgments is probably true; and I was as earnestly anxious that all such should be rendered null and the Indians spared from the necessity of dividing their land with pretenders as the Senator from Nevada or any other Senator in this body, but I was earnestly opposed to subjecting any man, who had a fair judgment, obtained by fair, unpurchased, and unperjured testimony, to the necessity of defending himself in a new court, practically to retry his case.

The Senator from Nevada is right when he says this new court is perhaps a creature of my own suggestion. I apparently saved them from the mistake of simply setting aside the old judgment and providing a new trial by law of Congress, a proceeding which the Supreme Court of the United States had decided in more than one case was beyond the power of Congress.

The Senator well says that I suggested a new court of disinterested judges. The Senator so far as he goes is correct, but I said a new court of disinterested and learned judges.

We lack a long sight of securing such a court. That they were either not disinterested or that they were not learned, is manifest to-night when the Senator interposes the point of order to prevent an appeal upon a pure question of law. I waive all question about the facts, and tell the Senator from Nevada—I tell him in the presence of the Senate—that on one of these questions of law, not submitted here, but upon an important question of law, even that court divided, two one way and one another, and on that controverted and divided question they held against all the judges who decided the cases primarily.

For instance, the question arose over the rights of an intermarried white man. Under the Indian law—the only one so far as I know in the history of the world—the man married into the nationality of his wife. The white man who married an Indian woman became an Indian by the marriage. Then, if afterwards his wife died, the husband still remained a member of the Indian tribe. If he subsequently married, not another Indian woman, but a white woman, he then married her into his tribe. Thus it might happen that an entire family, without a drop of Indian blood in their veins, might be all citizens of an Indian tribe.

I am not quarreling with the folly of that provision. If it suited the Indians, it is no concern of ours. It has been held that the Indians themselves provided that the white intermarried man should only remain an Indian until he married again outside of the tribe. I am told that one court of that Territory, when passing upon that question, held that such a law was a restriction on marriage and therefore void. I have not examined that decision, and I am not prepared to say that any man with sense enough to be a judge ever held such a foolish doctrine. It is absolutely plain that the Indians had a right to establish the status of a man who had married one of their women; a course not pursued by any other people in the world, so far as my information goes. They had a perfect right, then, to say that his status should be determined upon the death of his Indian wife and his remarriage with a white woman; but I am told that in the face of that decision, which they said did not exist and which I have not yet examined, the court held that the family of the intermarried and remarried man was still an Indian.

Mr. President, when this new court, this marvelous invention of wisdom and disinterestedness, came to pass upon that question, they were not able to agree, two of them holding that the family of intermarried white men were Indians within the meaning of the Indian law and entitled to participate in the division of Indian property, but the majority held otherwise.

I would be quite within all proprieties which prevail on similar occasions if I asked an appeal upon that question too; but I have not chosen to do that. I shall be satisfied if the Supreme Court of the United States declares that this territorial citizenship court in one case, with ten defendants before it, was authorized to set aside the judgment of three thousand men without hearing, without evidence, and without trial, because if the court does hold that service on both nations was necessary to a valid judgment, that ends the controversy. We might have asked to be permitted to amend but that would go back into a review of the facts, and I abandon it.

For my own part I think, if a judicial absurdity was ever written in the law books, it is that monstrous decision that when you seek to establish a status in one nation, you must serve notice on another and a different nation. The Senator from Nevada, who is familiar with conditions in the Indian Territory, and familiar, I must assume, with the manner of procedure in their courts and in their legislatures, knows—and he will not tell the Senate differently—that from the beginning of their tribal government in that Indian country it was never deemed necessary to notify the Choctaw tribe when application was made for membership in the Chickasaw tribe, and never deemed necessary to notify the Chickasaws when it was sought to establish the status of citizens in the Choctaw country.

Mr. STEWART. That is defective legislation, then. That is one of the complaints. The Indians say their lands should not be taken from them without a notification to both nations, and this law provides for a suit to determine the question whether both nations should be notified.

Mr. BAILEY. I am not discussing the defects or omissions of the law. I am discussing the folly of the court's decision. I say the court decided that in a suit it was necessary to serve both tribes, in the face of the fact that for fifty years it never has been considered necessary to notify either one when attempting to establish a status in the other.

Mr. STEWART. That is what the law requires, that when a suit of this kind is brought there shall be ten defendants.

Mr. BAILEY. Ah, the law! The law authorized the courts to pass upon that question. But I am not complaining of the law, although I did complain of it at that time. It was a pure technicality, and upon the purest of technicalities, the nonjoinder of parties, no man would be heard in any court in this country to plead a nonjoinder of parties if he did not plead it at the very beginning of the suit; and yet here in a matter purely in abatement you go to the court of last resort, had set aside 3,000 judgments, and many of them judgments of honest men, upon a matter that ought to have been pleaded in abatement at the very institution of the suit and that the court——

Mr. STEWART. Congress did not think so.

Mr. BAILEY. No; Congress did not think so. Congress has never given time to think about the settlement of any question in the Indian country, as throughout this whole debate has been made manifest. My distinguished friend from Wisconsin [Mr. SPOONER] complained yesterday and to-day about the unwise and precipitate legislation, and the Senator from Colorado [Mr. TELLER], whose long service in this body has done him infinite credit and the country infinite good, said, though a member of that committee, that the Senate of the United States and the House of Representatives have never taken the time to fully determine the justice of these questions as they relate to the Indian Territory. Those of us who do take the time and trouble to study them are driven by the impatience of the Senate to proceed with matters of general public interest until we are unable to lay the matter before the body.

I repeat, and I repeat for the last time, I have done my duty. Though those people are not my constituents—some of them were—many of them are my friends; they are all our fellow-citizens, and entitled to the protection of every Senator. They have nobody here to speak for them. I perform simply a service in behalf of my neighbors when I insist that as you took their judgments from them after they had been in possession of those judgments for years, and many of them have been more than two years in possession of the allotments which they were en-

titled to obtain which they had improved—I tell the Senator from Nevada that within my personal knowledge men who spent every dollar they possessed in improving their allotments and, though they made those improvements under the sanction of the final judgment of a court of competent jurisdiction, they were driven from them without a penny's compensation for the improvements that represented the earnings and savings of a lifetime.

It is a disgrace to civilized jurisprudence that any such case could have happened. There is not another instance in the civilized jurisprudence of the world where a man who enters upon a piece of property under the final judgment of a court of competent jurisdiction, and improves it under the authority of that judgment, should afterwards be treated as a naked trespasser. It was left for the American Congress to establish that doctrine, abhorred even by barbarous countries.

After these men have been subjected to that injustice, I appeal for them, because they have no Senator here to appeal in their behalf. I simply appeal for an opportunity to have the Supreme Court of the United States say whether it was done according to the law.

Mr. STEWART. Mr. President, I must correct the Senator from Texas. I hold in my hand the treaty with the Indians, which provides for many things. They insisted upon being protected from what they regarded as robbery of their rights, and they contended that both nations should have been notified because the property of both nations would be liable to be taken. In the thirty-first article of this treaty or agreement it is provided:

SEC. 31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory, acting under the act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such Commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation. (Compilation of Laws and Treaties Relating to Indian Affairs; Kappler; 2d ed., Vol. I, p. 776.)

The court held that as both nations were interested the court could not determine their rights without having both before it. That was the decision of the court. Then it goes on to provide that in case it was held that these judgments were a nullity for want of parties, then they might come in and be heard. A large portion of them did come in, and judgments were rendered which were elaborate.

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

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

Mr. STEWART. Yes.

Mr. BEVERIDGE. On reading over the amendment under discussion I find the following:

The decision of the Supreme Court shall only relate to the questions of law involved in the appeal.

Now, if this appeal relates only to questions of law and does not at all go into questions of fact, I am not able to see why the amendment is not an eminently just and proper one. Is that correct? I asked the clerk by the Senator's side for the amendment. If, as I understand from the amendment itself and from the remarks of the Senator from Texas [Mr. BAILEY], the appeal asked is upon questions of law, I should like to have the Senator from Nevada to enlighten at least myself as to why an appeal should not be allowed upon questions of law.

Mr. STEWART. I think I can. In the first place, it was an agreement with the Indians at the time of this enrollment, and to change matters now would unsettle things very much. If the Senator will read the amendment a little further, he will see that it provides:

The decision of the Supreme Court shall only relate to the questions of law involved in the appeal, which shall be raised by proper assignments of error, filed in the Supreme Court by the appellants at the time of filing the record.

In the event the decision in said cause is favorable to the appellants the same shall be certified to the Commission to the Five Civilized Tribes for its observance, and the said Commission shall be governed by said decision in the enrollment of persons similarly situated to the appellants in said cause without reference to any decision that may have been rendered in their case by the citizenship court.

Then if they get reversed on that they are to go on and deal with all of them.

Mr. BEVERIDGE. That is, they are to apply the law as the Supreme Court says the law actually is.

Mr. STEWART. I think that will be all that they will do.

Mr. BEVERIDGE. Why should not the law as the Supreme Court of the United States says it is be actually applied?

Mr. STEWART. In the first place the Government of the United States never, in my opinion, should have undertaken to deal with the citizenship of those nations. They should have dealt with it themselves. They claimed that right, but it was taken from them; a great wrong perpetrated, and a special agreement was made for the settlement of that wrong. Now you are going back of that.

Mr. SPOONER. What treaty is this?

Mr. STEWART. With the Choctaws and Chickasaws.

Mr. SPOONER. When was it entered into?

Mr. BEVERIDGE. I ask is there a just difference as to what the law really is?

Mr. STEWART. Oh, no.

Mr. BEVERIDGE. If there is a just difference as to what the law really is, why should not the Supreme Court of the United States decide it?

Mr. STEWART. I should like to have the point of order decided.

Mr. BAILEY. I ask the Senator from Nevada to withdraw the point of order and let us vote on the amendment.

Mr. STEWART. I decline to do that.

Mr. BAILEY. Then I serve notice on the Senator from Nevada that I will make a point of order against every provision of his bill when we get into the Senate.

Mr. STEWART. All right.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. BAILEY. I appeal from the decision of the Chair, and I demand the yeas and nays.

The PRESIDING OFFICER. The Senator from Texas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? on which the Senator from Texas demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. LATIMER (when his name was called). I am paired with the junior Senator from Illinois [Mr. HOPKINS], 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], and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from New York [Mr. PLATT]. I do not know how he would vote, and I therefore withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE], and therefore withhold my vote.

Mr. McENERY (after having voted in the negative). I voted inadvertently. I did not notice that the junior Senator from New York [Mr. DEPEW] was absent. I withdraw my vote.

The roll call was concluded.

Mr. CLAY (after having voted in the affirmative). I inquire if the senior Senator from Massachusetts [Mr. LODGE] has voted?

The PRESIDING OFFICER. The Chair is informed that the senior Senator from Massachusetts has not voted.

Mr. CLAY. I withdraw my vote, as I have a pair with that Senator.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the senior Senator from Rhode Island [Mr. ALDRICH], and I will vote. I vote "yea."

Mr. BEVERIDGE (after having voted in the affirmative). I voted inadvertently. I observe that the Senator with whom I am regularly paired, the senior Senator from Montana [Mr. CLARK], is not present. I therefore, with his consent, transfer my pair to the junior Senator from New York [Mr. DEPEW], who is paired with the Senator from Louisiana [Mr. McENERY], and will let my vote stand.

Mr. McENERY. Under that arrangement I vote "nay."

Mr. PETTUS. The senior Senator from Alabama [Mr. MOR-

GAN] is paired with the senior Senator from Indiana [Mr. FAIRBANKS].

Mr. OVERMAN. I transfer my pair with the senior Senator from New York [Mr. PLATT] to the junior Senator from Arkansas [Mr. CLARKE], and will vote. I vote "nay."

Mr. MALLORY. I transfer my pair with the senior Senator from Vermont [Mr. PROCTOR] to the Senator from Kentucky [Mr. BLACKBURN], and will vote. I vote "nay."

The result was announced—yeas 26, nays 20, as follows;

YEAS—26.

Allison	Cullom	Kittredge	Quarles
Bard	Dillingham	Long	Scott
Berry	Dubois	McCumber	Smoot
Beveridge	Elkins	Millard	Spooner
Burnham	Foster, Wash.	Nelson	Stewart
Clark, Wyo.	Gallinger	Penrose	
Cockrell	Gamble	Perkins	

NAYS—20.

Bailey	Foster, La.	McComas	Overman
Carmack	Fulton	McEnery	Simmons
Clapp	Gorman	Mallory	Stone
Culberson	Heyburn	Martin	Taliaferro
Daniel	Latimer	Newlands	Teller

NOT VOTING—44.

Aldrich	Clarke, Ark.	Gibson	Mitchell
Alger	Clay	Hale	Money
Allee	Crane	Hansbrough	Morgan
Ankeny	Depew	Hawley	Patterson
Bacon	Dick	Hopkins	Pettus
Ball	Dietrich	Kean	Platt, Conn.
Bate	Dolliver	Kearns	Platt, N. Y.
Blackburn	Dryden	Knox	Proctor
Burrows	Fairbanks	Lodge	Tillman
Burton	Foraker	McCreary	Warren
Clark, Mont.	Frye	McLaurin	Wetmore

So the decision of the Chair was sustained.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment?

Mr. BAILEY. What is the amendment?

The PRESIDING OFFICER. The amendment on page 65, beginning with line 10 and including line 23.

Mr. BAILEY. I make the point of order that that is new legislation, and not in order under the rule.

Mr. TELLER. Let us have it read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert the following:

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. BAILEY. Mr. President, I believe I am unwilling to detain the Senate and waste its time by exercising what I think is a clear right under the rule, and as to insist upon the point of order against these various amendments would result in mutilating the bill and prevent the doing of some things that ought to be done, I withdraw the point of order.

The PRESIDING OFFICER. The Senator from Texas withdraws the point of order.

Mr. TELLER. Mr. President, as a member of the Committee on Indian Affairs, I wish to say after two weeks or more of hard work it was impossible to get a bill that would not contain some legislation. It is impossible to present to the Senate a bill that will do what ought to be done unless we can have some legislation in it. It has been the rule for many years, and however vicious it may be it is too late to adopt a new rule, that on many of these questions we must offer to the Senate legislation as the only method by which the rights of certain classes of people in the Indian Territory and other sections can be maintained.

I voted against upholding the ruling of the Chair in sustaining the point of order made by the chairman of the committee, and I did so because if I had voted in the affirmative and was to be at all consistent I would have to vote in the same direction at least a dozen times more before this bill is disposed of. We should have emasculated the bill and rendered it practically useless, and at a time when every man familiar with the condition in the Indian Territory and other sections of the country where the Indians are knows there is absolute necessity, for the protection of persons and property, that we should have some legislation. Is there anybody here who will pretend that you can get that legislation in a short session? You can only get it by putting it on an appropriation bill. I know how vicious that system is, but I know if there was ever an occasion when we ought to relax the rule it is now.

Mr. President, while I am on my feet I wish to say a word about another matter. It will be difficult for the Senate to complete the work of this session unless we can make more progress than we have made in the last few days, and it will be difficult to keep here at night a quorum of this body, a very large number of whom are not young men. While I believe that pairs are useful and a convenient way in which to do business, we are abusing the privilege of pairs. I hear a Senator get up and say: "I am paired with the Senator from So-and-so." He does not know how the Senator from So-and-so would vote on the question. It is not a political question. It is not a question on which the absent Senator has expressed himself, and thereupon the Senator who is here withholds his vote. I have been paired in this body with various Senators for many years, but I have never felt myself morally bound, and until recently I have not known of any other Senator who did, to pair on questions which are not of national importance, on questions where the Senator who is absent is quite as likely to vote with the Senator who is present as not.

I think unless Senators know how their pair would vote they are entitled to vote, and certainly that is true on nonpolitical questions. Pairs were originally arranged on great questions involving important issues on which Senators differed, and in such cases pairs were specifically arranged. If we are to proceed and get through with this bill we must keep a quorum here. I beg Senators to find what their relations are to their pairs and whether they have the right which I have always exerted and always insist upon—to follow my own judgment on minor questions.

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

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment which has been passed over will be stated.

The next amendment of the committee which had been passed over 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.

The amendment was agreed to.

The next amendment of the committee which had been passed over 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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 66, after line 22, to insert:

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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 67, after line 3, to insert:

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.

The amendment was agreed to.

The next amendment of the committee which had been passed over 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. OVERMAN. On page 68, line 2, after the word "gov-

ernment," I desire to offer the amendment I send to the desk. I think the Senator from Nevada will accept it. It is recommended by the Secretary of the Interior.

Mr. STEWART. It is to pay outstanding warrants?

Mr. OVERMAN. Yes.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. On page 68, line 2, after the word "government," it is proposed to insert:

And provided further, That the sum of $75,000 of the money in the Treasury belonging to the Creek Nation derived from the sale of lots in town sites is hereby appropriated and made immediately available for the payment, under the direction of the Secretary of the Interior, of the outstanding indebtedness of said nation.

Mr. STEWART. There is no objection to it. The Secretary of the Interior recommends it.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TELLER. Before the recess I sent to the desk an amendment which I should like now to call up. It comes in on page 43, I think. I have now the document that I mentioned.

The PRESIDING OFFICER. If there is no objection the Senate will recur to page 43, and the amendment will be stated.

The SECRETARY. On page 43, after line 23, it is proposed to insert:

For payment to J. Hale Sypher, out of any funds in the Treasury of the United States belonging to the Choctaw Nation, $5,000, being in full settlement of the claim of the said Syper against the said Choctaw Nation growing out of legal services performed by him under and by virtue of a certain agreement made and entered into between the legally authorized commissioners of said nation and said Sypher on the 7th day of November, 1891, in accordance with the findings of the Court of Claims made in pursuance of the reference of the claim of the said J. Hale Sypher to the said Court of Claims for adjudication under the act of Congress of April 21, 1904, being "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," which said sum the Secretary of the Treasury is hereby authorized and directed to immediately pay to the said J. Hale Sypher upon execution by him of a receipt in full for all claims against the said Choctaw Nation for legal and professional services rendered by him to said nation under the agreement aforesaid.

Mr. TELLER. Mr. President, I hold in my hand the finding of the court, which is very brief. The court goes over the evidence, and it will be seen by looking at the bill submitted to the court—I do not suppose anybody wants me to read it—that the court was to find out what Mr. Sypher was entitled to without reference to the contract which he made, which gave him a larger sum.

The value of the claimant's services, rendered by him under the agreement set forth in Finding I, "upon the principles of quantum meruit," was $5,000.

That is the determination of the court of the value of his services as reported to Congress. After authorizing them to ascertain the value of the service, the concluding words were—

Shall report their findings at the next session of Congress—

Which was the last session.

Mr. CULBERSON. What is the date of the finding?

Mr. TELLER. The date of the finding is February 20, 1905—a few days ago. I only got it to-day.

I wish to say just a word. Mr. Sypher has been for some years living in this city. He is an old soldier. He is now sick in the hospital, and has been for some months. I do not myself know how dangerously ill he is. I am afraid, however, if we pass this claim over to another session it will not be available.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment which has been passed over will be stated.

The next amendment of the committee which had been passed over 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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 68, after line 15, to insert:

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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 69, after line 2, to insert:

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 superintendent and assistants.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 69, after line 11, to insert:

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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 69, after line 18, to insert:

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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 70, after line 3, to insert:

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."

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 70, after line 10, to insert:

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.

Mr. PLATT of Connecticut. I am not going to object to the amendment. It is useless to object to this claim. It is perennial. It comes every year. It has been coming now for nearly a half century. I think it may as well go in, and thus get it out of the way.

Mr. GALLINGER. Mr. President, I wish to call the attention of the Senator from Nevada to line 4, page 71, where it says "to carry out the provisions of this act." The Senator does not mean that, I think?

Mr. GAMBLE. "This provision."

Mr. STEWART. "This paragraph."

The PRESIDING OFFICER. What is the amendment of the Senator from Nevada?

Mr. STEWART. To strike out the word "act" and insert "paragraph."

Mr. GALLINGER. That is right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCUMBER subsequently said: Mr. President, the Senator from Connecticut in speaking in reference to the amendment on page 70, beginning in line 11, which appropriates a certain sum of money to pay certain Indians who assisted in the release and recovery of Mrs. Julia Wright from an Indian band, said he would make no objection to it because it was coming on year after year and we might as well dispose of it.

I desire to give him notice now that this is not the end of it. I have letters from some Indians in my State claiming that they also were connected with the band which secured the release of Mrs. Wright, and taking this as a precedent—there are only one or two of them; a few at least who are not included in here—I shall ask to have them included if I establish their connection.

Mr. PLATT of Connecticut. Mr. President, I had no idea that we would finally get through with this claim, but I thought that so far as these persons who are named here are concerned we would get through with them. But for the next

ten, twenty, or thirty years there will be persons coming in and asking to be included.

Mr. GAMBLE. Do I understand that the Senator from Connecticut objects?

Mr. PLATT of Connecticut. I do not object.

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. PLATT of Connecticut. I want to get rid of it.

Mr. GAMBLE. I wish to say that there has been a careful investigation made by the Department as to the individual Indians whose names are set out here and a full report made.

Mr. PLATT of Connecticut. The original Indians are all dead.

Mr. GAMBLE. I beg to differ with the distinguished Senator from Connecticut. Some of them are living, and in the case of those who are dead the amendment provides for the payment to the heirs.

Mr. PLATT of Connecticut. How many of the original Indians who lost ponies in 1862 are living?

Mr. GAMBLE. These were very young men, and were called a young band of Indians at the time.

Mr. BEVERIDGE. And the climate out there is very healthful.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment of the committee which had been passed over was, on page 71, after line 4, to insert:

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.

Mr. STEWART. In line 10 I move to strike out "July 26" and insert "June 30."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the committee which had been passed over was, on page 71, after line 11, to insert:

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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 71, after line 17, to insert:

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.

The amendment was agreed to.

The next amendment passed over was, on page 72, after line 2, to insert:

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.

Mr. STEWART. In lines 9 and 10 I move to strike out the words "register and receiver at La Grande, Oreg.," and to insert in lieu the words "Secretary of the Interior."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment which had been passed over was, on page 72, after line 13, to insert:

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.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] indicated a wish to be present when this amendment was considered.

Mr. CULLOM. Is it understood that we are going to be on this bill for another day or two?

Mr. GALLINGER. I think we had better go along with the bill and try to get it through to-night.

Mr. SPOONER. I should like to have some information. I have heard some severe criticisms on the item beginning in line 14, page 72. Is it recommended by the Department?

Mr. STEWART. It is not.

Mr. SPOONER. Is it not reported against by the Department?

Mr. STEWART. It is.

Mr. SPOONER. And claimed by the Department that it has been paid.

Mr. STEWART. No; $50,000 has been paid.

Mr. SPOONER. Has it ever been adjudicated in any way?

Mr. STEWART. The Senator from Colorado [Mr. TELLER] knows more about it than anyone else. It was considered while he was Secretary of the Interior.

Mr. SPOONER. If the Senator from Colorado says it is all right I am satisfied to let it remain in the bill.

Mr. TELLER. There is a good deal of literature connected with the claim, and I can not attempt to-night to explain it or to produce the literature.

Mr. CULLOM. Tell us whether you think it is right or not.

Mr. TELLER. Both these men were Indians. Many Senators here will remember Adair. He came around here a good deal in the interest of Indians. They made a contract with the Indians with reference to some lands in Kansas which would have given them a tremendous fee.

They subsequently changed it and got a contract that would give them $238,000. They did not at that time have to get authority from the Secretary of the Interior to approve or disapprove a contract. Under that contract they went on and opposed a treaty. They fought a treaty which had been made that had practically given away the lands of these Indians in Kansas. They subsequently recovered, by defeating that treaty, eight or ten million dollars' worth of land.

The Department insisted that $50,000 was sufficient to pay for their services. While I was Secretary of the Interior I submitted it to the Assistant Attorney-General, Mr. Joseph McCammon, who I can say is a gentleman of high character in this community and still here practicing law, who, after a careful examination, reported that they were entitled to the balance of their fee.

I do not speak now with very much memory of the transaction, because there were a great many things besides this case in the office. I went over it and I minuted on his report that I had examined it and approved it. At that time I gave it more attention than I have given to it since.

I believe these people are entitled to their money. The documents before the committee would show that the Indians have repeatedly urged Congress to pay the additional sum.

Mr. CLAY. How much is it?

Mr. TELLER. It is $180,000; they were paid $50,000. Their claim was $230,000.

Mr. President, there is no time now in the last hours of the session to put in all the documents. I think the Senator from Kansas [Mr. LONG] has given more attention of late to the details than I have.

I only want to say that at the time I examined it, twenty years ago, I made up my mind that these men were entitled to their money, entitled to it under their contract, and entitled to it because of the great good they had done the Indians.

Mr. LONG. I should like to ask the Senator from Colorado on one point regarding this claim. Was the acceptance of the payment of $50,000 in full for the entire claim? That is one of the points made by those who have opposed the claim.

Mr. TELLER. The Secretary of the Interior—my predecessor—decided that $50,000 was sufficient, and paid that amount to Adair and Vann. They always said that they did not take it in full. The fact is that soon after that the Department opened up the question and took new evidence, which indicated that they had not taken it in full or the Department would not have opened it up.

When the case came to me I felt that, my predecessor having passed on it, it was not perhaps open for me to consider it, and the matter was referred to the Court of Claims to see whether I had the power to pay it or not. The court decided that there must be Congressional action. I believe that both Adair and Vann are dead and their heirs are here.

Mr. LONG. I will ask the Senator if the Court of Claims decided that it was not a valid claim, or only that the Secretary of the Interior had not the power to pay it?

Mr. TELLER. They did not decide that it was not a valid claim, but that I had not the authority to pay it; and I thought that was the law, and I declined to pay it.

Mr. PLATT of Connecticut. Mr. President, this claim is a little old, though not as old as the Pretty Bear claim which I wanted to get rid of a little while ago. I think this might stand for a while until it attains the age of the Pretty Bear, Strike the Fire, and Kills and Comes claim. I think when it gets as old as that and has been here year after year we may

get tired and let it in, but at the present I do not think this claim ought to be agreed to.

Mr. TELLER. We can not hear over here what the Senator says.

Mr. PLATT of Connecticut. In the first place, according to the letter of the Commissioner of Indian Affairs, found on page 166 of the hearings, there never was a contract approved by the Secretary of the Interior.

Mr. TELLER. At the time the contract was made, if I am not now mistaken, there was no law requiring it to be approved. The law requiring contracts to be approved was passed several years after that time.

Mr. PLATT of Connecticut. No; it was passed in 1872, and this claim originated in 1875.

Mr. TELLER. Perhaps that is correct with regard to the last contract, but the first contract was made some years before that time.

Mr. PLATT of Connecticut. The Commissioner of Indian Affairs says that the contract was approved for $50,000 only.

The then Commissioner of Indian Affairs recognizes the valuable services rendered the Indians by said parties, and then adds:

> But in the nature of the cases these services could not have been so arduous or valuable in themselves as to warrant the payment of the full amount still offered by the Osages, and I recommend that the contract be approved for the sum of $50,000, to be paid these attorneys in lieu of all claims for past services for the Osage Nation.

That is the way the contract was approved, and that is the way they got their $50,000. The Commissioner of Indian Affairs approved it for the sum of $50,000, to be in lieu of the entire claim of these parties against the Osage Indians, and therefore when they took their $50,000, which had been approved in that way and only upon that condition, they took it in full.

The Senator from Colorado speaks of the claim having been before some Secretary of the Interior before he became Secretary of the Interior and before the claim was presented to him. According to this statement it had been before both Secretary Chandler and Secretary Kirkwood, after the $50,000 had been paid. The claim had been presented to two of his predecessors and by two of his predecessors had been refused.

Mr. CULLOM. And then refused by him.

Mr. TELLER. And I refused the claim.

Mr. PLATT of Connecticut. Then Secretary Teller submitted it to Attorney-General Brewster, who forwarded to the Secretary of the Interior his opinion, which was also adverse to the claim.

Mr. TELLER. No; the question was not the validity of the claim.

Mr. PLATT of Connecticut. That is what is stated here.

Mr. TELLER. The question was whether I had authority as Secretary to pay it. That was the question.

Mr. PLATT of Connecticut. Finally the matter was sent by Secretary Teller to the Court of Claims for its opinion, which was rendered adversely to the claimant, the court holding that the Secretary of the Interior had no right to reopen the claim.

Mr. TELLER. That was the only question, whether I had a right to pay it or whether it must be considered closed.

Mr. PLATT of Connecticut. But two of the Senator's predecessors in the office of Secretary of the Interior had declined to reopen it.

Mr. TELLER. They had reopened it. They had reopened it for evidence but not for payment. It is one of the claims that could be well substantiated if we had the time. There is no time to do it to-night, and if I were the chairman of this committee I presume I should postpone it to some other more favorable opportunity.

Mr. MALLORY. Mr. President——

Mr. SPOONER. Is the item subject to a point of order? It is impossible, as the Senator from Colorado says, to discuss it properly at this time.

The PRESIDING OFFICER. The Chair is inclined to think that it is not subject to a point of order under the previous ruling of the permanent occupant of the chair.

Mr. TELLER. I wish to say that I think a discussion here of this claim without the documents, without the proofs that these people have, is an injustice to the claimants, and we either ought to take it up and present the proofs, which are remarkably strong, or else we ought to let it go to another time.

Mr. SPOONER. On the other hand, it is not fair against the protest of the delegates from the Osage tribe, with the statement they make against it, to consider and pass it without debate.

Mr. TELLER. I do not say it is.

Mr. SPOONER. I am not challenging what the Senator says.

Mr. TELLER. But I do say the counsel of those Indians have repeatedly asked that this claim shall be paid. All those documents can be produced in time. It is a case that ought not to be tried in fifteen or twenty minutes. If it is to be contested I think this ought to be the end of it for to-night.

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

Mr. MALLORY. I should like to inquire of the Senator from Colorado if the Court of Claims ever passed upon the claim or on the validity of it.

Mr. TELLER. It did not. The question submitted to them was the simple question, I having refused, whether I could pay it. It went off on the ground that it took Congressional action. They sustained my view that I could not pay it under the law.

Mr. MALLORY. It never has been determined then by the Court of Claims that it was a valid claim?

Mr. TELLER. I do not think they passed on that question at all.

Mr. LONG. The merits of the claim were not inquired into at all.

Mr. MALLORY. There has been no judicial decision as to the validity of the claim?

Mr. TELLER. No.

Mr. MALLORY. It seems to me it ought not to be in an appropriation bill if that is the case.

Mr. SPOONER. It seems to me it ought not to be in any appropriation bill to be disposed of within a few days of adjournment when it is impossible fairly to consider it. It is not just to the claimants nor is it just to the Indians.

Mr. TELLER. I am not insisting upon its being kept here.

Mr. SPOONER. I know that; I am not making any point of that kind.

Mr. TELLER. We put it in because we believed it was right, and because there had to be Congressional action. I am not insisting that it shall be kept here.

Mr. LONG. I am of opinion that this claim has much merit. I am aware that it is impossible to fully discuss it at this time and convince Senators of the justness of the claim. However, on the point that the acceptance of $50,000 was taken in full payment, the report of Mr. McCammon, which was approved by Secretary Teller, clearly showed that at the time of the acceptance of the $50,000 objection was made by Colonel Adair, and the statement was clearly made that it was not accepted by him in full payment.

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

Mr. SPOONER. I make the point of order on the amendment.

The PRESIDING OFFICER. The Chair is inclined to overrule the point of order.

Mr. CLAPP. Mr. President, in justice to the committee, I wish to say to the Senator from Wisconsin the committee has been furnished with the affidavit of the Indian agent to the effect that he met last Sunday the man who published this article, and he was known to him to be the very Indian who presided over the council in 1892 which authorized the payment.

Mr. SPOONER. It may be a just claim.

Mr. CLAPP. I simply make the statement in justification of the action of the committee.

Mr. SPOONER. I had no thought of reflecting upon the committee.

Mr. STEWART. There seems to be a general sentiment that the amendment should be withdrawn.

Mr. CULLOM. That is right.

Mr. STEWART. I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Nevada withdraws the amendment.

Mr. DUBOIS. As a member of the committee, I should like to state that it was shown to the committee to their satisfaction that three times—the last time in 1892, I think—the Osage Indians themselves asked that this claim be paid, and it was insisted that it was a right and just claim. The evidence which came to the committee was very clear and very plain. I agree with the Senator from Colorado, however, and other Senators, that it can not probably be shown here to-night, but, as one of the members of the committee, I wish to state that the evidence before us was perfectly clear and satisfactory.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Without objection, then, the amendment is withdrawn.

Mr. NEWLANDS. I ask that the Senate turn back to the amendment at the bottom of page 36.

The PRESIDING OFFICER. What is the request of the Senator from Nevada?

Mr. NEWLANDS. I wish to make the point of order with reference to that amendment.

The PRESIDING OFFICER. On what page is the amendment to which the Senator refers?

Mr. NEWLANDS. On page 36.

Mr. SCOTT. Will the Senator from Nevada allow the amendments passed over to be read through and then turn back.

The PRESIDING OFFICER. The Chair will suggest that the Senator allow the bill to proceed.

Mr. NEWLANDS. The only reason I make the request now is that I shall have to leave the Chamber. I am called away and I wish to present the question now.

The PRESIDING OFFICER. Probably there are other Senators who would like to get through also. What is the request of the Senator from Nevada?

Mr. NEWLANDS. I wish to make the point of order that that amendment is general legislation.

Mr. GALLINGER. That amendment has been agreed to, and the point of order can only be made against it in the Senate. I make that point of order.

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from New Hampshire.

Mr. NEWLANDS. I understand, then, I can make the point of order in the Senate.

The PRESIDING OFFICER. The Chair believes the Senator can do so. The Secretary will read the next amendment of the committee which was passed over.

The SECRETARY. The next amendment of the committee passed over was, to insert, on page 72, after line 20, the following:

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.

The amendment was agreed to.

The next amendment passed over 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. FULTON. Mr. President, I think the chairman of the committee will not object to inserting in line 11, after the words "eighteen hundred and fifty-one," the words "or their heirs."

Mr. STEWART. It may go in. I do not think they will find heirs properly established.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 74, line 11, after the word "fifty-one," to insert "or their heirs."

The amendment to the amendment was agreed to.

Mr. FULTON. I should like to ask the Senator if he will not agree to strike out the word "one," in line 11, and insert "two."

Mr. STEWART. Let it go in.

Mr. FULTON. I move to strike out "one" and insert "two," in line 11.

Mr. BAILEY. The Senator from Nevada is growing so accommodating I believe I will renew my amendment. [Laughter.]

Mr. STEWART. I can not do that now.

The PRESIDING OFFICER. What was the amendment?

Mr. FULTON. The amendment I offered is in line 11.

The SECRETARY. In line 11, before the word "hundred," strike out "one" and insert "two;" so as to read:

Two hundred dollars each.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. The next amendment of the committee which had been passed over is on page 89.

Mr. HEYBURN. There is an amendment on page 78. Is not that the next amendment?

The PRESIDING OFFICER. That amendment was agreed to.

Mr. HEYBURN. I desire to offer an amendment to the amendment on page 78; I had it marked "passed over."

The PRESIDING OFFICER. What is the amendment the Senator offered?

Mr. HEYBURN. I have sent it to the desk.

The PRESIDING OFFICER. The Chair understands that the Senator is adding a new paragraph to the bill.

Mr. HEYBURN. It continues the subject-matter of the amendment that I refer to. It may be either an additional paragraph or a continuation of the paragraph already in the bill.

The PRESIDING OFFICER. It is a separate paragraph of the bill. If the Senator will wait until the committee amendments are disposed of it will then be in order.

Mr. HEYBURN. I will do so if that amendment was not passed over.

The PRESIDING OFFICER. The Chair will recognize the Senator from Idaho at the proper time. The next amendment passed over will be stated.

The SECRETARY. On page 89 the next amendment passed over proposes to strike out section 6 and insert a new section 6, to read as follows:

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. SPOONER. I make the point of order on section 6.

The PRESIDING OFFICER. Section 6 which was stricken out or section 6 which was added?

Mr. SPOONER. The new section which was added.

Mr. GALLINGER. The one in italics.

Mr. SPOONER. The amendment of which I am speaking begins on page 89, in line 18. I make the point of order on the amendment beginning in line 18, on page 89, and extending to line 24, on page 90.

The PRESIDING OFFICER. What is the Senator's point of order?

Mr. SPOONER. That it is general legislation.

The PRESIDING OFFICER. The Chair is inclined to sustain the point of order. The Chair sustains the point of order.

Mr. McCUMBER. Before the Chair finally passes on that question, I wish to ask the Chair if he holds that the provision on page 90, from line 8 down to the word "made"——

The PRESIDING OFFICER. The Chair has not been called upon to rule upon that yet.

Mr. McCUMBER. I thought that was included.

The PRESIDING OFFICER. Is that included?

Mr. McCUMBER. The Senator does not make the point with reference to the particular paragraph, but the whole provision.

Mr. SPOONER. The whole provision.

The PRESIDING OFFICER. That has not been read, and the Chair is not ready to rule upon it.

Mr. SPOONER. I will wait until the Chair has had it read, and then I will make the point of order.

The PRESIDING OFFICER. The Secretary will read the amendment. It has not been read.

The Secretary read from line 8, page 90, to line 23, inclusive, as follows:

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. McCUMBER. Now, Mr. President, I wish to see just where we are on this point of order. The payment for these funds is provided already by law in the shape of annuities that are to be paid annually to the Indians. I wish to ask the Senator from Wisconsin wherein he regards it as general legislation to provide how that apportionment shall be made? Take a case of this kind: Under the present law as it now stands we appropriate the sum, we will say, of $100,000 to a tribe of Indians consisting of a certain number as shown by the rolls. The item which appropriates the sum to carry out the provisions of a treaty provides that the sum shall be allotted in severalty to the individuals of that tribe.

It is not a question, I understand, of new legislation but of general legislation. I do not understand that the rule mentions new legislation, but it prohibits general legislation. This is not general legislation, in my opinion. It deals only with a specific matter and does not apply generally to appropriations, but to appropriations that are made and which we have to pay under the provisions of the law as it now exists. It does seem to me that whenever we make an appropriation we have a right to designate the manner in which that appropriation shall be paid out, and in doing so it would not be subject to the rule that it is general legislation.

Mr. SPOONER. Mr. President, the proposed amendment on which I make the point of order has no relation whatever to any appropriations in this bill.

It is a new scheme of general legislation. It embarks the Government upon a policy which is absolutely new. It will not do for the Senator to say that because it refers only to Indians and Indian moneys held by the Government of the United States as a trustee that it is not general legislation. Upon the same logic the Army appropriation bill might reorganize the entire Army upon new lines, and that under the Senator's theory would not be general legislation, because it referred to a specific subject—the Army. So in the naval appropriation bill we might deal with the entire Navy and recast the laws of the United States relating to the Navy, and that would not be general legislation upon the theory of the Senator, because it relates to a specific subject—the Navy.

Well, Mr. President, it has been settled over and over again that such legislation is, within the meaning of the rule, general legislation. This refers to the funds of all Indians of all tribes in the United States held by the Government in trust. It is not only general legislation, but to my mind it is, in some of its aspects, wicked general legislation which ought not to be embarked upon on an appropriation bill at the end of a short session of Congress. So I make the point of order with the utmost confidence that it should be sustained.

The PRESIDING OFFICER. The Chair sustains the point of order.

The next amendment which was passed over was, to strike out section 6, as follows:

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.

The amendment was agreed to.

The next amendment which was passed over was, on page 90, after line 23, to strike out section 7, as follows:

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 Indian 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 anchorage 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.

ARTICLE 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.

ARTICLE 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 Indian parties hereto, 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.

That 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. BERRY. That is the section as to which I gave notice last night that I would make the point of order against. The Senator from Massachusetts [Mr. LODGE] afterwards, as I am informed, did make the point of order, which is now pending.

Mr. McCUMBER. What page does the Senator from Arkansas refer to?

Mr. BERRY. I refer to section 7, on page 94.

The PRESIDING OFFICER. The amendment of the committee is to strike out section 7 and to insert a new section in lieu thereof.

Mr. BERRY. I make the point of order as to all the amendments proposed to section 7.

The PRESIDING OFFICER. What about striking out section 7?

Mr. BERRY. I raise the point of order against the amendment on page 94, after line 10, reported by the committee as section 7.

The PRESIDING OFFICER. Without objection, the striking out of section 7 of the original House bill will be agreed to, and the Secretary will read the proposed new section 7 as reported by the committee.

The Secretary read as follows:

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 commenced 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. LONG. I call the attention of the Senator from Arkansas [Mr. BERRY] to the amendment which I send to the Secretary's desk, to be substituted in place of section 7 of the bill as reported by the committee.

Mr. BERRY. Let the amendment proposed by the Senator from Kansas [Mr. LONG] be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. It is proposed to substitute for section 7 the following:

SEC. 7. That any allotted lands, except the homesteads of members of the Five Civilized Tribes, that may be subject to overflow by reason of the construction of any water power in the Indian Territory, may, with the approval of the Secretary of the Interior, be purchased by the owners of such water power from the allottees, or the same may be leased under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe.

Mr. BERRY. I understand the Senator from Kansas to suggest that as a substitute for the proposed amendment reported by the committee?

Mr. LONG. Yes, sir.

Mr. BERRY. I have no objection to that, so far as I am concerned.

The PRESIDING OFFICER. Does the Senator from Arkansas [Mr. BERRY] make the point of order against the whole section?

Mr. STEWART. The amendment of the Senator from Kansas [Mr. LONG] is a substitute for the committee amendment reported as section 7, and there is no objection to it.

The PRESIDING OFFICER. The Chair now understands that the amendment offered by the Senator from Kansas [Mr. LONG], which has just been read from the desk, is a substitute for section 7 as reported by the committee. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

The next amendment passed over 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.

The amendment was agreed to.

The next amendment passed over 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. TELLER. I desire to amend that amendment by an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado to the amendment will be stated.

The SECRETARY. In section 9, page 99, after the word "rights," it is proposed to strike out "the contract for such water shall be for a specific number of inches," and, in line 14, after the word "use," to insert "the contract for such water shall be for a specific number of inches;" so as to read:

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, the contract for such water shall be for a specific number of inches.

Mr. STEWART. That is satisfactory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCOMAS. Section 10 was stricken out on a point of order, which was sustained by the Chair. I move the amendment which I send to the desk as section 10 in lieu of the section stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 10. That to pay Lorenzo A. Bailey, out of any money in the Treasury belonging to the Osage Nation or tribe of Indians, for his fee in the Watson Stewart case under his contract with said nation, bearing date February 29, 1904, such sum as the Court of Claims may hereafter determine to be a fair and reasonable fee to him.

Mr. CULBERSON. I should like to ask the Senator from Maryland why he leaves out the words "under said contract?"

Mr. McCOMAS. At the suggestion of the chairman of the committee.

Mr. CULBERSON. What reason is that? I want a reason for it.

Mr. McCOMAS. It is entirely in line with similar appropriations, and the services were performed under contract.

The PRESIDING OFFICER. Section 10, in lieu of which the amendment is offered, went out once on a point of order, and now it is proposed to be inserted with certain words dropped out.

Mr. McCOMAS. The amendment, as I have offered it, simply leaves the Court of Claims to determine upon the contract what is a reasonable and proper fee in the case.

Mr. CLAY. Let the amendment be again read, Mr. President.

The PRESIDING OFFICER. The amendment submitted by the Senator from Maryland [Mr. McCOMAS] will be again read.

The Secretary again read the amendment of Mr. McCOMAS.

Mr. PLATT of Connecticut. How does the Court of Claims get jurisdiction? Is the case pending before the Court of Claims?

Mr. McCOMAS. That court tried the case; they know the terms of the contract and the value of Mr. Bailey's services.

Mr. TELLER. Mr. President, I do not know that I understand the amendment. Is it the purpose of it to allow the Court of Claims to fix the compensation?

Mr. McCOMAS. Yes.

Mr. TELLER. I think there is no objection to that. The court know what the services were.

Mr. McCOMAS. Yes; they tried the case.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Maryland [Mr. McCOMAS].

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment which was passed over will be stated.

The next amendment passed over was, on page 100, to insert as section 11 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.

The PRESIDING OFFICER. Without objection, the amendment will be regarded as agreed to.

Mr. PLATT of Connecticut. Let us have a vote on that, Mr. President.

The PRESIDING OFFICER. The Chair will submit the question to the Senate on the amendment which has just been stated. [Putting the question.] The "ayes" appear to have it. The "ayes" have it, and the amendment is agreed to.

The next amendment which had been passed over was, on page 107, after line 24, to insert, as a new section, the following:

SEC. 24. 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. CLARK of Montana. I offer the amendment to the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 109, after line 6, it is proposed to strike out:

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 followng 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.

And insert:

SEC. 12. That the President may reserve and except from said lands, not to exceed 1,280 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, 640 acres; to the Sisters of Charity of Providence, 320 acres, and to the Ursuline Nuns, 320 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 640 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.

Mr. CLARK of Montana. Mr. President, I desire to call up from the table an amendment which I proposed to the pending bill a few days since. This amendment I conceive to be essential for the purpose of correcting an error which would result if the bill as reported from the committee were allowed to stand. It would work a great injustice not only to the religious societies mentioned, which are directly and deeply concerned, but also to the Indians on the reservation, who have hitherto and are now the direct beneficiaries of those societies, both as regards their temporal and spiritual welfare.

I firmly believe that the amendments ordered by the committee were proposed under a misapprehension of the facts and conditions existing at St. Ignatius Mission on the Flathead Reservation, and that when the matter is clearly understood the Senate will accept the amendment now offered by me, which will set the matter right.

Mr. President, let it be clearly understood that this amendment would change the law as it now stands; the law passed on April 23, 1904, providing for throwing open the Flathead Indian Reservation, in only three respects—that is to say, first, in granting to the University of Montana 160 acres for a permanent biological station; second, the increase of the reservation of land for the use of the Ursuline Nuns and Sisters of Charity of Providence, respectively, from 160 acres to 320 acres each, and, third, the grant in fee simple of 40 acres of land to the Society of Jesus, comprising the grounds only upon which that society has erected buildings, which cost them to exceed $50,000. The law as it stands to-day grants to the Society of Jesus 640 acres of land and to each of the other religious denominations named 160 acres each, so long only as the same are maintained, used, and occupied by said organization for the purposes indicated.

On the day preceding Saturday, the 18th instant, at a meeting of the full Committee on Indian Affairs, of which I have the honor to be a member, I proposed this same amendment and made an explanation thereof as explicitly as I could. There was not a single objection raised, and the chairman of the committee ordered that the amendment should be printed in the text of the bill. The following day, when I could not be present by reason of absence from the city, the amendment was considered and radical changes were made, and the bill was ordered to be reported to the Senate. The amendment reported by the committee changed the present law in that the grant to the Society of Jesus was cut down from 640 acres to 160 acres, and the grant to the Sisters' societies was cut down to 80 acres each. That part of my amendment granting 40 acres in fee simple to the Society of Jesus was allowed to stand, as they no doubt believed that this society, by reason of its great outlay in permanent improvements, was justly entitled thereto. Likewise that portion of the amendment relating to the biological station was adopted. I will simply say for the information of those who are not familiar with the purpose of this grant that the University of Montana, a State institution, is located at Missoula, a distance of about 30 miles from the southern boundary of the Flathead Reservation.

During summer vacations the president of the university, Doctor Craig, and the professors thereof, spend their time at a camp which years ago they established by and with the consent of the Indians on Swan River, near where that river flows into Flathead Lake on the reservation. This camp is situated in a wild and picturesque region on a stream fed by perpetual glaciers that tower heavenward above it, and for scenic grandeur it is not surpassed in any habitable region on the face of this globe. It is, moreover, a region rich in biological specimens, and the researches of those enthusiastic scientists have resulted in wonderful discoveries, which have been made known to the world in a series of publications which have attracted the attention of the scientific world. To this interesting and valuable work the president and professors contribute their time, while incidental expenses are borne by contributions of parties interested, and it is now proposed to establish a permanent station and equip it in a proper manner, so that these valuable researches may be carried on systematically.

Now, with reference, Mr. President, to the amount of land allowed by the law for the use of the Society of Jesus, which it is now proposed, by the committee amendment, to reduce from 640 acres to 160 acres, and that of the Sisters' societies to 80 acres each, I want to say that this mission was established by Father De Smet in 1852, more than fifty years ago, and has been occupied by the Society of Jesus ever since. They have built a fine church and a large school building for boys, and also large school buildings for two orders of the Sisters, where the Indian girls are taught, not only to read and write and other branches, but sewing and housework. There are about 100 boys in attendance at the boys' school, and when I visited the mission a few years ago I saw them all on parade following a brass band played by Indian boys with remarkable skill, and the entire surroundings had the air of a civilized community.

Mr. STEWART. Mr. President——

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

Mr. CLARK of Montana. Yes.

Mr. STEWART. I hope the amendment offered by the Senator from Montana will be adopted. I accept it so far as I can.

The PRESIDING OFFICER. The Senator from Nevada accepts the amendment of the Senator from Montana.

Mr. BARD. I desire to be heard on this question. I desire to present to the Senate a little history concerning this amendment. Section 12 of the act referred to in the amendment is a part of an act passed by the second session of the Fifty-eighth Congress. The section provided:

SEC. 12. That the President may reserve and except from said lands not to exceed 960 acres—

To be granted to the organizations named.

Section 15 of the act provides:

SEC. 15. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency, school, and mission purposes, as provided in sections 8 and 12 of this act, at the rate of $1.25 per acre.

This is a grant of land belonging to the Indians for which the Government is to pay. Section 8 referred to provided that the land granted to the State of Montana for school purposes, being the sixteenth and thirty-sixth sections, should be paid for by the United States.

At the present session another bill was introduced and passed the House. It provided for an amendment to section 12, increasing the quantity of land to be granted to the religious societies, organizations, and the schools from 960 to 1,280 acres, and inserted all the new matter which appears in the pending bill from line 22, after the word "indicated," on page 108, down to line 7 on page 109.

The committee adopted as its amendment in this respect this bill presented at the present session, passed the House, and referred to the Senate Committee on Indian Affairs. It embodied the whole bill in the appropriation bill. There was found, however, to be attached to section 12 a very peculiar amendment or addition. Section 2 of this act of the present session, after attempting to amend section 12 of the last session, provided:

That all acts or parts of acts in conflict herewith are hereby repealed.

"All acts in conflict herewith are hereby repealed."

I do not believe, Mr. President, that the purpose of that bill was to increase the area of land to be given to these religious institutions. I do not believe that the purpose of that bill was to provide some additional land to the State of Montana. I believe, and I think any man who will examine this bill will believe, that the whole purpose of the bill was to repeal "all acts in conflict herewith."

It will be remembered that this was a grant to schools. The effect of such an amendment would be to repeal the act of 1897, which provided that no appropriation whatever should be made for the education of Indians in sectarian schools. I believe that that was the purpose of the bill. There could be no other.

These religious organizations were treated very fairly in the bill which now is a law, giving them 960 acres. It is certainly more than they can properly use for purposes of schools, etc., and they have now set aside to them for their use as long as they occupy the land for such purposes, as will be found stated in House Executive Document, Report of the Secretary of the Interior for 1894, where there is a tabulated statement showing "Lands upon Indian reservations occupied by religious societies for civilizing, educational, and religious purposes: Flathead Agency, acres granted, 60 for school purposes; Flathead Indians, 172 acres for school purposes, Roman Catholic Church"—name of the organization to whom the grant has been made in both cases—"Flathead Agency, 470 acres, Roman Catholic Church, for pasture."

There was no necessity for any further grant. They were entitled under the usual provisions and rules to occupy whatever lands might be needed for their purposes. That has been granted to them for years. There has been no necessity whatever for this legislation except, perhaps, to acquire some more land which they did not need and could only hold for speculative purposes.

In view of all the circumstances, the committee believed that a grant to the Society of Jesus of 160 acres, to the Sisters of Charity 80 acres, and to the Ursuline Nuns 80 acres was all that it was possible for them to use for their purposes. I hope the amendment will be retained.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana [Mr. CLARK] to the amendment. [Putting the question.] The "noes" appear to have it. The "noes" have it, and the amendment is rejected.

Mr. CLARK of Montana. Was that vote on the amendment to the amendment?

The PRESIDING OFFICER. On the amendment to the amendment. The Chair understood the Senator from Nevada to withdraw the other amendment.

Mr. CLARK of Montana. I want to be heard on that. I had the floor, and I yielded to the chairman of the committee. I desire to be heard upon the pending proposition before the vote is taken.

Mr. STEWART. I hope the question will be regarded as open. The Senator from Montana was about to address the Senate.

The PRESIDING OFFICER. The Chair will regard it as an open question.

Mr. CLAY. I thought the chairman of the committee accepted the amendment.

The PRESIDING OFFICER. The chairman of the committee did accept the amendment in place of the amendment that was in the bill reported by the committee, whereupon the Chair put the question to a vote and declared that the noes had it—in other words, that the amendment was rejected.

The Chair has, however, stated that it would regard it as an open question, in order that the Senator from Montana may be heard.

Mr. CLARK of Wyoming. Mr. President, I wish to know the parliamentary status. Do I understand that the entire amendment as reported by the committee is out?

The PRESIDING OFFICER. There is a paragraph of it left.

Mr. CLARK of Wyoming. The paragraph from line 7, on page 108, to line 7, on page 109.

The PRESIDING OFFICER. That is the part the Senator from Montana seeks to amend?

Mr. CLARK of Wyoming. Yes.

The PRESIDING OFFICER. The Chair understood the Senator from Nevada to accept the amendment offered by the Senator from Montana to that clause.

Mr. CLARK of Wyoming. But the Senate did not accept it.

The PRESIDING OFFICER. The Senate has not accepted it.

Mr. PLATT of Connecticut. As I recollect the matter, the Senator from Nevada said he would accept the amendment, and the Senator from California [Mr. BARD] rose and said he desired to be heard on the amendment.

The PRESIDING OFFICER. That is a correct statement.

Mr. PLATT of Connecticut. The Chair put the question on the amendment to the amendment, and declared that the noes seemed to have it, and then announced that the noes had it. Thereupon the Senator from Montana said he desired to have the question regarded as open, as he thought he had been taken off the floor. Now, the question is on agreeing to the amendment offered by the Senator from Montana [Mr. CLARK].

The PRESIDING OFFICER. The Senator from Connecticut is correct, as he always is.

Mr. CLARK of Montana. The question is on the amendment offered by me; and on it I desire to be heard.

The PRESIDING OFFICER. The Senator from Montana.

Mr. CLARK of Montana. Mr. President, the land referred to is fenced up and cultivated for the use and benefit of the Indians, and it is absolutely necessary for the proper carrying out of the great educational work which has been established there. To limit or abridge their possessions would not only be destructive of their work, but it would be absolute confiscation of the vested rights which they have enjoyed for more than half a century. I am sure that the Senator from California does not understand the conditions at this mission, or he would not make the contention that he does for the reduction in their holdings. The Senator contends that this land is paid for by the Government at the rate of $1.25 per acre. It is true that it is so provided in the bill, but it is a small matter to contend about, considering the great benefits that accrue not only to the State, but the nation at large, by reason of the influences there exerted by these societies. I would not object to the elimination of this provision, but I am sure that the Government is amply rewarded for so small an expenditure, and there is not a man in the State of Montana of ample means who would hesitate for a moment to liquidate this claim if it were feasible or necessary.

Mr. President, I can not believe that any Senator in this Chamber, with the full knowledge of the facts, would consent to inflict such a great injustice on these people. It is well-known fact that the Flathead Indians have always been religiously inclined. Prior to 1840 they sent a delegation of their tribe to St. Louis to ask that a Catholic mission be established among them. In 1840 that intrepid and devout pioneer missionary Father De Smet went out to visit them. He met them at the Three Forks of the Missouri River as they were on their

way to the buffalo country on their annual hunt, and had a conference wiht them, administering to them the rite of baptism, and then returned.

The following year he took some brothers with him and again went out to visit them in the Bitter Root Valley, located in the western part of what is now the State of Montana at a place where Stevensville now stands, and there established St. Mary's Mission and started the erection of a church. At that time there was not a white inhabitant resident in that country. These Jesuit brothers the next year brought cattle and farming implements from Fort Colville, then a Hudson Bay trading post, in Oregon. They also brought seeds of wheat and vegetables, which they planted, and thus introduced husbandry for the first time in that wild region. In 1845 some priests brought a pair of millstones from Antwerp, in Belgium, coming via the Columbia River, and these may now be seen at St. Ignatius Mission. They erected a small flouring mill and also a sawmill in that same year.

Amongst these Jesuit brothers was a learned priest and doctor named Father Ravalli. He ministered to their physical as well as their spiritual wants. He was a noted character, widely known and esteemed by all of the prominent people of Montana, and so highly was he regarded by them when he passed away that a monument, to which a large number, irrespective of religious belief, contributed, was erected to perpetuate his memory. A few years later, when a new county was created in the vicinity where he had formerly lived, they gave it the name of Ravalli, to perpetuate his name. The efforts of those early devout, self-sacrificing pioneer missionaries, far from the haunts of civilized man amongst the wild and savage children of the Rocky Mountains, have produced beneficent results.

The Flatheads are a docile, brave, manly, and industrious people, and their hands have never been stained with the blood of a white man except in one single instance, when the murderer was by them promptly surrendered to the military authorities to be executed.

Mr. President, in 1878, when Chief Joseph, chief of the Nez Perces, and his tribe were located on a reservation in Idaho, and for some alleged grievance murdered a number of white people and attempted to escape into the British possessions through the Territory of Montana, he entered the boundary of the Territory on the Lo Lo Fork of the Bitter Root River. A detachment of United States soldiers, anticipating the invasion, had been sent from Fort Shaw to oppose them, and had thrown up some fortifications to stop them from entering the valley. As the Indians were well armed and numerically much stronger than the combined forces of the soldiers and local volunteers, an assault upon the fortifications would have undoubtedly resulted in the discomfiture of the soldiers and a great loss of life would have ensued; and in their escape they would have left a trail of burnt habitations, bloodshed, and carnage all through that beautiful valley.

All this was avoided by Charlot, the chief of the Flatheads, now 80 years old, and a visitor in this city to-day, having come to witness the inauguration of President Roosevelt. He took 100 picked warriors and went to the camp of Chief Joseph and informed him that if he molested or injured a single one of the white settlers of that valley, who were his neighbors and friends and among whom he had lived so long and whom he fondly loved, he would himself lead the whites to give him battle. The result was that Chief Joseph, under promise to molest no one and to purchase and not plunder any supplies that might be required for his band, retreated and passed out into the valley by a circuitous trail and went through the divide to the Big Hole Basin without molesting anyone. He was there overtaken in a few days later by General Gibbon, when the bloody battle of the Big Hole took place. In this battle General Gibbon almost lost his life and about seventy of his soldiers and a number of volunteers were killed.

Mr. President, I mention these incidents simply to show that this tribe of Indians, as well as their teachers, who have civilized and Christianized them, are entitled to fair and, I may justly contend, generous treatment on the part of those who control the affairs of this Government. The question of sect or creed should not enter into this discussion. In the righteous work of charity, philanthropy, and benevolence exercised on behalf of poor, weak, and helpless humanity by any society or any organization, I care not what emblem or symbol of faith may be inscribed upon their banners. It is enough to know that their acts are prompted by the purest and warmest instincts of the human heart. "By their works shall ye know them;" and in this case these people, bearing the banner of the Cross, leading lives of self-abnegation, and working with a zeal and devotion worthy of all praise, are endeavoring to fulfill the divine injunction, "Go ye out into all the world and preach the Gospel to every creature." And now, in all sincerity and earnestness, I ask that this amendment may prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. CLARK] to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment which has been passed over will be stated.

The next amendment of the committee which had been passed over was, on page 109, after line 17, to insert:

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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was, on page 111, after line 4, to insert:

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.

The amendment was agreed to.

The next amendment of the committee which had been passed over was on page 11, after line 18, to insert:

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 centum of any judgment that may be rendered in favor of said Indians as provided in contracts with them, duly executed and approved.

Mr. SPOONER. What is the purpose of the reinstatement? Is it simply for the purpose of making an allowance for attorneys or is it to be tried on its merits?

Mr. STEWART. The Senator from Kansas can give that information.

Mr. LONG. It is to be reinstated for the purpose of ascertaining whether there has not been to the Government of the United States a double payment made. It is not to be reinstated for the purpose of ascertaining the attorney's fee only. It is claimed by this band of Indians there has been a double payment made, and it is to ascertain the amount.

Mr. SPOONER. Was it dismissed for want of prosecution?

Mr. LONG. It was.

The amendment was agreed to.

The next amendment passed over was to insert on page 112, after line 12, as section 20, 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 Statees; 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.

The amendment was agreed to.

Mr. CLAPP. Mr. President, on behalf of the committee, returning to page 34, I move to strike out, in line 14, the words "the Secretary of the Interior" and to insert in lieu thereof "a commission to be appointed by the President at a salary equal to that now paid to the chairman of the Dawes Commis-

sion;" and in line 16 to strike out the words "the said Secretary" and insert in lieu thereof the words "such Commission."

Mr. STEWART. That is all right.

The amendment was agreed to.

Mr. BAILEY. Mr. President, I had an amendment which I introduced, and which I had intended to offer providing for the admission of the Territories of Oklahoma and the Indian country as a State, but in view of the vote to-night by which the Senate has made it clear that when the point of order is raised against the amendment it will abandon the practice that has so long prevailed in the Senate, of voting what they want as in order, and voting what they do not want as out of order, I have decided in the interest of dispatching the public business not to present that amendment.

Mr. CLARK of Wyoming. I offer an amendment, and I call the attention of the Senator from Texas to it, who is familiar with the matter.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming will be read.

The SECRETARY. After the word "issued," in line 13, page 49, insert:

That any person who has heretofore filed a claim of record alleging citizenship in either of the nations of the Five Civilized Tribes, whose claim has been denied by reason of the fact that the laws in general terms have not provided for special cases and under which no judgment upon the merits of the case has been rendered, may within ninety days from the approval of this act file a suit in the Court of Claims, provided they shall allege in said petition, first, that the petitioner is in fact an Indian by blood; second, that the petitioner is in fact a resident of the Indian Territory; third, that he or she was entitled under the law and treaties to enrollment on June 10, 1896; fourth, that his or her failure to secure enrollment is not due to the fault of said petitioner, but ignorance of the law in this case shall be deemed an excuse; fifth, that the United States as guardian has not furnished counsel to protect his or her rights.

Said petitioner shall further set forth the full facts with relation to said case, and the fact that application was not made within the statutory period of three months from June 10, 1896, shall not operate as a bar, nor shall the fact that the petitioner was not borne upon the rolls operate as a bar, provided facts are stated entitling them to have been enrolled. The original records in such cases shall, upon written application of the petitioner addressed to the custodian thereof, be forwarded to the Court of Claims and said case or cases decided thereon, no evidence to be taken except to prove identity of the family relation of parties or such testimony as may be necessary to properly present the case under said record; but if any such record or portion thereof is lost or destroyed the same may be supplied under the usual rule and practice of said court. Suits for minors may be brought and prosecuted by the heads of families or by legally appointed guardians, and petitions may be verified by attorney, and jurisdiction is hereby conferred upon the Court of Claims to hear and determine and to equitably decide as to the rights of any such petitioners under the law, and in rendering said decision they shall consider the rights of the parties and their status as Indians, as at the commencement of the work of enrollment, on June 10, 1896, and if through no fault of theirs they have been deprived of property rights to render judgment therein.

Said causes shall be advanced upon the docket of the Court of Claims, and may, by said court, be consolidated to suit the convenience of the court.

In said cases the United States and the nation in which citizenship is claimed shall be named as parties to defendant, and service shall be made upon the Attorney-General and the governor or principal chief of said nation. If any such claimant is at the date of the filing of said suit occupying lands which have been or are in his possession he shall not be dispossessed pending a decision therein, and if there are upon the rendering of judgment in his or her favor any other unallotted lands in the nation he shall be entitled under a said judgment to an allotment therein, and to all the rights, privileges, and immunities of other citizens: *Provided*, That if the allotments have been completed prior to said judgment, then the court shall find the average value of said citizenship in land and shall award a judgment against said nation and the United States for said amount, to be paid by the United States out of the funds then to the credit of said nation in the hands of the officials of the Government.

That after the expiration of ninety days, upon the failure to bring suit hereunder, every claimant of any nature whatsoever for citizenship in either of the Five Civilized Tribes is hereby declared to be forever barred, and no suits shall be entered in any court or before any tribunal for such purposes except as herein provided.

Before the reading of the amendment was concluded,

Mr. STEWART. The Department has reported against the amendment, and I must make the point of order against it.

Mr. BAILEY. I should like to inquire of the Senator from Nevada if the Senate or the Department of the Interior is making this bill?

Mr. STEWART. The Department, exclusively.

Mr. BAILEY. I think so. It appears that way to the Senate, and I want it to appear that way in the RECORD.

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

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. CLARK of Wyoming. Had we not better have the amendment read and ascertain whether it is subject to the point of order?

Mr. BAILEY. The Senator from Nevada knows it is not in order, because the Interior Department says it ought not to pass.

Mr. CLARK of Wyoming. Yes; but I do not.

The PRESIDING OFFICER. Does the Senator from Wyoming desire to have the reading of the amendment concluded?

Mr. CLARK of Wyoming. No, sir; I do not.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. SPOONER. On page 78, line 22, in the items for the Indian school at Hayward, Wis., I move to strike out the word "one" and insert in lieu of it "two," before the word "hundred."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 22, page 78, strike out "one" and insert "two," before "hundred;" and in the next line strike out the word "seventy-five," before the word "pupils," and insert "fifteen;" so as to read "two hundred and fifteen pupils."

The amendment was agreed to.

Mr. SPOONER. In line 3, page 79, I move to strike out the word "four," after the word "thirty," and insert "eight;" to strike out the word "four," before "hundred," and insert "five," and to strike out the word "twenty" in the fourth line and to insert "seventy;" so as to read "$38,575."

I will say to the Senator from Nevada that this simply provides for the education of a few more children.

Mr. STEWART. That is all right.

The amendment was agreed to.

Mr. KITTREDGE. Mr. President, I offer an amendment.

Mr. MALLORY. I should like to inquire if the total "in all, $34,425" is the present total?

Mr. SPOONER. It is $38,575.

Mr. MALLORY. That has been changed to $38,575, but what precedes it has not been changed.

The PRESIDING OFFICER. The Chair can not state.

Mr. MALLORY. I am inclined to think there would be a discrepancy there, and for the sake of preserving the proper relation between the total and the items which go to make it up I move an amendment. There has been no change made in the first total of "$29,225."

Mr. GALLINGER. The Senator from Wisconsin proposes to make the change.

The PRESIDING OFFICER. The correction in the total will be made by the Senator.

Mr. SPOONER. I am obliged to the Senator from Florida for calling attention to it. It adds $4,175 to $29,225, which will make $33,400 instead of $29,225, in line 24.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin changing the total.

The amendment was agreed to.

Mr. SPOONER. Then I have made the aggregate correct at the end.

The PRESIDING OFFICER. The amendment will be agreed to without objection. The Senator from South Dakota [Mr. KITTREDGE] offers an amendment, which will be read.

The SECRETARY. After line 23, on page 57, insert:

That the Secretary of the Interior be, and he is hereby, authorized to issue patents in fee to Rosa Rice and Thomas Quinn, Sisseton allottees, for the lands heretofore allotted to them in South Dakota, and that he be authorized, in his discretion, to issue a patent in fee to Alice Powless, and Oneida allottee, to lands heretofore allotted to her in Wisconsin, and all restrictions as to sale, incumbrance, and taxation of said lands are hereby removed.

That the President be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to Antoine Cabney and Carroll Farley, Omaha Indians, for lands heretofore allotted them in Nebraska, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

That Runs Bowing or William Elk, Ponca allottee No. 84, to whom a trust patent has been issued for lands heretofore allotted to him in Nebraska, containing restrictions upon alienation, may sell and convey a tract of land lying on both sides of the right of way of the Chicago and Northwestern Railway, not exceeding 5 acres, 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 a final patent without restrictions had been issued to the allottee.

That the Secretary of the Interior be, and he hereby is, authorized, in his discretion, to issue a patent in fee to John Thompson, a Santee-Sioux Indian, in lieu of the trust patent heretofore issued to him for the lands in Nebraska, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BAILEY. Before it is adopted I should like to know if it has been submitted to the Secretary of the Interior.

The PRESIDING OFFICER. The Chair is unable to inform the Senator from Texas.

Mr. BAILEY. I imagine that either the Senator proposing

the amendment or, if he could not, the chairman of the committee might inform the Senate if the amendment has received the approval of the Interior Department.

Mr. KITTREDGE. Mr. President, the Secretary of the Interior and the Commissioner of Indian Affairs have approved of the amendment.

Mr. BAILEY. In spite of that fact I will vote for it. [Laughter.]

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

The amendment was agreed to.

Mr. HEYBURN. I desire to offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 78, after line 18, insert:

To enable the Secretary of the Interior to build certain school buildings to replace those destroyed by fire last June at the Lemhi Agency, Idaho, or in his discretion to expend the amount for the purpose of establishing day schools on the Lemhi Reservation, $27,500.

Mr. STEWART. That is all right.

The PRESIDING OFFICER. The Senator from Nevada accepts the amendment?

Mr. STEWART. I accept the amendment.

Mr. HEYBURN. I desire nevertheless——

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. HEYBURN. I desire to make a few remarks in explanation of the amendment. It provides that the agent may, in his discretion, expend this sum of money for the establishment of day schools in lieu of rebuilding the rather elaborate and expensive buildings proposed by the report which was submitted by the Secretary for the restoration of this school.

I desire to have the attention of the Senate for a moment on that question. It is a new departure in the way of Indian educational policy, and I desire to commend it to the Senate not only in this instance, but that it may be a subject of thought with Senators between now and the time we deal with this subject again. I am not anxious to make a speech upon the subject, but I think that it is one of sufficient importance to direct the attention of the Senate to and to be made a part of the record of the case. The average cost of educating Indian children in the United States is something over $600. It costs as much to educate the Indian child as it does to send a boy to college. This proposes to change that policy. In other instances I propose to urge upon the Senate a change of policy in regard to the establishment of Indian schools and substitute day schools for elaborate educational institutions.

I appreciate the courtesy of the chairman in accepting the amendment. Nevertheless I feel that if not a duty it is at least a privilege that I have to make these remarks.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] The noes appear to have it. The noes have it, and the amendment is rejected.

Mr. HEYBURN. Mr. President——

Mr. MALLORY. I will make a point of order against the amendment.

Mr. HEYBURN. I desire the attention of the Senate for a moment.

The PRESIDING OFFICER. The Senator from Florida moves to reconsider the vote. The Chair will grant the request. The Senator from Idaho is recognized.

Mr. HEYBURN. I understand the question is open yet.

The PRESIDING OFFICER. It is still open. The Chair will consider it still an open question.

Mr. HEYBURN. I do not know why an amendment which provides for the construction of buildings for an Indian school that have been burned, and which was received with such courteous attention by the Senate, should be laughed down. I do not understand it. Are the Indians of the Lemhi Agency to go without a school simply because the chairman of the committee having charge of this measure announced his intention to accept the amendment and because I saw fit to submit some remarks in regard to it? It seems to me that the measure is entitled to a little more serious consideration than that.

Would you leave these Indian children without any provision for their education, making an exception in their case by refusing to appropriate the money recommended by the Department for the establishment of their schools? The only variance between this and the usual provision is that the agent may in his discretion establish day schools instead of one of the elaborate schools that have been established at other agencies. I ask the Senate to reconsider the levity with which they have dealt with this proposed amendment and give it that consideration which is meet upon such an occasion.

Mr. CLAY. Mr. President, I have been informed that this item is provided for in a general item for education elsewhere in the bill; that the matter has been gone over with the Commissioner of Indian Affairs, and he states that there will be ample money to rebuild this building without any special appropriation for it. The bill now contains about seventeen pages of general legislation. I do not believe that there has ever been an appropriation bill before the Senate since I have been here that contains so much general legislation as this bill. We now have only three more days to work, and I think it ought to come to an end. I make the point of order that the amendment is general legislation.

Mr. HEYBURN. Mr. President, I wish to say that just before the adjournment of the Senate this evening I communicated with the Commissioner of Indian Affairs in regard to the necessity for this appropriation, and I am authorized to say that there is no provision for the reconstruction of these buildings and that he recommends this particular amendment.

The PRESIDING OFFICER. The Chair sustains the point of order that it is general legislation.

Mr. DUBOIS. Mr. President, I do not want any misunderstanding with my colleague. There is a provision in the bill, on page 74:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $1,300,000.

For construction, purchase, lease, and repair of school buildings, and sewerage, water supplies, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, $300,000.

Then, in italics, "and fifty," making it $350,000. I talked with the Commissioner of Indian Affairs in regard to the Lemhi school and he said they could amply provide for it under this general appropriation. He made that statement to me in the committee room. So I felt satisfied that the Lemhi school would be repaired.

I have no objection to the amendment, and would be very glad to join my colleague in his specific appropriation for this purpose; I shall vote with him with great pleasure; but I felt it had been provided for in the general appropriation.

Mr. HEYBURN. I will say that the information which I have from the Commissioner of Indian Affairs is only three or four hours old, and I am afraid that my colleague will find that there will not be any provision made for the reconstruction of these schools.

I regret very much that we should understand the matter in such different lights as to the necessity for this provision. The Commissioner has suggested that either this be introduced in the form it is or that it be separated, and the total to which the Senator refers shall be increased $27,500 for the purpose of building this school. This amendment is in the exact form of the one that immediately precedes it, which does not seem to have been subject to the objection or to the rule which has just been adopted by the committee. Why the rule should hold against one amendment, and be overlooked as against another is not apparent to me; and I do not want to find out too late that no provision is made for the reconstruction of these buildings.

I am afraid that my colleague is misinformed in regard to it. It is not possible that the Commissioner could make the mistake of asking, within the last few hours, that this amendment should be introduced in order that these buildings might be restored if such were not the case.

While the Chair has held the point of order will be sustained against the amendment, I would ask the Senate, Mr. President, to consider it in the light of the provision that immediately precedes it, a provision of exactly the same character, providing for the restoration of buildings burned at an agency in Wisconsin. I hope the Senator will not insist on the point of order and leave these people unprovided for.

Mr. CLAY. I do think these matters ought to stop. But other matters have gone in, and if the Senate wants to vote it in I will withdraw the point of order and let the Senate determine the question.

The PRESIDING OFFICER. The Senator from Georgia withdraws his point of order.

Mr. HEYBURN. I ask that the question be submitted to the Senate.

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

The amendment was agreed to.

Mr. SMOOT. I move to insert, in line 18, page 73, after the word "of," the word "contiguous."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 73, line 18, after the word "of," and before the words "mineral land," insert the word "contiguous;" so as to read:

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 contiguous mineral land in the Uintah Reservation, Utah, etc.

The amendment was agreed to.

Mr. HEYBURN. I desire to propose another amendment.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment, which will be stated.

The SECRETARY. On page 37, after line 12, insert:

For the completion of the survey and subdivision of the Fort Hall Indian Reservation in the State of Idaho, and of lands to be allotted to the Indians thereon, $20,000, or so much thereof as may be necessary, the amount so expended to be reimbursable from the proceeds of lands of said reservation when sold.

Mr. HEYBURN. Mr. President, I will say in explanation of this amendment that this survey is partly made. The amendment provides for the completion of the survey preliminary to the allotment of the lands. It adds nothing to the appropriation. The Government is reimbursed as provided in such cases.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

The PRESIDING OFFICER. There is one other amendment on page 35, line 17. The Senator from Texas [Mr. BAILEY] made some request in regard to some words in that amendment, and it was not acted on, but passed over.

Mr. LONG. In lines 17 and 18.

The PRESIDING OFFICER. In lines 17 and 18. The Secretary will read.

The Secretary read as follows:

And the subleasing of the estates of minors is hereby prohibited.

Mr. STEWART. That was stricken out.

The PRESIDING OFFICER. The motion to strike it out was not agreed to.

Mr. STEWART. Let it be agreed to now.

The PRESIDING OFFICER. Without objection, the lines will be stricken out.

The bill was reported to the Senate as amended.

Mr. QUARLES. I desire to offer two verbal amendments to secure accuracy in expression.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. Insert after the word "reserve," in line 18, page 62, "and such mineral lands as were disposed of by the act of Congress of May 27, 1902;" so as to read:

That the said unallotted lands, excepting such tracts as may have been set aside as national forest reserve, and such mineral lands as were disposed of by the act of Congress of May 27, 1902.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the Senator from Wisconsin will be stated.

The SECRETARY. Insert, after the word "reserves," on line 22, page 63, "and subject to the mineral rights granted by the act of Congress of May 27, 1902;" so as to read:

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, and subject to the mineral rights granted by the act of Congress of May 27, 1902, etc.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole. The amendments will be considered as concurred in if there be no objection. The bill is in the Senate, and still open to amendment.

Mr. FULTON. I offer an amendment, to come in after the word "dollars," in line 3, page 30.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. After line 3, on page 30, it is proposed 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 $500,000 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. FULTON. Mr. President, that is an amendment reported by the Committee on Indian Affairs, which was ruled out on a point of order, and I have modified it by reducing the amount.

I realize the lateness of the hour and the anxiety of the Senate to complete this bill, and I shall take up but a few moments of time to explain the amendment.

I am privately informed by the chairman of the committee that he will accept the amendment if I do not make a speech in its support, and will not accept it if I do. Therefore I shall not proceed further.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. NEWLANDS. Mr. President, I desire to make a point of order—that it is general legislation—against the amendment at the bottom of page 36 and running over on page 37.

The PRESIDING OFFICER. The amendment referred to by the Senator from Nevada will be stated.

The SECRETARY. On page 36, after line 22, there was inserted in the bill the following:

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.

Mr. NEWLANDS. Mr. President, I will state briefly that I have no objection to the purpose this amendment has in view; but I have an objection to the method by which it is proposed to be accomplished. It involves a serious change in the reclamation act, and may involve exemptions under that act which may be sought to be extended hereafter. The matter has not been considered by the Irrigation Committee, and I make the point of order against it that it is general legislation.

The PRESIDING OFFICER. The Chair will state that all the amendments adopted as in Committee of the Whole have been concurred in in the Senate, and of course the point of order, unless the Senate desires to have the amendment considered reserved, can not be made at the present time.

Mr. GALLINGER. Mr. President, it is proper that it should be stated that the Senator from Nevada [Mr. NEWLANDS] when the bill was in Committee of the Whole, called attention to this matter and was informed that he could make the point in the Senate.

The PRESIDING OFFICER. There is no doubt of that in the mind of the Chair, but the amendment not having been reserved——

Mr. GALLINGER. I think the Senator from Nevada ought to be permitted that privilege. He evidently did not observe when the statement was made by the Chair as to concurring in the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. The Chair will then regard the matter as open, and will entertain the Senator's point of order.

Mr. NEWLANDS. I ask the ruling of the Chair on the point of order I have made.

Mr. DUBOIS. There are some very great friends of irrigation on the Committee on Indian Affairs, and on that committee we took this under very careful consideration. At the outside there will not be fifty Indians who will have the exemption; it will not take anything at all out of the reclamation fund, and practically it can not do any harm to that fund.

Mr. NEWLANDS. Regarding that, I will say that if this exemption is applied to Indians the chief danger is, I think, that a similar exemption will be sought in other cases. I believe the integrity of the reclamation fund should be maintained. It is a revolving fund placed in the Treasury. As money is expended for the lands and they are sold the moneys received from such sales go into this fund again.

If one class of people can secure exemption from the payment provided for by that act, others may come in for such exemptions hereafter, and thus the fund will be gradually diminished and possibly the burden of the work will be thrown upon the general Treasury.

It seems to me that a matter of this importance should not be acted upon until it goes before the Irrigation Committee. There, I have no doubt, the matter can be so shaped as to do substantial justice to the Indians; possibly to give them the exemption that is desired, and at the same time maintain the integrity of the act.

Mr. CLARK of Wyoming. Mr. President, I hope the Senator from Nevada will refrain from making the point of order. If he will read the amendment, he will see that it does not apply to all Indians. It only applies to such Indians as have holdings outside of Indian reservations. They are very few; and it was thought by the committee that where Indians were unable to comply strictly with the law as it is they should have water for their holdings. The amendment takes nothing whatever out of the reclamation fund.

Mr. NEWLANDS. The fact that it applies to very few cases is what I object to. I shall have to press my point or order, Mr.

President, although I am very reluctant to differ from my associates of the West.

Mr. CLARK of Wyoming. I hope the Senator will help out those Indians in their irrigation projects.

Mr. CLAPP. I think a mistake has been made in the drafting of the provision. The idea was not for exemption, but to grant the Indians an extension of time, and I believe the language would hardly amount to what the Senator from Nevada [Mr. NEWLANDS] supposes.

The PRESIDING OFFICER. The Chair sustains the point of order.

If there be no further amendments the question is, Shall the amendments be engrossed, and the bill read a third time?

Mr. CLARK of Montana. I desire to offer an amendment.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which will be stated.

The SECRETARY. On page 109, after line 17, it is proposed to insert:

The President is also hereby authorized to reserve not to exceed 5,000 acres of timber land for the use of said Indians as a fuel supply under such restrictions and regulations as may be prescribed by the Secretary of the Interior.

Mr. CLARK of Montana. Mr. President, a bill for this purpose passed the other House a few days ago——

Mr. STEWART. I will accept the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. CLARK].

The amendment was agreed to.

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.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. McCUMBER submitted an amendment proposing to appropriate $750 to pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $750 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

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

H. R. 17019. An act granting certain lands to the city of Tacoma, in the State of Washington, for use as a public park; and

H. R. 18752. An act for the resurvey of certain townships in the counties of Rock and Brown, in the State of Nebraska.

H. R. 16914. An act to provide for the investigation of leprosy, with special reference to the care and treatment of lepers in Hawaii, was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

H. R. 17102. An act 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, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

The following bills were severally read twice by their titles, and referred to the Committee on Irrigation and Reclamation of Arid Lands;

H. R. 19118. An act to authorize the Secretary of the Interior to construct dams across the Yellowstone River in Montana, in connection with irrigation works; and

H. R. 18528. An act to provide for the covering into the reclamation fund certain proceeds of sales of property purchased by the reclamation fund.

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

H. R. 19029. An act to regulate the construction of dams across navigable waters; and

H. R. 19140. An act to authorize Trigg County, Ky., to bridge the Cumberland River at or near Canton, Trigg County, Ky.

H. R. 19052. An act to incorporate the American Academy in Rome was read twice by its title, and referred to the Committee on the Library.

RESTORATION OF LAND TO PUBLIC DOMAIN.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 6644) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions.

The amendments were, on page 1, line 3, after "domain," to insert "subject to the easement provided for in section 2 hereof;" on page 2, after line 5, to insert:

SEC. 2. That the lands hereby restored shall forever be and remain subject to the right of the United States to overflow the same, or any thereof, by such reservoirs as now exist or may hereafter be constructed upon the headwaters of the Mississippi River, and all patents issued for the lands hereby restored shall expressly reserve to the United States such right of overflow.

On page 2, line 11, after "confirmed," to insert "subject to the easement reserved by section 2;" change section 2 to section 3; change section 3 to section 4; change section 4 to section 5; and to amend the title so as to read: "A bill to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law, with certain restrictions."

Mr. NELSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

APPRAISERS OF MERCHANDISE.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4069) to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise; which were, on page 1, line 6, after "designate," to strike out down to and including "days" in line 7; on page 1, to strike out all of line 10 down to and including line 5, page 2, and to insert:

SEC. 2. That in case of the sickness, disability, or occasional and necessary absence from his office of an appraiser of merchandise in any customs collection district it shall be lawful for the appraiser to nominate, and the Secretary of the Treasury to confirm, an assistant appraiser or other officer of the customs in the same customs collection district, who shall perform the functions of the appraiser, without additional compensation, during such absence: *Provided*, That in no case shall any person enter upon or discharge the duties of the appraiser or assistant appraiser of merchandise until he shall have taken the oath required by law of such officer.

Mr. PENROSE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of House bill 17865, being the post-office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17865) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. PENROSE. I ask unanimous consent that the first formal reading of the bill may be dispensed with, and that it be read for amendment, the committee amendments first to receive consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and that order is made.

The first amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the Postmaster-General," on page 1, line 13, before the word "thousand," to strike out "two" and insert "three;" on page 2, line 1, before the word "five," to insert "dollars each; five inspectors at two thousand;" in line 2, before the word "inspectors," to strike out "six" and insert "eight;" in line 3, before the word "inspectors," to strike out "fifteen" and insert "twenty;" in line 4, before the word "inspectors," to strike out "fifteen" and insert "twenty;" in line 6, before the word "inspectors," to strike out "seventy" and insert "seventy-five;" in line 7, before the word "inspectors," to strike out "sixty" and insert "seventy;" in line 8, before the word "inspectors," to strike out "forty-two" and insert "thirty;" in line 9, before the word "hundred," to strike out "three" and insert "four;" in line 10, before the word "thousand," to strike out "sixty-two" and insert "fifteen;" and in the same line, before the word "dollars," to strike out "and fifty" and insert "seven hundred;" so as to make the clause read:

Salaries of post-office inspectors: For salaries of fifteen inspectors in charge of divisions, at $3,000 each; five inspectors, at $2,500 each; eight inspectors, at $2,400 each; twenty inspectors, at $2,250 each; twenty inspectors, at $2,000 each; seventy-five inspectors, at $1,600 each; seventy inspectors, at $1,400 each; and thirty inspectors, at $1,200 each; in all $415,700.

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the word "hundred," to strike out "one" and insert "two;" in the same

line before the word "thousand," to strike out "ninety-five" and insert "ten;" so as to read:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, $210,000, etc.

The amendment was agreed to.

Mr. ALLISON. If the Senator from Pennsylvania will yield to me at this time, I will make a motion to adjourn.

Mr. PENROSE. I will yield to the Senator, if it is his desire and the desire of the Senate to adjourn, although so far as I am concerned I am willing and prepared to go on with the post-office appropriation bill, which has been greatly delayed.

Mr. NELSON. It is a pretty important bill, and I trust it will go over until to-morrow.

Mr. PENROSE. I yield, Mr. President.

Mr. ALLISON. I will not press my motion.

LAND DISTRICT IN UTAH.

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. PENROSE. For what purpose?

Mr. GAMBLE. I desire to report House bill 17934 from the Committee on Public Lands, and to ask unanimous consent for the present consideration of the bill. It is a very short bill and involves a matter of great importance to the State of Utah.

Mr. CLAY. Mr. President, we never will get through with the appropriation bill at this rate. It will consume at least a day's discussion. There is one item in it which will consume half a day, and if we are going to take up other bills and pass them, we will not get through.

Mr. GAMBLE. The bill which I desire to have considered is only one page in length.

Mr. PENROSE. I have been waiting for a week to get the Senate to consider the post-office appropriation bill. There are at least fifteen Senators who have filed requisitions with me for the present and immediate consideration of very meritorious measures. I have already yielded to the Indian appropriation bill and the naval appropriation bill, and it seems to me that the Senate ought to go on with the post-office appropriation bill or adjourn. I feel compelled to object.

Mr. SMOOT. Before the Senator objects, I should like to make a statement. The bill for which consideration is asked provides for the creation of a land district in the State of Utah. The Indian appropriation bill which has just passed provides for the opening of the Uintah Reservation in Utah on the 1st day of September. If this bill does not pass, the land district there will not be created in time for the opening of the reservation and the throwing open of the land to settlement.

The bill has passed the House, it is recommended by the Department, and it will not take more than two minutes to pass it. It is not over ten lines or so long, and I will ask the Senator from Pennsylvania to allow the bill to be passed.

Mr. PENROSE. I have already yielded the floor to the Senator from Iowa [Mr. ALLISON], who desires to make a motion. If he chooses to yield to allow the bill to pass, I will not object.

Mr. ALLISON. I will yield for that purpose, and then I will move that the Senate adjourn.

Mr. GAMBLE. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 17934) to provide for a land district in Wasatch and Uintah counties, in the State of Utah, to be known as the Uintah land district, and for other purposes, to report it with amendments, and to submit a report thereon. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments of the Committee on Public Lands were, in line 4, after the word "Uintah," to strike out the word "county" and insert "and Carbon counties;" and in line 9, to strike out "Vernal, in Uintah County," and insert "such place within the territory above described as the President of the United States may designate;" so as to make the bill read:

Be it enacted, etc., That all that portion of the State of Utah included within the present boundaries of Uintah and Carbon counties, and also within the boundaries of that part of the Uintah Indian Reservation which lies within the present boundaries of Wasatch County, is hereby constituted a new land district, to be called the Uintah land district, and that the land office for said district shall be located at such place within the Territory above described as the President of the United States may designate.

The amendments were 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 the third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for a land district in Wasatch, Uintah, and Carbon counties, in the State of Utah, to be known as the Uintah land district, and for other purposes."

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 1, 1905, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 28, 1905.

REGISTER OF LAND OFFICE.

John W. Miller, of Wisconsin, whose term will expire March 8, 1905, to be register of the land office at Wausau, Wis. (Reappointment.)

PROMOTION IN THE ARMY—ARTILLERY CORPS.

First Lieut. Ralph S. Granger, Artillery Corps, to be captain, with rank from February 2, 1905, vice Gallup, detailed in the Ordnance Department.

CONFIRMATION.

Executive nomination confirmed by the Senate February 28, 1905.

POSTMASTER.

ALABAMA.

Dora Crook to be postmaster at Jacksonville, in the county of Calhoun and State of Alabama.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 28, 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.

LAND IN ST. AUGUSTINE, FLA., FOR SCHOOL PURPOSES.

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3478) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes.

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

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HULL. Mr. Speaker, has the committee reported this bill?

Mr. DAVIS of Florida. Yes; and I ask that the committee amendments be agreed to.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the title to the piece or strip of Government land in the city of St. Augustine, Fla., bounded by lines as follows: Commencing at a point north 63 degrees 9 minutes west 132.86 feet from a stone monument on the boundary line of Fort Marion Reservation, distant 20.83 feet east of the city gates and on the production eastward of a line following the north face of said gates, running thence south 82 degrees 29 minutes west 2,393.49 feet, more or less, to a point north 7 degrees 31 minutes west 121 feet from the intersection of the south boundary line of the United States reservation known as "The Lines" with the west boundary of Malaga street; thence south 7 degrees 31 minutes east 75 feet; thence north 82 degrees 29 minutes east 2,393.49 feet, more or less; thence north 7 degrees 31 minutes west 75 feet to the point of commencement (courses magnetic, variation 2 degrees 50 minutes east); also all that portion of the said "Lines" from Malaga street west to the San Sebastian River, be, and the same is hereby, vested in the board of public instruction of St. Johns County, Fla., and its successors in office forever, on condition that the said board of public instruction of St. Johns County, Fla., lay a suitable drain from a point on Fort Marion Reservation near the city gates to the Matanzas River, said drain to be approved by the Chief of Engineers and the work to be executed under the supervision of the local engineer officer, and the said board of public instruction of St. Johns County, Fla., is hereby authorized to sell and convey so much of the western portion of said strip of ground as will enable said board to reclaim the eastern portion thereof to make said eastern portion available for the erection thereon of a public school building and to provide commodious playgrounds in connection with said school.

The following committee amendments were read:

Strike out in line 3, on page 1, the words "title to the" and insert in lieu thereof the following: "Secretary of War be, and he is hereby, authorized to deed to board of public instruction of St. Johns County, Fla., and its successors in office so much of the following-described."

Also strike out the word "also" in line 11, page 2, of the bill, and all following said word, and insert in lieu thereof the following: "as the said Secretary of War may deem sufficient for school purposes:

Provided, That said deed shall contain a clause to the effect, 'whenever said property ceases to be used for school purposes, the same shall revert to, and become the property of, the United States.'"

Mr. DAVIS of Florida. Mr. Speaker, I move the adoption of the committee amendments.

The committee amendments were 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. DAVIS of Florida, a motion to reconsider the last vote was laid on the table.

SCHOOL LANDS IN THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17748) to set aside certain public lands in the Philippine Islands, and the proceeds of the sale thereof, for school purposes.

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

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the government of the Philippine Islands shall set aside 25 per cent of the area of the public lands of the Philippine Islands, the proceeds of the sale of which shall constitute a fund in the treasury of said islands, to be expended only by lawful appropriation, for the construction of buildings for public primary schools in said islands and for the maintenance of such primary schools, including the pay of teachers, and that said government shall also set aside 5 per cent of said area the proceeds of the sale of which shall constitute a fund to be expended only by lawful appropriation for the construction of public buildings for schools for higher education in said islands and for the maintenance of such schools, including the pay of teachers: *Provided, however*, That the aggregate area of 30 per cent of the public lands of said islands so to be set aside shall be exclusive of the lands known as the "friar lands," purchased under the provisions of sections 63, 64, and 65 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

The following committee amendments were read:

In line 4, page 1 of the bill, strike out the word "area" and insert in lieu thereof the words "proceeds of all sales hereafter made."

In line 5, page 1, strike out the words "the proceeds of the sale of."

In line 7, page 1, insert after the word "for" the words "the purchase of sites and."

In line 8, page 1, insert after the word "schools" the words "and public industrial schools."

In line 9, page 1, strike out the word "primary."

In line 10, page 1, after the word "aside," insert the words "an additional."

In line 11, page 1, strike out the words "said area" and also the comma between the words "area" and "the;" and in the same line strike out the words "the sale of" and insert in lieu thereof the words "all such sales."

At the end of line 12 insert the words "purchase of sites and the."

In line 13, page 1, strike out the word "public" and insert the word "public" after the word "for" as it first occurs in the line.

Strike out the word "the" at the end of line 15, page 1, and all of line 16 on the same page, and the words "islands so to be set aside shall be exclusive," in line 1, page 2, of the bill, and insert in lieu thereof the words "this act shall not apply to the proceeds of the sales of."

The amendments were agreed to.

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

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

By unanimous consent, on motion of Mr. COOPER of Wisconsin, the title was amended so as to read: "A bill to set aside a portion of the proceeds of the sales of public lands in the Philippine Islands for school purposes."

BRIDGE ACROSS COLDWATER RIVER, MISSISSIPPI.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18596) to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi.

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

The Clerk read the title.

The SPEAKER. Is there objection?

There was no objection.

The bill was read. It provides that the county of Quitman, Miss., is hereby authorized and empowered to erect, construct, and maintain a bridge, by and through its proper officers, over the Coldwater River, near Parnells Ferry, in section 25, township 29 north, range 2 west, in the county of Quitman, State of Mississippi: *Provided*, That the plans and location of the said bridge are approved by the Secretary of War before the construction of the bridge is commenced.

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

BRIDGE ACROSS TALLAHATCHIE RIVER, MISSISSIPPI.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18597) to authorize the county of Quitman to construct a bridge across the Tallahatchie River, Mississippi.

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

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask that the reading of the bill be dispensed with. It is identical with the bill that has just been read, except as to the location of the bridge.

The SPEAKER. The Chair understands it is a duplicate of the other bill, except that it provides that the county authorities may build at another place.

Mr. HUMPHREYS of Mississippi. Yes.

The SPEAKER. This is intended to give them discretion.

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

BRIDGE ACROSS COLDWATER RIVER, MISSISSIPPI.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18598) to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi.

The SPEAKER. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask that the reading of the bill be dispensed with, as it is identical with the other bill just passed except the location of the bridge.

The SPEAKER. Without objection, the reading of the bill will be dispensed with.

There was no objection.

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

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

RESTORATION OF LANDS TO PUBLIC DOMAIN IN WISCONSIN AND MINNESOTA.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6644) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes, to be restored to the public domain, subject to entry under the homestead law, with certain restrictions.

The SPEAKER. Is there objection?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to know something about the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby restored to the public domain, subject to the easement provided for in section 2 hereof, all the lands described in a certain proclamation of the President of the United States, dated November 28, 1881, Executive Document No. 872, withdrawing and withholding certain lands from market or entry and reserving the same to aid in the construction of certain reservoirs to be built at the headwaters of the Mississippi and St. Croix rivers, in the States of Minnesota and Wisconsin, and of the Chippewa and Wisconsin rivers, in the State of Wisconsin, except lot 7 of section 33 and lot 5 of section 34, township 144, range 28 west of the fifth principal meridian; and that these lands when so restored shall be subject to homestead entry only.

SEC. 2. That in all cases where any of the lands restored to the public domain by the first section of this act have heretofore been sold or disposed of by the proper officers of the United States under color of the public-land laws, and the consideration received therefor is still retained by the Government, the title of the purchasers may be confirmed, if, in the opinion of the Secretary of the Interior, justice requires it; and in all cases where first or preliminary homestead entries have been made of the lands hereby restored, and the entrymen have attempted to make final proof and final entry, such entrymen shall have a preferred and prior right to enter such lands under the homestead law on showing a compliance with the requirements of said law as to settlement, cultivation, proof, and payment.

SEC. 3. That no rights of any kind, except as specified in the foregoing section, shall attach by reason of settlement or squatting upon any of the lands hereinbefore described before the day on which such lands shall be subject to homestead entry at the several land offices; and until said lands are opened for settlement no person shall enter upon and occupy the same, and any person violating this provision shall never be permitted to enter any of said lands or acquire any title thereto.

SEC. 4. That this act shall take effect six months after its approval by the President of the United States.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how many acres of land this restores?

Mr. VOLSTEAD. I will explain.

Mr. COOPER of Wisconsin. I reserve the right to object.

Mr. VOLSTEAD. It restores some fifteen or sixteen thousand acres to the public domain. Some years ago plans were adopted for the purpose of building some reservoirs upon the headquarters of the St. Croix and the Mississippi rivers. At that time no definite survey of the lands necessary for these reservoirs had been made so that it could be told just how much or what lands were needed. To avoid having persons enter on the lands, and thereby compel the United States afterwards, if it should need the lands so entered upon, to purchase them, the President made an order withdrawing a much larger quantity of land from settlement than needed for these reservoirs. Since then these surveys have been made and the reservoirs built, so that it has been determined definitely just what lands are needed. This bill does not restore to settlement any of the lands that will be needed for these reservoirs. A bill similar to this passed the Senate in the Fifty-fifth Congress. At that time the matter was submitted to the Secretary of the Interior, and he reported that all the lands needed were excepted from the bill. This bill is a copy of the bill which at that time passed the Senate. To avoid any question as to the future, we have put in an amendment expressly reserving right to flow any and all of these lands, in the event that they should at any time become necessary. We reserve in the United States the right of flowage and to increase the flowage so that the Government will be absolutely protected.

This bill has the indorsement of the Committee on Public Lands; it is a unanimous report from that committee. So far as I know there is no objection to the bill.

Mr. JENKINS. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he will not lay the bill aside temporarily to give us an opportunity to examine it. It affects many of the districts in Wisconsin, and not one of the Members of Wisconsin has any information in regard to the bill. It may be that it is just and wise and ought to pass, but we would like to know something about it.

Mr. VOLSTEAD. The lands affected by the Wisconsin withdrawal have long since been restored, and the Secretary of the Interior reports that this land is not needed for reservoir purposes.

Mr. JENKINS. We do not want to object to the bill or oppose it if it is all right. But as it affects the lands in our districts we would like to have time to examine the matter if the gentleman will consent to let it be laid aside and give us a chance to look it over.

Mr. VOLSTEAD. Under the circumstances, Mr. Speaker, I will agree to that.

Mr. COOPER of Wisconsin. Mr. Speaker, this is too important a bill to pass in this way, and I object.

BRIDGE ACROSS TUG FORK RIVER AT NOLAN, MINGO COUNTY, W. VA.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18902) to authorize Everett Leftwich, of Williamson, W. Va., to bridge the Tug Fork of the Big Sandy River at Nolan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill at length.

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

On motion of Mr. HUGHES of West Virginia, a motion to reconsider the last vote was laid on the table.

DAM ACROSS THE MISSISSIPPI RIVER AT BEMIDJI, MINN.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19026) permitting the building of a dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn.

The Clerk read the bill, as follows:

Be it enacted, etc., 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.

SEC. 2. 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.

SEC. 3. 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.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The following committee amendments were read:

On page 3, line 3, after the word "fishways," insert the words "and lights."

Page 3, line 4, after the word "the," strike out the words "United States Fish Commission," and insert in lieu thereof the words "Secretary of Commerce and Labor."

Page 3, line 18, after the word "within," strike out the word "three" and insert in lieu thereof the word "one."

Page 3, line 19, after the word "within," strike out the word "six" and insert in lieu thereof the word "three."

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

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

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

PURCHASE OF LANDS BY SCHOOL DISTRICT NO. 12, ROSEAU COUNTY, MINN.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6522) to enable independent school district No. 12, Roseau County, Minn., to purchase certain lands, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Nay may puck, to whom the Secretary of the Interior was authorized by the act of Congress of May 27, 1902 (32

SEC. 7. That all grand and petit jurors summoned for service in each Stat. L., p. 261), to allot lands in severalty on the ceded portion of the Red Lake Reservation, Minn., such allotment to be subject to the provisions of the act of Congress of February 8, 1887 (24 Stat. L., p. 388), is hereby authorized to sell and convey to independent school district No. 12, Roseau County, Minn., the following-described lands, being a part of the lands selected for allotment by the said Nay may puck: Beginning at a point on the bank of the Warroad River 33 feet west of quarter section line running north and south through section 29, township 163 north, of range 36 west, fifth principal meridian; thence northerly along the west side of State street, in Moody's addition to the original town site of Warroad, a distance of 340 feet to a point on the south side of the Roseau-Warroad road; thence angle 124 degrees 30 minutes in a northwesterly direction along the southerly side of said road a distance of 700 feet; thence angle 90 degrees in a southwesterly direction a distance of 165 feet to bank of Warroad River; thence in a southeasterly direction along the bank of said Warroad River to the place of beginning, containing about 4 acres and being a part of lot 1, section 29, township 163 north, of range 36 west, of the fifth principal meridian, Minnesota, such conveyance, however, to be subject to the approval of the Secretary of the Interior, and when so approved shall convey a fee-simple title to said school district the same as if a final patent had been issued to said Indian without restrictions as to alienation.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill.

Mr. STEENERSON. Mr. Speaker, the Indian Nay May Puck was given 80 acres of land by special act of Congress, but it is not subject to alienation for twenty-five years. This land is adjoining the village of Warroad, which desires to purchase 4 acres for a school site. The Indian not being able to convey it, it is necessary to have an act of Congress to enable the Indian to convey with the consent of the Secretary of the Interior.

Mr. SULZER. Is the Indian willing to sell this land?

Mr. STEENERSON. If he is not, he does not have to under this bill.

Mr. SULZER. I have no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

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

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

UNITED STATES CIRCUIT AND DISTRICT COURTS AT SELMA, ALA.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6232) to provide for circuit and district courts of the United States at Selma, Ala., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the northern division of the southern judicial district of the State of Alabama is hereby established, composed of the counties of Dallas, Hale, Marengo, Monroe, Perry, and Wilcox. And all other counties now in the southern judicial district of the State of Alabama shall constitute the southern division of the southern district of Alabama; and the courts of said southern division shall be held in Mobile, as now provided by law.

SEC. 2. That a term of the circuit court and of the district court for the northern division of the southern judicial district of the State of Alabama shall be held in Selma, in Dallas County, in said State, on the first Monday in November and the fourth Monday in May in each year; and it shall be the duty of the clerk, marshal, and other officers of the southern judicial district to attend said terms of said court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed: *Provided, however*, That suitable rooms and accommodations are furnished for the holdings of said courts free of expense to the Government of the United States.

SEC. 3. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division. All issues of fact in said suits shall be tried at the term of the court held in the division where the suit is so brought.

SEC. 4. That prosecutions for crime or offenses hereafter committed in any of the counties of the northern division shall be cognizable within such division; and all prosecutions for crime or offenses heretofore committed within either of said counties, taken, as aforesaid, from the middle and southern districts, or committed in the middle or southern districts as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

SEC. 5. That all civil suits and proceedings now pending in the circuit or district courts of either district or division from which the counties constituting this division have been taken, and which would, after the passage of this act, be required to be brought within the northern division of said southern district, may be transferred by consent of all parties or by order of the court to said northern division of said district, and there disposed of in the same manner and with like effect as if the same had been instituted therein; and all processes, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the northern division of said southern district, and in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

SEC. 6. That in all cases of removal of suits from the courts of the State of Alabama to the courts of the United States in the southern and middle districts of Alabama such removal shall be made to the United States courts in the division in which the county is situated from which the removal is made, and the time within which such removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 7. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provision hereinbefore contained issued in either of said divisions may be served and executed in either or all of said divisions.

SEC. 8. That this act shall be in force from and after the 1st day of April, A. D. 1905.

SEC. 9. That all acts or parts of acts inconsistent herewith are hereby repealed.

The following committee amendments were read:

1. Amend caption so as to add the words "and Tuscaloosa" after the word "Selma."

2. Amend by striking out the word "Monroe" where it appears in the fifth line of the first page.

3. Amend by striking out the word "fourth" in the first line of page 2 and inserting in lieu thereof the word "first" where the word "fourth" now appears.

4. Amend by striking out all of section 8 of the bill after the words "Section 8," in line 6, page 4 of the bill, and insert in lieu of the words so stricken out the following:

"That the western division of the northern district of the State of Alabama is hereby established, composed of the counties of Tuscaloosa, Bibb, Greene, Sumter, and Pickens, and a term of the circuit and district court of the western division of the northern district of Alabama shall be held in Tuscaloosa, in Tuscaloosa County, in said State, on the first Tuesday in January and June of each year; and it shall be the duty of the clerk, marshal, and other officers of the northern judicial district of said State to attend said terms of court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If, in the opinion of the court, it shall become necessary, a deputy clerk may be appointed: *Provided, however*, That suitable rooms and accommodations shall be furnished for the holding of said court free of expense to the Government of the United States. All other provisions of this act relating to the northern division of the southern district of Alabama shall, as far as applicable, relate and apply to the western division of the northern district of Alabama."

5. Strike out all that appears after the words "Section 9," in section 9, and insert in lieu of the words stricken out the following:

"That in all prosecutions for crimes or offenses heretofore committed within either the northern, middle, or southern districts of Alabama, as hitherto constituted, such prosecutions shall be commenced and proceeded with in each of said districts, respectively, the same as if this act had not been passed. This act shall be in force from and after April 1, A. D. 1905. All laws and parts of laws inconsistent with this act are hereby repealed."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman a question. I see the bill provides for a term of court at Selma, I take it where there has not been any, and also provides that a suitable building for holding the court shall be furnished for it.

Mr. BANKHEAD. It simply provides that the Government of the United States shall be put to no expense for the establishment of this court.

Mr. PAYNE. Without expense to the United States?

Mr. BANKHEAD. Yes.

Mr. PAYNE. Is there such a building there now?

Mr. BANKHEAD. Yes; we have a magnificent, large courthouse.

Mr. PAYNE. So that this will not be an excuse for a public building next year?

Mr. BANKHEAD. No.

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

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time; was read the third time, and passed.

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

RESTORING LANDS TO PUBLIC DOMAIN IN WISCONSIN AND MINNESOTA.

Mr. VOLSTEAD. Mr. Speaker, I again ask unanimous consent for the present consideration of the bill (S. 6644) to authorize the President of the United States to cause certain lands, heretofore withdrawn from market for reservoir purposes, to be restored to the public domain, subject to entry under the homestead law, with certain restrictions, which bill was reported to the House a few minutes ago, but which was objected to.

The SPEAKER. Is there objection?

Mr. CLARK. Mr. Speaker, reserving the right to object, I would like to know something about the bill.

Mr. LIND. Mr. Speaker, will my colleague the gentleman from Minnesota [Mr. VOLSTEAD] yield to me for a moment?

Mr. VOLSTEAD. Yes.

Mr. LIND. I think I can explain the matter in a very few words. As the gentleman knows, some years ago we authorized the President of the United States to reserve certain lands for reservoir purposes in the northern part of our State. The reservation was made. These lands were withdrawn from public settlement—not a very large quantity, some four or five sections altogether, as I recollect. They will not in all human probability be needed for reservoir purposes. The Senate passed a bill surrendering all claim of the Government to the land. When that bill was referred to the Committee on Public Lands, of which my colleague the gentleman from Minnesota [Mr. VOLSTEAD] and I are members, I conferred with the War Department, and came to the conclusion that possibly some isolated tracts might be overflowed if the public improvement were ever undertaken. So this bill is drawn providing that, whatever disposition is made of the lands, whether entered under the homestead law or otherwise, the Government will have a perpetual easement to overflow them, without claim for damages, for any public purpose. There is no question, therefore, but that the interests of the public and the local interests of the settlers are conserved.

The SPEAKER. Is there objection?

There was no objection.

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

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

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

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that the title be amended by striking out the words "authorize the President of the United States to," so as to make it conform to the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

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

BRIDGE ACROSS THE CUMBERLAND RIVER AT OR NEAR CANTON, KY.

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

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19140) to authorize Trigg County, Ky., to bridge the Cumberland River at or near Canton, Trigg County, Ky.

The bill was read at length.

The amendments were read and agreed to.

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

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

ADDITIONAL UNITED STATES JUDGES IN THE STATE OF ILLINOIS.

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

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

An act (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.

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 there shall be in the seventh circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to circuit judges of the United States.

SEC. 2. That there shall be in and for the northern district of Illinois an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to other district judges.

SEC. 3. That the northern district of Illinois hereafter shall consist of the following counties in the State of Illinois, to wit: Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Whiteside, Lee, Ogle, Dekalb, Lasalle, Grundy, Kendall, Kane, Dupage, Will, and Cook, and that all other counties in the northern district of Illinois as the same has heretofore existed be, and the same are hereby, detached from the northern district of Illinois and annexed to the southern and eastern districts of Illinois, as hereinafter provided.

SEC. 4. That the northern district of Illinois shall be divided into two divisions, to be known as the eastern and western divisions. The counties of Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Whiteside, Lee, and Ogle shall constitute the western division of said northern district of Illinois, the courts for which shall be held at the city of Freeport.

SEC. 5. That the terms of the circuit and district courts in and for said northern district of Illinois shall be held at the city of Chicago, as now provided by law, and at the city of Freeport, in the western division of said district, on the third Mondays of April and October of each year.

SEC. 6. That all civil suits not of a local nature, and all criminal prosecutions, shall be commenced and tried in the division of the said northern district of Illinois where the defendant or defendants reside or the offense is committed; but if there are two or more defendants in civil suits residing in the different divisions or districts, the action may be brought in either in which either of the defendants may reside. When the defendant is a nonresident of the district, action may be brought in either division of said district wherein the defendant may be found.

That the marshal and clerk of said district shall each, respectively, appoint at least one deputy to reside in said city of Freeport, unless he shall reside there himself, and also maintain an office at that place of holding court.

SEC. 7. That the division heretofore made of the northern district of Illinois into two divisions, known as the northern and southern divisions of the northern district of Illinois, is hereby abolished, provided that this act shall not work a discontinuance of any suit or proceeding in law, equity, admiralty, or bankruptcy, or any civil proceeding now pending in the southern division of the northern district of Illinois, but all of said suits or proceedings so pending are hereby transferred to the southern district of Illinois as by this act constituted, and shall be heard and disposed of in said southern district of Illinois as though originally instituted in said southern district of Illinois; and it shall be the duty of the clerk of the court from which such suit or proceeding is transferred to transmit to the clerk of the court to which the transfer is made the entire files or papers in all of said causes and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record under the seal of the court of all orders, interlocutory decrees, or other entries in any or all of said causes; and he shall also certify under the seal of the court that the papers sent are all which are on file in said court belonging to said causes respectively; for the performance of said duties said clerks shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs in said causes respectively; and such transcripts when so certified and received shall thenceforth constitute a part of the record of said causes respectively in the court to which such transfer shall be made: *Provided*, That all motions and causes submitted and all causes and proceedings, in law, equity, admiralty, or bankruptcy, pending in said southern division of the northern district of Illinois as heretofore constituted, in which evidence has been taken in whole or in part before the district judge of the northern district of Illinois, or taken in whole or in part and submitted to and passed upon by said district judge of said northern district of Illinois, shall be retained, proceeded with, and disposed of in said northern district of Illinois as constituted in this act, and for this purpose the venue of any such causes or proceedings may be changed from the southern division of the northern district of Illinois as heretofore existing to the northern district of Illinois as constituted by this act.

SEC. 8. That all officers who have been heretofore appointed for the northern district of Illinois as heretofore constituted who shall be in office at the time of the taking effect of this act and who reside therein as hereby constituted shall continue in office as officers of the district of their residence until the expiration of their respective terms or until their successors are appointed and qualified, and shall perform the same duties and receive the same salary and compensation as heretofore.

SEC. 9. That the southern district of Illinois hereafter shall consist of the following-named counties, to wit: Rock Island, Henry, Bureau, Mercer, Knox, Stark, Putnam, Marshall, Henderson, Warren, Peoria, Woodford, Livingston, McLean, Tazewell, Fulton, McDonough, Hancock, Dewitt, Logan, Mason, Schuyler, Adams, Brown, Cass, Menard, Macon, Sangamon, Christian, Morgan, Montgomery, Pike, Scott, Macoupin, Greene, Calhoun, Jersey, Bond, and Madison, and that all the other counties heretofore contained in said southern district are hereby detached from said southern district and annexed to the eastern district of Illinois, as hereinafter provided.

SEC. 10. That the southern district of Illinois shall be divided into two divisions, to be known as the northern and southern divisions. The counties of Peoria, Bureau, Stark, Henry, Rock Island, Mercer, Henderson, Warren, Knox, McDonough, Fulton, Putnam, Marshall, Woodford, Tazewell, and Livingston shall constitute the northern division of said southern district of Illinois, the courts for which shall be held at the city of Peoria.

That all civil suits not of a local nature, and criminal prosecutions, must be brought in the division of the said southern district of Illinois where the defendant or defendants reside, or the offense is committed; but if there are two or more defendants in civil suits residing in the different divisions or districts, the action may be brought in either in which either of the defendants may reside. When the defendant is a nonresident of the district, action may be brought in either division of said district wherein the defendant may be found.

That the clerks of the circuit and district courts of the southern district of Illinois shall be respectively the clerks of the courts of both divisions of the said district; that each of said clerks or his deputies shall keep an office open at all times at each of the places of holding of said court and shall there keep the records, files, and documents pertaining to the court of that division; and said clerks shall be entitled to the same fees now allowed by law. In addition to his powers to appoint deputies, as now prescribed by law, each of said clerks shall be empowered to appoint, with the approval of the court, a chief deputy for a court of that division in which he himself may not reside, who shall have all the powers of the clerk in his absence.

That the marshal and clerk for said southern district of Illinois shall respectively appoint at least one deputy residing in the said northern division, and also maintain an office at that place of holding court.

That the terms of the circuit and district courts in and for said southern district of Illinois shall be held as now provided by law, and, at the city of Peoria, in the northern division of said district, on the third Mondays of April and October of each year.

SEC. 11. That the marshal and the clerks of the circuit and district courts for the southern district of Illinois in addition to the offices now maintained by them shall, respectively, maintain an office at the city of Peoria.

SEC. 12. That there shall be, and hereby is, created an additional judicial district in the State of Illinois to be known as the eastern district of Illinois, and the same shall consist of the following named counties in Illinois, to wit: Kankakee, Iroquois, Ford, Vermilion, Champaign, Piatt, Moultrie, Douglas, Edgar, Shelby, Coles, Clark, Cumberland, Effingham, Fayette, Marion, Clay, Jasper, Crawford, Lawrence, Richland, Clinton, St. Clair, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Gallatin, Saline, Williamson, Jackson, Hardin, Pope, Johnson, Union, Alexander, Pulaski, and Massac.

SEC. 13. That the President, by and with the advice and consent of the Senate, shall appoint for said eastern district of Illinois a district judge, a marshal, and a district attorney, except where any such officer is retained as hereinafter provided; and clerks for said circuit and district courts shall be appointed in the same manner as is now provided by law with respect to such officers in the southern district of Illinois.

SEC. 14. That the courts and the judges of said eastern district of Illinois shall, within said district, respectively possess the same jurisdiction and powers, civil, criminal, equitable, or otherwise, and perform the same duties as are now respectively possessed and performed by the circuit and district courts and judges of the United States of the southern district of Illinois.

SEC. 15. That the district judge of said eastern district of Illinois shall receive the same compensation as is now by law provided for the district judge of the southern district of Illinois; and the marshal, district attorney, and clerks of the circuit and district courts shall severally possess the powers and perform the duties in said eastern district lawfully possessed and performed by the like officers in the said southern district of Illinois and shall be respectively entitled to like fees, compensation, and emoluments, and, until otherwise provided by law, the salaries herein prescribed or provided for shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 16. That the terms of the circuit and district courts in and for said eastern district of Illinois shall be held at the city of Danville, commencing on the first Mondays of March and September of each year, and at the city of Cairo, commencing on the first Mondays of April and October of each year, and at the city of East St. Louis, commencing on the first Monday of May and November of each year.

SEC. 17. That all civil causes and proceedings of every name and nature, including proceedings in bankruptcy, now pending in the courts of the northern and southern districts of Illinois as heretofore constituted, whereof the courts of the eastern district of Illinois, as hereby constituted, would have had jurisdiction if the said eastern district of Illinois and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to, and the same shall be proceeded with in, the eastern district of Illinois, and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and such records and proceedings when so certified and transferred shall thenceforth constitute a part of the record of said causes, respectively, in the court to which such transfer shall be made, and all such suits and proceedings so transferred shall be heard and disposed of in the regular way at the terms of said courts for the eastern district of Illinois to be held at Danville, East St. Louis, and Cairo, respectively, as herein provided: *Provided*, That all motions and causes submitted and all causes and proceedings in law, equity, admiralty, or bankruptcy pending at the

time of the taking effect of this act in the northern and southern districts of Illinois as heretofore constituted in which the evidence has been taken in whole or in part before the judges of the said northern and southern district of Illinois as heretofore constituted or taken in whole or in part and submitted to and passed upon by the said judges shall be retained, proceeded with, and disposed of in said northern and southern districts of Illinois, respectively, as constituted by this act.

SEC. 18. That the district judge of the southern district of Illinois in office at the time this act takes effect shall continue to be the district judge for the southern district of Illinois as constituted by this act; that the clerk of the circuit court for the southern district of Illinois in office at the time this act takes effect shall continue to be clerk of the circuit court of the southern district of Illinois as constituted by this act until his successor is appointed and qualified, and the clerk of the district court of the southern district of Illinois in office at the time this act takes effect shall continue to be clerk of the district court of the southern district of Illinois until his successor is duly appointed and qualified, and said clerks of the circuit and district courts of the southern district of Illinois in office at the time this act takes effect shall also be clerks of the circuit and district courts of the eastern district of Illinois, respectively, as constituted by this act until their successors are duly appointed and qualified.

SEC. 19. That all officers not residing in said southern district of Illinois as constituted by this act shall cease to be officers of said southern district when their successors, respectively, for said southern district of Illinois as hereby constituted are duly appointed and qualified. The office of marshal and district attorney in each of said southern and eastern districts of Illinois, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said eastern district of Illinois and the provisions of this act, and all vacancies created in either of said districts shall be filled in the manner now provided by law for the appointment of said officers, respectively, in the southern district of Illinois as the same has heretofore existed. The salaries, pay, fees, and allowances of all officers of the eastern district of Illinois shall be the same as heretofore allowed, respectively, for the same officers in the southern district of Illinois as heretofore constituted.

SEC. 20. That all officers who have heretofore been appointed for the southern district of Illinois as heretofore constituted who shall be in office at the time of taking effect of this act and who reside in said southern district as heretofore existing shall continue in their offices, respectively, of the district of their respective residences as created by this act until the expiration of their respective terms of appointment or until their successors are appointed and qualified, and shall perform the same duties and receive the same salaries and compensation as heretofore.

SEC. 21. That special terms of the circuit and district courts may be held in the northern, southern, and eastern districts of Illinois whenever such special terms are deemed necessary by the judges of said courts, respectively, and the time or times of holding such special sessions of said courts shall be fixed by the judges of said courts, respectively, either by a rule of such courts or by special or general order of such courts entered of record in said courts.

SEC. 22. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed.

SEC. 23. That in all prosecutions for crimes or offenses heretofore committed within either the northern or southern districts of Illinois as hitherto constituted shall be commenced and proceeded with in each of said districts, respectively, the same as if this act had not been passed.

SEC. 24. That all laws or parts of laws inconsistent herewith are hereby repealed.

The bill was ordered to be read a third time; was read the third time, and passed.

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

ADDITIONAL UNITED STATES JUDGE OF THE DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY.

Mr. PARKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5768.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk began the reading of the bill.

Mr. CLARK. Mr. Speaker, I want to reserve the right to object. I can not find what is in the bill because there is so much uproar. We can not hear a word of it.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

An act (S. 5768) to provide for an additional judge of the district court of United States for the district of New Jersey.

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of New Jersey, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from New Jersey if he can inform us how many additional Federal judges have been provided for in the reports from the Committee on the Judiciary during the present Congress?

Mr. PARKER. I think the last bill we passed provides for Illinois.

Mr. MANN. That is passed, I will say to the gentleman.

Mr. PARKER. That is passed, and you asked me what bills had passed.

Mr. MANN. I beg the gentleman's pardon. I asked him how many Federal judges had been provided for in bills which had been reported from the Committee on the Judiciary during the present Congress.

Mr. PARKER. And I say that one has two judges. There is one here for New Jersey, there is one reported and in conference for South Carolina, and there has been another reported, but it has not been before the House, and I am not sure whether——

Mr. LITTLEFIELD. Three new judges for Illinois.

Mr. MANN. Gentlemen can not make anything out of me by referring to Illinois. The Illinois bill, I can say to the gentleman, has passed, and I wish to ask, if I can find out from the Judiciary Committee, how rapidly we are increasing the number of Federal judges.

Mr. PARKER. No other bill has passed except Washington, and I believe that is hung up in the Senate. South Carolina has passed the House and the Senate, but with amendments, and is in conference. New Jersey is the only other one that has passed this House, if it passes now.

Mr. MANN. They were not passed at the last session of Congress. The ones to which the gentleman has replied have been all passed at this session of Congress.

Mr. PARKER. I do not remember any, but I will not speak positively. I will say as to New Jersey that if he will examine my minority report in reference to Oregon, I distinctly say that the two districts in the United States most needing relief are the northern district of Illinois and the district of New Jersey. In 1900 there were 1,883,000 people, and there comes a request from the circuit judges, as well as the district judges, saying relief is imperatively demanded, together with a letter from the Attorney-General concurring with their opinion.

Mr. MANN. I quite agree with the gentleman that the New Jersey case is meritorious, and I know that the Illinois case had some merit in it, but I question a good many other cases which have arisen.

Mr. PARKER. I agree with the gentleman.

Mr. PAYNE. Are there any other bills reported?

Mr. LITTLEFIELD. Yes; two more.

Mr. PARKER. Mr. Speaker, I filed the minority report, I remember, to the Oregon case.

Mr. PAYNE. Mr. Speaker, I think it was held up.

Mr. LITTLEFIELD. The Oregon bill creates a judge.

Mr. PAYNE. What other bill is there?

Mr. LITTLEFIELD. One relating to South Carolina.

Mr. PAYNE. I think that has passed.

Mr. CRUMPACKER. Will the gentleman from New Jersey [Mr. PARKER] answer a question?

Mr. PARKER. Yes, sir.

Mr. CRUMPACKER. Is there but one district judge in New Jersey now?

Mr. PARKER. There is only one district judge in New Jersey now.

Mr. STEPHENS of Texas. I desire to know whether or not this bill is unanimously reported?

Mr. PARKER. Yes, sir.

Mr. STEPHENS of Texas. What is the necessity for it—increase of litigation or increase of population in that State?

Mr. PARKER. Population and business. The patent litigation is very large because of the enormous variety of manufactures in the State. The corporate litigation is very large because of the large number of corporations there and whose insolvencies have to be taken care of, and the admiralty revenue and other business is quite up to the average.

Mr. STEPHENS of Texas. I will ask the gentleman from New Jersey [Mr. PARKER] if he does not think that the fact that so many trusts have their homes there that it probably creates a necessity in this case?

Mr. PARKER. By the term "trust" does the gentleman from Texas [Mr. STEPHENS] mean large corporations?

Mr. STEPHENS of Texas. Yes.

Mr. PARKER. There are very large corporations incorporated in New Jersey because of New Jersey laws, which are just and equitable.

Mr. LIND. Will the gentleman from New Jersey [Mr. PARKER] yield to me for a question?

Mr. PARKER. I will.

Mr. LIND. Would it be satisfactory to the gentleman to have an amendment offered transferring Judge Swayne to that district? [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time; was read a third time, and passed.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments

bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 18467. An act making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments 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, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. CLARK of Wyoming, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to 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 message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14467. An act to amend chapter 508 of the United States Statutes at Large, volume 32, part 1, Fifty-seventh Congress, entitled "An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C.;" and

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

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. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes.

The message also announced that the Senate had passed the following joint resolution:

H. J. Res. 208. Joint resolution to authorize the President of the United States to convey to the foreign governments participating in the Louisiana Purchase Exposition the grateful appreciation of the Government and the people of the United States.

The message also announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 108.

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 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.

The message also announced that the Senate had appointed Mr. GORMAN as a conferee on the part of the Senate on the bill (S. 3343) to authorize the Anacostia, Surrattsville and Brandywine Electric Railway Company to extend its street railway in the District of Columbia, in place of Mr. MARTIN, excused.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee:

Senate concurrent resolution 108.

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 is hereby accepted.

That the President pro tempore of the Senate and 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.

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. 13503. An act granting an increase of pension to Catharine J. Hill;

H. R. 13444. An act granting an increase of pension to Eugene H. Harding;

H. R. 12093. An act granting an increase of pension to Sarah A. McMurtrie;

H. R. 12753. An act granting an increase of pension to James M. Martin;

H. R. 12157. An act granting an increase of pension to Asher D. Bice;

H. R. 12670. An act granting an increase of pension to William Nease;

H. R. 12810. An act granting an increase of pension to Octavia J. Trull;

H. R. 12411. An act granting an increase of pension to Joseph D. Walser;

H. R. 12468. An act granting an increase of pension to Andrew Deming;

H. R. 12158. An act granting an increase of pension to Lyman L. Smith;

H. R. 12558. An act granting an increase of pension to George Van Horn;

H. R. 11501. An act granting an increase of pension to Sarah S. Mulcahey;

H. R. 14125. An act granting an increase of pension to Joel Hudson;

H. R. 14958. An act granting an increase of pension to Hiram Burkholder;

H. R. 13654. An act granting an increase of pension to Thomas H. Soward;

H. R. 13905. An act granting an increase of pension to Moses Jones;

H. R. 11316. An act granting an increase of pension to Daniel J. Nunnemaker;

H. R. 14594. An act granting an increase of pension to Mary E. Williams;

H. R. 13061. An act granting an increase of pension to Henry S. Tillinghast;

H. R. 13447. An act granting an increase of pension to Nancy A. Rickman;

H. R. 13881. An act granting an increase of pension to Nancy Gabriel;

H. R. 13305. An act granting an increase of pension to Amos L. Griffith;

H. R. 13541. An act granting an increase of pension to Ephraim E. Lake;

H. R. 13486. An act granting an increase of pension to Henry Hovey;

H. R. 14481. An act granting an increase of pension to Albert H. Estes;

H. R. 15931. An act granting an increase of pension to Ephraim L. Mack;

H. R. 14665. An act granting an increase of pension to Harriet H. Heaton;

H. R. 14613. An act granting an increase of pension to Samuel E. Rumsey;

H. R. 14395. An act granting an increase of pension to Frank Loveley;

H. R. 14456. An act granting an increase of pension to Henry Leichty;

H. R. 14410. An act granting an increase of pension to Moses F. Colby;

H. R. 14935. An act granting an increase of pension to William G. Taylor;

H. R. 14771. An act granting an increase of pension to Alexander Hawkins;

H. R. 14785. An act granting an increase of pension to Warren C. Gilbreath;

H. R. 14021. An act granting an increase of pension to Henry C. Earle;

H. R. 14034. An act granting an increase of pension to Edward C. Sanders;

H. R. 15151. An act granting an increase of pension to Rebecca C. Goodson;

H. R. 15349. An act granting an increase of pension to George C. Smith;

H. R. 15751. An act granting an increase of pension to Aglaé Bache;

H. R. 15210. An act granting an increase of pension to Isaac N. Hawkins;

H. R. 15648. An act granting an increase of pension to Joseph Sawyer;

H. R. 15720. An act granting an increase of pension to William T. Finch;

H. R. 15861. An act granting an increase of pension to Charles O. Lapham;

H. R. 15000. An act granting an increase of pension to Isabel Nichols;

H. R. 15008. An act granting an increase of pension to Engelhardt Roemer;
H. R. 15913. An act granting an increase of pension to Hiram R. Freelove;
H. R. 14925. An act granting an increase of pension to Robert T. Porter;
H. R. 14271. An act granting an increase of pension to John C. Tinker;
H. R. 15873. An act granting an increase of pension to Sarah T. Moffett;
H. R. 15778. An act granting an increase of pension to Michael Hanberry;
H. R. 15337. An act granting an increase of pension to Levi L. Martz;
H. R. 15018. An act granting an increase of pension to Joel V. Green;
H. R. 15262. An act granting an increase of pension to Charles Brick;
H. R. 15158. An act granting an increase of pension to Alexander Lessley;
H. R. 15904. An act granting an increase of pension to John K. Hughes;
H. R. 15727. An act granting an increase of pension to Lotwig Evans;
H. R. 15789. An act granting an increase of pension to Samuel Bickford;
H. R. 15748. An act granting an increase of pension to Evan E. Young;
H. R. 15750. An act granting an increase of pension to William Bechtel;
H. R. 15045. An act granting an increase of pension to William L. Waterman;
H. R. 10081. An act granting an increase of pension to William A. Russell;
H. R. 10649. An act granting an increase of pension to Lucius Harrington;
H. R. 746. An act granting an increase of pension to William H. Gilman;
H. R. 928. An act granting an increase of pension to Mark S. Clay;
H. R. 786. An act granting an increase of pension to Joseph V. Howell;
H. R. 12349. An act granting an increase of pension to Thomas D. Horner;
H. R. 15925. An act granting an increase of pension to Nellie Barrett;
H. R. 15950. An act granting an increase of pension to Edward J. Lewis;
H. R. 15084. An act granting an increase of pension to Joseph W. Miller;
H. R. 15642. An act granting an increase of pension to John H. Coonrod;
H. R. 15096. An act granting an increase of pension to Isaiah S. Winters;
H. R. 15961. An act granting an increase of pension to Henry Frederick;
H. R. 3406. An act granting an increase of pension to Thomas J. Peaks;
H. R. 3908. An act granting an increase of pension to Jacob Trautman;
H. R. 11105. An act granting an increase of pension to Peter Fournier;
H. R. 11014. An act granting an increase of pension to Robert L. Duncan;
H. R. 10244. An act granting an increase of pension to George W. Nance;
H. R. 11142. An act granting an increase of pension to Charles H. L. Groffmann;
H. R. 10039. An act granting an increase of pension to Margaret C. Hecker;
H. R. 10487. An act granting an increase of pension to Almira Carico;
H. R. 10804. An act granting an increase of pension to Sarah Kearney;
H. R. 10837. An act granting an increase of pension to Elizabeth A. Copper;
H. R. 10506. An act granting an increase of pension to Charles H. Gardner;
H. R. 10210. An act granting an increase of pension to Chester S. Rockwell;
H. R. 1865. An act granting in increase of pension to Ormon W. Walsh;
H. R. 2465. An act granting an increase of pension to Mary A. Craig;
H. R. 2487. An act granting an increase of pension to John M. Rutherford;
H. R. 2741. An act granting an increase of pension to William H. Smith;
H. R. 2479. An act granting an increase of pension to Lander Robinson;
H. R. 3061. An act granting an increase of pension to John H. Hardy, third;
H. R. 2992. An act granting an increase of pension to Solomon B. Umphrey;
H. R. 3175. An act granting an increase of pension to James H. Pemberton;
H. R. 3239. An act granting an increase of pension to Daniel Ford;
H. R. 3437. An act granting an increase of pension to William B. Shepard;
H. R. 3526. An act granting an increase of pension to Mary H. Walker;
H. R. 3900. An act granting an increase of pension to William W. Donham;
H. R. 5637. An act granting an increase of pension to Lou Gates;
H. R. 5297. An act granting an increase of pension to Hampton L. Maxfield;
H. R. 5691. An act granting an increase of pension to Henry Rinehart;
H. R. 5701. An act granting an increase of pension to James M. Harper;
H. R. 5641. An act granting an increase of pension to Morris B. Slawson;
H. R. 6910. An act granting an increase of pension to Mary E. Campbell;
H. R. 6992. An act granting an increase of pension to Isaac B. Vandevanter;
H. R. 6607. An act granting an increase of pension to John Blair;
H. R. 1266. An act granting an increase of pension to Marshall Cox;
H. R. 1551. An act granting an increase of pension to Edward S. Clithero;
H. R. 1900. An act granting an increase of pension to Samuel Visnow;
H. R. 2017. An act granting an increase of pension to Johan Mohr;
H. R. 9458. An act granting an increase of pension to Martha A. Harper;
H. R. 9598. An act granting an increase of pension to Ambrose N. Smith;
H. R. 9130. An act granting an increase of pension to Charles Van Way;
H. R. 9478. An act granting an increase of pension to Austin P. Hemphill;
H. R. 4454. An act granting an increase of pension to Andrew F. Kraner;
H. R. 4636. An act granting an increase of pension to Martin J. Severance;
H. R. 4984. An act granting an increase of pension to Charles F. Bowman;
H. R. 5000. An act granting an increase of pension to Jackson D. Siner;
H. R. 5044. An act granting an increase of pension to Joseph L. Croskrey;
H. R. 4721. An act granting an increase of pension to Thomas Hutchinson;
H. R. 5390. An act granting an increase of pension to Katharina A. Mueller;
H. R. 5623. An act granting an increase of pension to Annie Creagh;
H. R. 7060. An act granting an increase of pension to Palin H. Sims;
H. R. 7518. An act granting an increase of pension to Eliza Flynn;
H. R. 7443. An act granting an increase of pension to William Henry Lewis;
H. R. 7423. An act granting an increase of pension to Thomas D. Fitch;
H. R. 8820. An act granting an increase of pension to Thomas L. Judd;
H. R. 8626. An act granting an increase of pension to Rosa Rossiter;
H. R. 8352. An act granting an increase of pension to John Salsbury;
H. R. 7593. An act granting an increase of pension to Charles H. McGee;
H. R. 9580. An act granting an increase of pension to John Knight;
H. R. 9367. An act granting an increase of pension to James T. Collier;

H. R. 9517. An act granting an increase of pension to Joseph Starr;

H. R. 9430. An act granting an increase of pension to Stephen Houghtaling;

H. R. 6714. An act granting an increase of pension to George E. Pierson;

H. R. 5730. An act granting an increase of pension to James McEntire;

H. R. 7429. An act granting an increase of pension to John Q. Converse;

H. R. 6324. An act granting an increase of pension to John H. McKee;

H. R. 7716. An act granting an increase of pension to John W. McIntyre; and

H. R. 7218. An act granting an increase of pension to Alfred F. Clarke.

RECOVERY OF DUTIES PAID IN PORTO RICO.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17102.

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

The Clerk read as follows:

A bill (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.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the time within which actions may be brought in the Court of Claims for the recovery of customs duties paid to the military authorities in the island of Porto Rico upon articles imported from the several States and entered at the several ports of entry in Porto Rico from and including April 11, 1899, to May 1, 1900, under the act of April 29, 1902, chapter 640 of the laws of the Fifty-seventh Congress, first session, be, and it is hereby, extended until six months from the date of the passage of this act.

Mr. PAYNE. Mr. Speaker, I would like to inquire, reserving the right to object, what committee reported that bill?

The SPEAKER. The Committee on the Judiciary, it seems.

Mr. PAYNE. Mr. Speaker, I think that bill ought to go to the Committee on Ways and Means.

Mr. HARRISON. If the gentleman from New York [Mr. PAYNE] will allow me, I will inform him that this bill does not go to the essence of these claims. It merely goes to the procedure.

The SPEAKER. The Chair will state to the gentleman from New York [Mr. PAYNE] that it seems that the bill went first to the Committee on Claims and then the reference was changed by the House from the Committee on Claims to the Committee on the Judiciary.

Mr. PAYNE. I think the bills for the refunding of revenues have been sent invariably to the Committee on Ways and Means.

Mr. LITTLEFIELD. Mr. Speaker, I can explain that in a moment. This bill simply removes the bar of limitations and authorizes to bring suit for about six months longer. Whether the Committee on the Judiciary had proper jurisdiction of it or not, I do not say, but the committee had exactly the same subject-matter before it at least a year or two ago, and everything that has been enacted by Congress in that line, I think, the Committee on the Judiciary has passed upon.

Mr. HARRISON. If my colleague [Mr. PAYNE] will permit me——

Mr. PAYNE. Mr. Speaker, I would like to find out if the Committee on the Judiciary made any inquiry to ascertain the amount of these claims?

Mr. HARRISON. I will inform the gentleman from New York [Mr. PAYNE] that in the brief filed by the counsel for some of the claimants, who appeared before the Judiciary Committee, there is a statement that the sum total of these claims, most of which belong to Porto Rican merchants, and two to residents of the United States, will not amount to more than about $25,000; and the original act, passed about two years ago, to enable these Porto Rican merchants to sue for the refund of customs duties, ran only six months. This proposition is to extend that time for six months more from the date of the passage of this bill.

Mr. PAYNE. The original bill, which passed the House two years ago, was reported by the Committee on Ways and Means, I have a very distinct recollection, and we gave them all the time they desired.

Mr. HARRISON. I will explain to the gentleman that at that time matters were in great confusion in Porto Rico, and it is no wonder that they did not know about some legislative enactments in the United States. I will say further as to the two largest of these claimants, that one of them (a corporation) was in the hands of a receiver, and its affairs were very much confused at the time of the passage of the original act; and in the case of another, the second largest claimant, the affairs of that corporation were also very much confused. There was no laches on the part of the claimants in any way. I will state to the gentleman further that if you refuse to let this bill come before the House it will not destroy the claims in the slightest, but will seriously embarrass the people of Porto Rico in their prosecution of these claims, since they are not accustomed to proceedings under our form of laws. I think this House ought to give the Porto Ricans a standing in the Court of Claims which is at least equal to that possessed by residents of the United States proper.

Mr. PAYNE. They have already got that standing. Inasmuch as the Committee on Ways and Means reported this bill formerly, giving them six months for the examination of their claims at that time, I am not disposed to make objection; but I want to enter a protest against such bills going anywhere else except to the committee having charge of the revenue.

Mr. COOPER of Wisconsin. I desire to ask the gentleman from New York a question. Does this bill in any way affect appropriations?

Mr. HARRISON. Not in any way.

Mr. COOPER of Wisconsin. Does it affect the revenues?

Mr. HARRISON. It does not affect the revenues.

Mr. COOPER of Wisconsin. Then this bill should have gone to the Committee on Insular Affairs. [Laughter.]

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. I object.

Mr. PAYNE. I will state to the gentleman from Wisconsin that it does affect the revenues, notwithstanding what my colleague said about it. Now, this is a bill to refund certain duties paid before we had any tariff law between Porto Rico and the United States, when the United States supposed they had the right to collect revenues; but the Supreme Court afterwards decided that they had not, and that they were entitled to admission free of duty.

Mr. COOPER of Wisconsin (to Mr. HARRISON). Is that a correct statement made by the gentleman from New York?

Mr. HARRISON. I did not hear what my colleague said, but I have no doubt everything he said was correct.

Mr. COOPER of Wisconsin. On the statement of the gentleman from New York [Mr. PAYNE] I withdraw my objection. [Renewed laughter.]

The SPEAKER. Objection is withdrawn.

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

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

BRIDGE ACROSS WHITE RIVER, INDIANA.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (S. 7164) permitting the building of a railway bridge across White River, joining the township of Harrison, in Knox County, State of Indiana, and township of Washington, in Pike County, State of Indiana.

The bill was read at length.

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

The bill was ordered to a third reading; and 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.

CONSTRUCTION OF DAMS ACROSS NAVIGABLE WATERS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 19029.

The Clerk read as follows:

A bill (H. R. 19029) to regulate the construction of dams across navigable waters.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Alabama. Mr. Speaker, will the gentleman from Georgia explain to me what that bill is?

Mr. ADAMSON. Yes, sir.

This bill, Mr. Speaker, seeks to provide for permitting private enterprise to construct dams in navigable streams, streams which afford abundant water power, and yet, on account of their shoals, present such expensive problems to the Government that the Government is either unwilling or unable—and probably will be for a long time—to improve the navigation of these streams; yet, asserting the right to control these streams, the riparian owners are not permitted to improve the water power if they desired to do so.

Mr. RICHARDSON of Alabama. Will the gentleman permit me an inquiry?

Mr. ADAMSON. Certainly.

Mr. RICHARDSON of Alabama. Is the gentleman aware of the fact that there are two minority reports made against this bill?

Mr. ADAMSON. I am.

Mr. RICHARDSON of Alabama. I object, Mr. Speaker.

Mr. ADAMSON. The gentleman from Alabama objects; and I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Georgia moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19029) to regulate the construction of dams across navigable waters.

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the *proposed construction* and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve; and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this act, a suitable lock or locks or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

SEC. 3. That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works under the provisions of this act shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War.

SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

SEC. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

Amend the title so as to read: "A bill to regulate the construction of dams across navigable waters."

Mr. RICHARDSON of Alabama. Mr. Speaker, I demand a second.

Mr. ADAMSON. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Georgia asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, last Saturday the House passed a bill providing a uniform measure for building bridges over navigable streams. The coordinate subject of dams in navigable streams has concerned our committee for years. Almost every day and each week somebody is discussing the subject and seeking permission to construct dams for the improvement of water power. We have endeavored so to frame a bill as to combine all the provisions and safeguards usually placed in individual bills and at the same time avoid the labor, trouble, and expense of incorporating all these numerous long provisions in a bill for each separate dam. I submit as part of my remarks the following report from the committee, which I had the honor to make to this House in support of the pending bill:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 19029) to regulate the construction of dams across navigable waters, beg leave to report the said bill back to the House and recommend that the bill do pass with amendment of title so as to strike out "over" and insert "across."

This bill proposes to establish uniform regulations under which dams across the navigable waters of the United States may be constructed and operated whenever hereafter authorized by Congress. If this bill be enacted into law it will only be necessary hereafter, in passing a bill to authorize the construction of a dam, to provide a simple sentence granting authority to construct a dam in accordance with the provisions of this act.

The Committee on Interstate and Foreign Commerce has given a considerable degree of attention to the question of authorizing the construction of dams in the navigable waters of the United States for the development of water power and other purposes, and has come to the conclusion that there should be adopted some uniform regulations upon the subject which shall govern in each case, unless for exceptional reasons Congress may otherwise enact in a particular case. No one is able to say what the possibilities of water power by the construction of dams across our navigable streams may be. It seems quite evident that it should be the policy of the Government to encourage the utilization of water power wherever it can be created without injury to navigation.

The bill which is recommended provides that the Secretary of War and the Chief of Engineers may grant permission, upon application, to construct dams for the creation of water power upon such terms as they may deem proper in each particular case, reserving to Congress, however, in the bill, the right at any time to alter, amend, or repeal the act, with the distinct statement that the United States shall assume no liability by reason of its alteration, amendment, or repeal. The passage of this bill can do no possible damage to the Government or injury to the interests of navigation, and it may result in the development of water power which will be of great advantage to certain localities and thereby a benefit to all.

It is contemplated by the bill that in many cases the Secretary of War and Chief of Engineers may permit the construction of dams and locks in such manner as at once to create water power and provide canalized navigation on streams which are now practically nonnavigable at such points.

Our effort has been to frame a bill which would permit the development of water power and at the same time render it easier and cheaper for the Government to improve the navigation of streams affording shoals. To prepare such streams for navigation would require more money than the Government can or will appropriate for the purpose. Yet it holds control over the channels, and without its consent no water power, however valuable, can lawfully be improved.

This bill seeks to permit the improvement of water power, and our task is to find fair and equitable terms and conditions of that permission which will at once profit the owners of water rights and reserve and protect the rights of the Government and the interests of navigation. Those terms and conditions should vary with different circumstances. On important streams, with valuable water power and large commerce, the owners of water rights might accept conditions largely beneficial to the Government. On smaller streams, with less water power and trivial commerce, with little prospect of increase, the Government would be expected to impose very mild terms and light conditions. All this is to be determined when plans and specifications are submitted for approval. The applicant and the Secretary of War will take up the subject. If they agree upon terms the dam can be built. If they fail to accord, the situation can not possibly be left worse than it now is.

It will be observed that the first section of the bill expressly provides that all questions, rights, and conditions shall be then fixed, including the questions of booms, sluices, etc., and the possible necessity of the conveyance to the Government of title to realty. Once agreed upon, the plans can not be varied without a like conference and approval by the Secretary of War.

It is idle to expect the Government to forego the customary reservation of the right to amend or repeal. That would mean an abdication of sovereignty, and also remove the strongest and most wholesome check upon irregularity and extortion. That reservation often secures good behavior and fair charges. It is universally adhered to in all grants and all permits from all governments—Federal, State, county, and municipal. The smallest incorporated town clings to it tenaciously and wisely. Neither do we recognize any danger nor menace to capital in disclaiming financial liability upon the Government for any amendment or modification.

There is little probability of amending or modifying so as to injure property constructed under the provisions of this bill. Only in rare

cases of great necessity and public utility would it be probable, and in such cases there is no doubt that the Government would be prompt and liberal in making compensation. If owners of shoals under this bill can secure consent of the Government to build dams—which can not now lawfully be done on terms clear, comprehensive, and well understood—they could proceed in perfect security to build, just as cheaply as otherwise, dams so shaped and adapted that if the Government ever desires it can construct locks in accordance with the terms before fixed and navigate those parts of the streams, which might prove quite valuable to the owners of the water powers if transportation of freight were needed, so that the owners of the shoals build the dams only, which they would have to do anyway if permission were granted unconditionally. If afterwards the Government wishes to navigate the streams, it needs only to spend enough money to put in the locks, and if it never does that the owners of the dams will never be interfered with in the exercise of their rights and privileges.

Under the conditions of this bill, if enacted into law, I think millions of horsepower would be developed, making musical with the hum of factories and the whistle of steamboats many rivers now denied to the use of both, by no means least among which may be named the Tennessee, the Coosa, the Chattahoochee, and the Flint, which abound in possibilities of water power, while presenting hundreds of miles of natural splendid channel for navigation, cut up at long intervals by shoals, expensive for the Government to move or improve, but profitable for private capital to utilize for water power, with benefit rather than detriment to the interests of navigation.

With the word "over" in the title stricken out and the word "across" inserted in lieu thereof the title will read: "A bill to regulate the construction of dams across navigable waters."

Upon the passage of this bill, all that will be necessary will be to pass a separate bill authorizing the construction of a dam in accordance with the provisions of this law. We have endeavored, Mr. Speaker, to provide as liberally as possible for granting permission to the owners of shoals to encourage them to improve those shoals and develop water power. We reason that in case of any owner of a dam, constructing it in conformity with the specifications provided by the War Department, easily adapted to the construction and operation of a lock whenever the Government sees proper to exercise its reserved right of navigation, the dam will cost the builder no more than it otherwise would, and the Government will incur no expense excepting to put in the lock, the dam being already provided. In granting this consent the Government may impose such terms as it deems advisable.

The applicant for the permission taking the subject up with the Secretary of War will know then and there what the terms proposed are to be, and if he can not accept them, he may stop and decline to expend his money until he can secure better terms and conditions. If the War Department decides that the terms are too onerous, that the water power will not be developed, doubtless a wise Secretary of War would reduce his demands and make the terms and conditions lighter. In cases of great water power in navigable streams with important commerce, heavier terms may be imposed, which would be willingly accepted by the investor; but in the case of smaller streams with less water power and little or no commerce, the War Department would be expected to impose lighter terms.

Now, there is objection on the part of two members of the committee as to the specific terms of this bill, but there is absolute unanimity in the committee, as I understand it, as to the desirability of the general plan at which we try to arrive. Two of these gentlemen insist on some things to which the committee can not agree, which we did not consider right. For instance, they insisted on greater certainty; they thought the Government ought to go further toward avoiding the reservation of the absolute right to repeal and amend, in which contention we could not agree. This Government must hold the right to repeal, modify, or amend, not only in the maintenance of its sovereignty over the subject, but as a most wholesome check upon irregularities and extortions. There is a good reason for that. People behave better when the sand is liable to be washed from under their feet, when there is a higher power exercising authority over them. They are not likely to be guilty of unbridled bad conduct when the Government reserves the right to destroy them for their wickedness. We have gone as far toward satisfying the investor, with a view to the safety of the Government, as we thought we could.

We placed with the Secretary of War absolute authority to take up the subject with the applicant, and all ideas, all questions, all terms imposed upon the applicant are then and there settled so that rights and conditions are all understood before a dollar is expended. Of course there are many good things which this bill does not attempt to cover. The two minority reports make several valuable suggestions, which might appropriately be made the subject of separate bills, but bear no proper relation to the purposes of this measure. This is a composite product, formed by considering and analyzing all the various bills before us on this subject, rejecting the undesirable points but preserving and combining all the good features to make of this the best suited bill for the purposes intended upon which our judgments could agree.

In my judgment, its enactment would result in great good and develop water power and facilitate navigation of streams obstructed by shoals.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Alabama. Mr. Speaker, I am very much of the opinion that legislation of this kind is too far-reaching, is too important to be passed at the conclusion of the Congress, where proper deliberation and consideration can not possibly be given to it. In view of the fact of the importance and the value of electricity, that its methods of production have so much improved and been developed in the last few years until it even threatens to overthrow steam to a very great extent in its practical uses, I believe from that standpoint this is one of the most important bills that we have had for consideration for some time. The question that it undertakes to regulate, and which it fails to do from a proper standpoint, in my opinion, is the establishment and location of powers upon navigable streams in the United States. There is no question whatever in the mind of any intelligent man that legislation is needed on this subject. I am opposed chiefly to this bill, Mr. Speaker, because its provisions apply only to falls on navigable streams where the Government of the United States has not constructed dams or other public works. Hence it does not meet the necessities of the situation and fails entirely to give the relief sought. This bill does not authorize the Government to allow a power to be located at Muscle Shoals on the Tennessee River, in Alabama, where the Government has constructed valuable works—where unused and valuable power awaits the investment of capital to add immense wealth to that section.

The reason why legislation is needed on this subject is simply because for the past one hundred and twenty-five years these water powers have not been able, under existing laws and practices, to be located upon the navigable rivers except by some specially enacted act. It is manifest, therefore, in these days of the growing importance of electricity, being used and applied, as I said just now, so generally, until already in certain sections of the Union it is claimed and asserted with a great deal of positiveness that it will only be a little while, if we utilize these great powers properly on our navigable rivers, before they will run our factories, run our industries, light up the homes of the farmers, and make electricity cheaper than coal oil—it is manifest, I say, that a measure of this kind should not be lightly considered or hurriedly passed. What does this bill propose to do? I take the liberty of calling the attention of the House to the fact that the Chief Engineer of the United States Army has passed upon this question, and has made some very valuable suggestions not contained in the bill now under consideration.

It is a question to which I have given some attention during my membership of the Interstate and Foreign Commerce Committee, because there is no section of the United States to-day more interested in it and in the development of that power than my own section of northern Alabama. We have there a fall of some 14 miles on the Tennessee River that would afford almost unlimited power. It is positively asserted by well-informed men who have made investigation that power sufficient could be utilized at Muscle Shoals to furnish power to the cities and towns of the Tennessee Valley and run every cotton mill in our section. There are numerous other power-generating localities on that great river that promise untold wealth. There is no subject in which my people are more interested to-day than they are in this, and the same thing can be as truly said of other sections of the country. Hence it becomes the Congress, when it makes a law on this subject, to be comprehensive and fair and just, both to the Government and the interests of the citizens.

When we make a law to accomplish the improvement and prosperity of the public we ought not to put such restrictions and conditions in it as will defeat the purpose. Nor for a moment do I contend that the Government ought not to exercise supervision over navigable streams, subject to the rule of common sense. I say frankly that if this bill becomes a law, in my humble opinion, with such knowledge as I have of it, it will prove an obstruction in the way of improving and developing these powers on navigable rivers. I fear it will accomplish no good.

You can not induce a man, as a practical proposition, to put a million dollars or more into the development of power on a river unless his capital has some protection guaranteed by law. That is the trouble now, and has been the trouble for many years past. That is why we can not get these water powers located. Something is in the way or these water powers would have been established freely in the past. The demand is to abolish useless and needless restrictions inserted to protect the rights of the Government to navigation of a stream that the Government has declared navigable but will never spend a dollar to make the stream navigable or

improve it. How many valuable streams are in that condition to-day?

Do you suppose a man is going to put a million dollars or two million dollars into one of these vast and expensive enterprises when the Government has the right to walk up to him, without any notice in the world, repeal his franchise, and take all his work and practically confiscate it? You can not do that. The Government ought to be protected and will be protected in every law that is passed. But listen to this condition. The bill in the proviso, section 1, authorizes the Chief of Engineers and the Secretary of War to stipulate with the person or corporation desiring to construct a dam that the contracting parties, in addition to the expense incurred in the construction of a dam, must also, on demand of the Government, construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other construction which the Engineer and Secretary of War at any time may deem necessary in the interests of navigation in accordance with such plan as they may approve.

Does anyone for a moment believe that any person, persons, or corporation will ever accept such a condition as this—build a lock for the Government to use in consideration of the permit or license granted by the Government to build a dam to make electricity? It matters not where the locality is, the rule—hard, defeating rule—is the same. It not only puts the man to the expense of building the dam, but whenever the Government sees proper for the purposes of aiding the general navigation of the river it may demand of that man that he put up locks at his own expense. Is there any reason on earth for anybody to believe that any sensible man would invest money in the great enterprise of erecting a dam for the conservation of power when the Government has the right, which this bill gives, to demand of that man that he build a lock in connection with that dam for the use and purposes of navigation at his own expense and for the benefit and good of the Government? That is one of the conditions. Does anybody think any money is going in under that restriction? Why, no. If the contractor does not comply he is subjected to a fine of $5,000 and the removal of his works.

What is another condition connected with it which I say destroys any hope of the law? It is as follows:

And also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches and shall grant to the United States free use of water power for building and operating such construction.

A prudent, thoughtful man would reasonably inquire and want to know how much land can the Government demand title to under that provision of the bill. Actually no limit to it. One can readily imagine many contingencies that might arise that would make it necessary for an army engineer to say that he needed a considerable tract of land for the purpose of avoiding overflows, etc.

Mr. GILBERT. Why should not he put the lock in at his own expense?

Mr. RICHARDSON of Alabama. Because the lock is not necessary to run his dam at all.

Mr. GILBERT. But it is crossing a navigable stream.

Mr. RICHARDSON of Alabama. Of course it is. Why should not the Government build it then? The Government is going to take his dam and use it. The bill provides that the Government shall use the man's dam, and yet this act requires him not only to build up the dam, but to pay for a lock. Not only to do that, but it requires him to give a title to all the lands necessary for these approaches.

Mr. GILBERT. But a magnificent franchise is given there in perpetuity for the purpose of conducting a private enterprise, and in order to protect that franchise——

Mr. RICHARDSON of Alabama. Oh, if the gentleman desires to ask me a question, I will answer it with pleasure.

Mr. GILBERT. I am trying to get some information.

Mr. RICHARDSON of Alabama. Then ask a question.

Mr. GILBERT. It occurred to me that if one is going to develop a private enterprise and get a franchise from the Government by putting a dam across a navigable stream, that the owners of that private enterprise ought to remove the obstruction in navigation by putting in a lock and dam.

Mr. RICHARDSON of Alabama. He is required to put in a dam as a matter of course before he can create or get any benefit from his power. Then after the dam has been there for a length of time, if the Government wants to improve the navigation of the river, the Government requires him to build a lock.

Mr. GILBERT. Is not that proper?

Mr. RICHARDSON of Alabama. No; it is not.

Mr. GILBERT. Why not?

Mr. RICHARDSON of Alabama. Because he is not concerned in the navigation of the river in any way. What citizen would go there and put money in under those circumstances? How much does the lock cost? Many of them cost over $600,000, and if you do not comply with the rule or requirement of the Government within a reasonable time the Government destroys that dam because then it is obstructing the river.

Now, I wish to have the attention of the House just a few moments more. This bill does not apply, as I have before stated, to any part of the river where the Government has already built works. In other words, where the Government has established public works through the instrumentality of the expenditure of public moneys, and in the establishment and location of those public works powers are created, the Government has the undisputed right to charge for the use of power created under such conditions. Nobody denies the fact that the Government has a right to require a rental to be paid wherever the Government has built works, and in the construction and maintenance of them creates powers that would run these electric powers. This feature of this bill has been considered by the War Department. This bill does not touch that part of the river where the Government has works constructed. It relates only to that part of the river where the Government has not constructed works. Now, I hold in my hand the recommendation which was made by Chief Engineer General Mackenzie. This bill does not relate to his recommendation on that line. This is not the bill that the Chief Engineer recommended even in the matter of the location of powers at points on navigable streams other than where the Government has built works. It bears some features of the bill that the Chief Engineer recommended on this line. The bill I would prefer and that was submitted to the subcommittee having charge of this subject and which was recommended by the Chief Engineer reads as follows:

A bill to authorize the Secretary of War to lease water power created by public works constructed by the United States.

Be it enacted, etc., That whenever power is created at and by means of locks, dams, or other public works, heretofore or hereafter constructed by the United States, the Secretary of War is hereby authorized, in his discretion, to grant leases or licenses for the use of the said power, at such rates and on such conditions and for such periods of time as may seem to him expedient; and he is also authorized, in his discretion, to grant permits for the construction, maintenance, and operation of inlet and outlet canals and other structures, on such plans as he may approve, for the diversion of water in the manner aforesaid: *Provided*, That the leases or licenses so granted shall be limited to the use of the surplus power or water not required for navigation or for any other purposes of the United States, and that no structures shall be built and no operations be conducted which shall in any manner injure navigation, interfere with the operations of the Government, or impair the usefulness of any improvement made by the Government: *Provided further*, That all moneys received under any lease or license granted as aforesaid shall be credited to the appropriation for the particular structure or work to which the said lease or license applies, and shall be available for expenditure in the maintenance, care, operation, or improvement of such structures or works: *And provided further*, That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

Now, Mr. Speaker, this is the bill that the Chief Engineer recommended. He realized that there was a marked dividing line in the matter of the jurisdiction of the Government and its rights where the Government had constructed works and at points where no such works had been constructed.

That was the recommendation made by Mr. Mackenzie. This bill does not touch it—does not touch that at all—and I say under those circumstances at the close of a Congress that we should have time in the next session to get together and with the Interstate and Foreign Commerce Committee and the subcommittee that would be appointed formulate a wise, prudent, careful bill that will deal with the question where the Government has built works and where it has not. I say under these circumstances I do not think that this bill ought to pass the House.

Now, I understand that the gentleman from Ohio [Mr. BURTON] desires time, and I yield to him.

Mr. BURTON. I am much obliged to the gentleman; but I have not given that careful consideration to the bill that I feel would warrant me in speaking upon it. As I understand, this only refers to such works as are authorized by acts of Congress giving a franchise to a person or corporation.

Mr. RICHARDSON of Alabama. This bill does not relate or refer to franchises or privileges to be granted by the Government in connection with public works now existing.

Mr. BURTON. Not at all?

Mr. ADAMSON. It does not touch any Government works at all.

Mr. RICHARDSON of Alabama. The Mackenzie bill related to that.

Mr. BURTON. I will state to the gentleman from Alabama

that I had intended to give careful examination to the bill; but I have been unable to do so, and in view of that fact would not feel like addressing the House. I have not given it that careful examination that I should desire to give before expressing an opinion.

Mr. RICHARDSON of Alabama. Mr. Speaker, in the short time I have spoken I have tried in a very hurried manner to point out the effects of this bill. I regret very much that my able friend and colleague on the Committee on Interstate and Foreign Commerce [Mr. WANGER of Pennsylvania], who made a minority report against the bill, in not in his seat to take part in the discussion.

And, Mr. Speaker, I can not see the reason why we should burden the bill with such specifications and such conditions as in effect defeat its object. No one is hardly so credulous as to believe that the Government expects to let out these powers or will find any citizen who will accept and agree to it upon those terms. Why, it is an actual defeat of the ends of the law, in my humble opinion. I am as much interested, Mr. Speaker, as any gentleman on this floor in getting a general bill that will accomplish and meet the end and object we all should have in view. I have no purpose of trying to defeat the bill except that I think it insufficient and will do no good. In this I hope I am mistaken. I hope the bill may accomplish what the distinguished chairman of the Interstate Commerce Committee [Mr. HEPBURN] and my worthy and distinguished colleagues on the committee from Georgia [Mr. ADAMSON] and from Illinois [Mr. MANN] say it will.

Mr. ADAMSON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this bill is entitled "A bill to regulate the construction of dams across navigable waters," very much along the same lines as the bill which the House passed a few days ago to regulate the construction of bridges over navigable waters. The bill itself does not take effect in any instance until Congress shall hereafter pass an act authorizing some person or corporation to so construct a dam. When such act is passed in few words then the dam must be constructed in accordance with the provisions and under the terms named in this bill. The history of the bill, Mr. Speaker, is this: The Committee on Interstate and Foreign Commerce has had presented to it at different times various propositions or bills for the construction of dams in navigable waters for the utilization of water power. Some time ago that committee appointed a subcommitee to consider this subject and see if it could agree upon a general bill. The gentleman from Alabama who has just taken his seat as well as the gentleman from Georgia who made the motion to suspend the rule each introduced bills upon the subject. Those bills were referred to the War Department and the Chief of Engineers, General Mackenzie, did not favor the terms of the bills as proposed. He suggested a draft of bill in reply which was introduced by me as chairman of the subcommittee, but, on consideration, that bill seemed in some respects to go further than we wished to and in other respects not quite so far. That draft bill endeavored to cover the question of improvements already made in the rivers, and our committee did not think we had jurisdiction to determine in reference to locks and dams which the Government had already constructed as a part of the improvement of waterways. That would be a jurisdiction belonging to the Committee on Rivers and Harbors. In the bill which we have brought in now we provide that when the Congress authorizes the construction of a dam for the utilization of water power that it shall be constructed on such terms as may be fixed by the Chief of Engineers and the Secretary of War acting conjointly. It endeavors to safeguard the interests of the Government and at the same time to so provide that the persons who obtain the consent of Congress may ascertain from the Chief of Engineers and the Secretary of War exactly the terms upon which they may construct a dam before it is undertaken. We do not authorize the Secretary of War or the Chief of Engineers to change those terms after application has been approved, but we do reserve to Congress the right to alter, amend, or repeal the act so as to change the authority which has been granted, because in every bill which has been passed by Congress, so far as I know, that authority is reserved. The gentleman from Alabama [Mr. RICHARDSON] thinks that we ought not to reserve the authority to repeal or to amend the act. He is afraid that capital will not invest. I do not know, Mr. Speaker, whether capital will be afraid or not. That provision is contained in every dam bill which has been passed through Congress. [Laughter.] It is contained in every bridge bill which has been passed through Congress.

We reserve the right, as we do with all bills, to alter. But so far capital has never been afraid to invest. Only a few days ago the House passed a bill for the construction of a dam across the Mississippi River, containing the right to alter or repeal. Now, Mr. Speaker, it is quite desirable that when these rights are granted they shall be granted upon uniform terms so far as possible. If exigencies arise when we pass the new bill granting authority, we can provide for the exigencies in that bill. Our Committee on Interstate and Foreign Commerce has invariably insisted in bills of this character that the work shall be commenced within one year and finished within three years. But sometimes these bills are referred to the Committee on Rivers and Harbors. The House passed a bill the other day coming out of the Committee on Rivers and Harbors, and I have no doubt a proper bill, but the terms were different and they provided that the bridge might be commenced within two years and finished within four years.

There ought to be some prescribed terms by Congress which are uniform, unless some reason is shown for different terms. And that is all this bill does. It does not authorize anybody to construct a dam. It only provides that the Secretary of War, when we do grant the authority, shall fix the terms, and those provisions we put in a bill, anyhow. The House has seen this morning the effect of reading these long bills in the House. It takes up valuable time. It fills up space in the statutes which ought not to be filled up.

Mr. GILBERT. Will the gentleman from Illinois [Mr. MANN] yield?

Mr. MANN. I will yield to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. What is the purpose of this legislation at all? Would it forestall any subsequent action of Congress in the new bills, as, for instance, Congress should pass a separate bill for the construction of a dam?

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] a minute in which to answer the question.

Mr. GILBERT. Would the legislation forestall subsequent Congresses in regard to that matter?

Mr. MANN. No act that could pass could prevent Congress passing another which would be directly opposite. The object of the bill is to give people who wish to do so an opportunity to study the utilization of water power in rivers and to find what terms they can get out of Congress and then come here and say whether they are willing to accept such terms. If they are not willing to accept such terms, then they have the opportunity of saying so to the proper committee of Congress.

The passage of this bill can do no harm to any of them. It helps to draw attention to the fact that we have immense reservations in the way of water power that ought to be developed and that now are not developed.

Mr. RICHARDSON of Alabama. Mr. Speaker, will the gentleman from Illinois [Mr. MANN] allow me to ask him a question?

Mr. MANN. I will, gladly, if I have the time.

Mr. RICHARDSON of Alabama. Is it not a fact that if you get a license from the Government to do that under the bill you can not locate that power there unless you get the authority from the State?

Mr. MANN. I think that it probably true. We are not endeavoring to affect the power of the State at all. All that Congress has to do is to grant the consent to go across a navigable stream. We do not endeavor to infringe upon the power of the State.

Mr. ADAMSON. Mr. Speaker, I yield the time remaining to my credit to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I think there is some misapprehension on the part of gentlemen as to what this bill proposes to do. It does not authorize in any way the erection of dams or other impediment in any navigable river. It simply provides that when such authority is hereafter given the condition of this bill shall be observed in the construction of the improvement. It is solely in the interest of saving the time of this House. Members will recall how much of the time is occupied in reading long bills authorizing the construction of bridges across navigable rivers. Now, we have tried to avoid that, and the House has recently acted upon a bill of that character, so that hereafter it will only be necessary that such enactments shall contain the authority to erect a bridge. Then if the bill considered by the House a few days ago should become law that law provides the manner and puts in all of the limitations upon the builder we have been in the habit of doing through long, separate, individual bills. Now, this bill proposes to operate solely upon dams to be erected in navigable streams, but does not authorize the construction of any. Hereafter, if this becomes law, it will only be necessary to author-

ize the construction of a dam; and then it must be constructed under the supervision of the Secretary of War and the Chief of Engineers in harmony with the provisions of this bill.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question, if he will yield.

Mr. HEPBURN. Certainly.

Mr. STEPHENS of Texas. Will it require any additional expense on the part of the Government to make examination and report?

Mr. HEPBURN. I suppose it will occasion some expense in this: That an engineer officer will on occasions have to see that the work is being constructed in harmony with the law and with the specifications and plans that the Secretary of War has approved. There would be some expense on that account, but inconsiderable.

Mr. STEPHENS of Texas. In addition to what is now involved?

Mr. HEPBURN. Not in addition; the officers we now have, I think, will be detailed for this purpose.

Mr. DAVIS of Minnesota. If the gentleman will permit me.

Mr. HEPBURN. Certainly.

Mr. DAVIS of Minnesota. During the last Congress I introduced a bill that was passed authorizing the construction of wagon bridges without draws across a considerable portion of Minnesota River. Some of the restrictions placed on the bill were as follows: That the bridge must be built at a certain height above low-water mark. The limit of the river extended over about 150 miles. It was a general bill. I would ask the gentleman if the bill now under consideration in any way changes the provisions of that former bill?

Mr. HEPBURN. Not in the slightest degree. It has no reference to it.

Mr. GILBERT. If the gentleman will permit me?

Mr. HEPBURN. Certainly.

Mr. GILBERT. At whose expense are the locks to be put in for these dams if the Government wants to have the navigable river for the purposes of navigation?

Mr. HEPBURN. At the expense of the party to whom the franchise is granted.

Mr. GILBERT. And the operation of the locks and dams?

Mr. HEPBURN. At his expense.

Now, Mr. Speaker, this matter promises to be one of importance. There are a great many men who believe that the power in our rivers is worth more, or may be, to the people of the United States than their use for purposes of navigation. A great deal of expense, in my judgment, will be saved if we adopt this plan of authorizing the utilization of the rivers for power. For instance, there is now a project being discussed of canalizing the Ohio River at a cost of probably more than $100,000,000. The gentleman from Pennsylvania [Mr. DALZELL] entertains that as one of his most favored views, and undoubtedly in a brief period he will be before this Congress with a comprehensive plan by which that result will be secured. Now, if we can adopt a plan and give to individuals or to corporations the power that can be generated through the construction of these dams at such places and in such a way as will harmonize with a general plan, I have not a particle of doubt that that river can be so improved with but little expenditure upon the part of the United States.

We started upon this new departure this session by permitting the construction of a dam between Keokuk and Hamilton, Ill., across the Mississippi River. If we had adopted that plan and made that authorization thirty years ago $10,000,000 would have been saved to the Treasury of the United States; for under the provisions of the bill that we recently enacted the Government will secure an infinitely better improvement of the river, infinitely better for the people to whom the duty of making that dam has been intrusted, who are also given a franchise of great value to them, and when the improvement is completed will prove of great value to the people of that State. There will be developed there at low water 60,000 horsepower; at high water nearly double that, which can be distributed a hundred miles up and down and in the interior—power sufficient to furnish electric lights for all that region, more than 100 miles in diameter. I think that we ought to continue this plan. This bill simply provides that when we do exercise the power by conferring the right upon corporations that there shall be given in the statute the terms under which such exercise of power can be had. It is wise legislation, in my judgment.

Mr. RICHARDSON of Alabama. What is the difference between the conditions of the Keokuk bill and this one?

Mr. HEPBURN. They are substantially the same, only that was a special act, and this is a general act that will apply to all similar cases in the future and prevent the frequent repetition of these conditions in bills that may hereafter be passed.

[Here the hammer fell.]

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] has one minute.

Mr. RICHARDSON of Alabama. I am not at all complaining, Mr. Speaker, of what the distinguished gentleman from Iowa [Mr. HEPBURN] says is the object and purpose of this bill. What I complain of is that such restrictions and such conditions and such terms are prescribed in that bill that they can never be complied with. What we all desire and what we all seek is to get these great water powers in such a condition that they can be developed and that the people can have the use of them. That is what we are after. I am utterly opposed to not protecting and safeguarding the Government in every respect. This proposition, this bill, Mr. Speaker and gentlemen of the House, relates to individual transactions. You heard the gentleman from Illinois [Mr. MANN] answer my question when he said that after the Government granted the license there could not be a dam put on that river unless you went first and secured authority from the State of Maine or Alabama or any other State that the river was in or passed through. Why, then, should such conditions be put in this bill? Why should such requirements be made as will prevent the State from exercising its sovereign right and establishing these dams and these water powers? How can they do that when the Government puts conditions and qualifications in the bill that absolutely deny this right to the citizens of the State? The Government to-day controls the navigation of the rivers. Why should these strenuous conditions be required?

Mr. STEPHENS of Texas. I should like to ask the gentleman whether or not this gives the Federal Government any jurisdiction that it does not now have?

Mr. RICHARDSON of Alabama. It will have exactly the jurisdiction that it has now. The whole object and tendency of this thing is to put such obstructions in the law as to defeat the aims and ends of the State.

Mr. STEPHENS of Texas. Then the bill should certainly be defeated.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. RICHARDSON of Alabama. I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RICHARDSON of Alabama. Mr. Speaker, what is the probable effect of such legislation as this? It is to throw all of these valuable franchises or privileges in the hands and absolutely under the control of the Federal Government. The people who own to the water's edge on either side of those streams that have been declared navigable have their rights as riparian owners, and they are valuable; but of what value will they ever be with such conditions as this bill imposes? It matters not what authority the State gives or what property rights in these powers that citizens may have, yet the precedent condition for the exercise of your rights you will have to comply with the terms prescribed by the Government for building a dam to make your power. You need not talk about the stream on which you desire to locate your power as merely navigable in name, for that has no consideration. The Mississippi and the two-by-four navigable streams are all treated alike. Away, I say, with such unreasonable suggestions.

VIEWS OF THE MINORITY.

The undersigned object to H. R. 19029, reported favorably by a majority of the Committee on Interstate and Foreign Commerce. The bill prescribes such terms and conditions as are calculated to defeat its purposes, namely, "The construction of dams over navigable waters." In safeguarding and protecting the interests of the Government and protecting the same from possible damages, the bill makes it quite impracticable for persons or corporations to avail themselves of the benefits and opportunities sought and desired. It is certainly true there is a growing demand throughout the country for water powers of large capacity. Such powers are to be located on our navigable streams. These streams have been surveyed by United States engineers and locks and dams located at many places.

It is manifest that some legislation is needed to give the public the opportunity to realize the great benefits and wealth of the undeveloped water powers of our navigable rivers and streams which have been barred for many years past from private use or enterprise by needless practices and unnecessary restrictive statutes. The citizens of our country ought not to be denied the use of the water powers of our streams simply because they have been declared navigable. No approximate estimate can be made of the enormous water power that runs to waste in many of the navigable streams in different States of the Union. It ought to be utilized. The practical question is the adoption of such a law as will give relief from this condition. Individuals who hold riparian rights ought to be allowed some privilege or opportunity for the utilization of these water powers, subject, as a matter of course, to the supervision of the Government in the matter of navigation. No plan for the development of these water powers will ever be practical unless some provision is made that the parties building a dam shall be reimbursed by the Government whenever the Government sees proper to use the dam so constructed by the individual, company, or corporation.

The wonderful development and improvement in electricity in the last few years admonishes us that electricity will soon supersede the

use of steam to a very great extent. Our manufacturing and industrial interests throughout the country will be wonderfully promoted by the development of these water powers. No one denies that the Government should be fully protected in all of such interests as it has. Experience certainly teaches us that there must be a change in the law regulating such matters before there can be a development of these water powers.

In various sections large amounts of capital are now waiting for investment in these powers whenever a reasonable fair guaranty is given to the person or persons, company or corporation, so investing of just and reasonable protection under the law. Under the bill reported by the majority we do not hazard much when we express our opinion that not a dollar of capital will ever be invested under the drastic provisions of this bill.

The bill in the proviso of section 1 authorizes the Chief of Engineers and Secretary of War to stipulate with the person or corporation desiring to construct a dam that the contracting parties, in addition to the expense incurred in the construction of a dam, must also on the demand of the Government—

"Construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other construction which the Engineer and Secretary of War at any time may deem necessary in the interests or navigation in accordance with such plan as they may approve."

After imposing such an unreasonable burden upon the parties building a dam, the bill proceeds to impose such additional terms and burdens upon the person or persons, company or corporation, desiring to use the water power as simply forbids such employment, as follows:

"And also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructons and approaches and shall grant to the United States free use of water power for building and operating such construction."

The person building the dam is not only required, on the demand of the Government, to build a lock or other public work that the Government may need for navigation purposes, but is required to convey title to such amount of land as the Government may require—all free of cost to the Government. How much land will be required is a matter of speculation. We contend that under these conditions set forth it is unreasonable to believe that capital will be invested for the promotion of water powers. This bill enacted into law will, in our opinion, obstruct the development of the water powers on our navigable rivers and streams by useless and unnecessary delay.

We must all realize that in the early future some legislation will be enacted that will open up this great avenue of wealth that to-day invites enterprise, thrift, and wealth.

Section 7 of the bill gives the right to Congress "to alter, amend, or repeal" the authority granted to a person or corporation to construct a dam. As said before, the Government should be safeguarded and protected in the supervision of navigable streams, but no one can really believe that the Government should retain the right to repeal an act at any time it may see proper without due compensation to the person or corporation that has expended a large amount of money in the construction of a dam.

WILLIAM RICHARDSON.

The SPEAKER. The time for debate has expired.

Mr. MANN. There is a slight error in the punctuation of the bill, and I ask unanimous consent that the semicolon at the end of line 17 on page 2 may be stricken out and a comma inserted in the place of it.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. RICHARDSON of Alabama. Division.

The House divided; and there were—ayes 127, noes 31.

Mr. RICHARDSON of Alabama. No quorum, Mr. Speaker.

The SPEAKER. The gentleman makes the point of no quorum present. The Chair will count. [After counting the House.] One hundred and ninety-nine gentlemen present, a quorum. Two-thirds having voted in the affirmative, the rules are suspended and the bill passed.

Mr. ADAMSON. There is an amendment to the title, Mr. Speaker.

The SPEAKER. The bill, including the title, was reported and passed as amended.

LEPROSY IN HAWAII.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16914) to provide for the investigation of leprosy, with special reference to the care and treatment of lepers in Hawaii.

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

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That when the Territorial government of Hawaii shall cede to the United States in perpetuity a suitable tract of land 1 mile square, more or less, on the leper reservation at Molokai, Hawaii, there shall be established within the leper settlement on the island of Molokai, Hawaii, a hospital station and laboratory of the Public Health and Marine-Hospital Service of the United States for the study of the methods of transmission, cause, and treatment of leprosy.

SEC. 2. That the Surgeon-General of the Public Health and Marine-Hospital Service shall prepare plans for, and cause the erection of, the proper buildings to carry out the provisions of this act.

SEC. 3. That for the purposes of this act the Surgeon-General, through his accredited agent, is authorized to receive at such station such patients afflicted with leprosy as may be committed to his care under legal authorization of the Territory of Hawaii, said patients to remain under the jurisdiction of the said Surgeon-General, or his agent, until returned to the proper authorities of Hawaii.

SEC. 4. That the Surgeon-General of the Public Health and Marine-Hospital Service of the United States is authorized to detail or appoint, for the purposes of these investigations and treatment, such medical officers, acting assistant surgeons, pharmacists, and employees as may be necessary for said purpose.

SEC. 5. That the sum of $100,000 is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the erection of necessary hospitals, officers' and attendants' quarters, laboratory, and other necessary structures and their equipment; and $50,000 for maintenance and pay of all officers and employees during the fiscal year ending June 30, 1906.

The following amendments, recommended by the Committee on Interstate and Foreign Commerce, were read:

On page 1, in lines 6 and 7, strike out the words "within the leper settlement on the island of Molokai, Hawaii," and insert in lieu thereof the word "thereon."

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to cause the erection upon such site of suitable and necessary buildings for the purposes of this act at a cost not to exceed the sum herein appropriated for such purpose."

On page 2, in line 5, after the word "Hawaii," insert the words "not to exceed forty in number to be under treatment at any time."

On page 2, in line 16, strike out the word "hospital" and strike out all of line 17 and that part of line 18 to and including the word "equipment" and the semicolon, and insert in lieu thereof the words "buildings and other equipment."

On page 2, in line 19, after the word "dollars," insert the words "or so much thereof as may be necessary."

Add section 6, as follows:

"SEC. 6. The Surgeon-General of the Public Health and Marine-Hospital Service shall, subject to the approval of the Secretary of the Treasury, make and adopt regulations for the administration and government of the hospital station and laboratory and for the management and treatment of all patients of such hospital."

Add section 7, as follows:

"SEC. 7. That when any commissioned or noncommissioned officer of the Public Health and Marine-Hospital Service is detailed for duty at the leprosarium herein provided for he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided for by the Surgeon-General of the Public Health and Marine-Hospital Service with the approval of the Secretary of the Treasury."

The SPEAKER. The question is on the amendment.

Mr. ROBINSON of Indiana. Mr. Speaker, I did not catch the connection in the reading of the bill, but as I gathered it it provides for a hospital for the care of lepers on the Hawaiian Islands.

Mr. HEPBURN. No, sir; it provides for the establishment of a laboratory there for the purpose of studying the disease, and authorizes a number, not exceeding forty, of the lepers in the establishment now maintained by the Territory of Hawaii to be admitted for the purpose of treatment and investigation.

Mr. ROBINSON of Indiana. It is not the bill which establishes a hospital for leprosy anywhere?

Mr. HEPBURN. No.

The amendment was considered and agreed to.

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

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

AMERICAN ACADEMY, ROME.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19052) to incorporate the American Academy in Rome.

The Clerk read the bill, as follows:

Be it enacted, etc., That Edwin A. Abbey, Samuel A. B. Abbott, Charles Francis Adams, Edwin A. Alderman, James W. Alexander, John J. Albright, James B. Angell, Charles T. Barney, Edward J. Berwind, Edwin H. Blashfield, William A. Boring, Robert S. Brookings, Daniel H. Burnham, Nicholas Murray Butler, John L. Cadwalader, Frank W. Chandler, Edward H. Coates, Thomas Jefferson Coolidge, Frank Miles Day, William E. Dodge, William F. Draper, Charles W. Eliot, Theodore N. Ely, Marshall Field, Charles L. Freer, Daniel Chester French, W. M. R. French, Henry C. Frick, Lyman J. Gage, Richard Watson Gilder, Cass Gilbert, Daniel Coit Gilman, Elmer Ellsworth Garnsey, Arthur T. Hadley, Charles C. Harrison, Thomas Hastings, William H. Herriman, Henry L. Higginson, Charles L. Hutchinson, William M. Kendall, John La Farge, Charles Lanier, Frederick Layton, Austin W. Lord, George B. McClellan, Clarence H. Mackay, Charles F. McKim, William C. McMillan, Frederic MacMonnies, William Rutherford Mead, Frank Millet, S. Weir Mitchell, Charles Moore, Edwin D. Morgan, J. Pierpont Morgan, H. Siddons Mowbray, Frederick Law Olmsted, Francis L. Patton, Robert Swain Peabody, Henry Kirke Porter, George B. Post, Henry S. Pritchett, Frederick W. Rhinelander, James D. Richardson, Edward Robinson, Elihu Root, F. Augustus Schermerhorn, J. G. Schurman, Carl Schurz, James Speyer, James Stillman, Waldo Story, Augustus St. Gaudens, H. A. C. Taylor, S. Breck Parkman Trowbridge, William K. Vanderbilt, Henry Walters, John Q. A. Ward, Henry White, Stanford White, S. O. Warren, Egerton L. Winthrop, their associates and successors, are hereby created a body corporate and politic in the District of Columbia by the name of the American Academy in Rome, for the purpose of establishing and maintaining an institution to promote the study and practice of the fine arts and to aid and stimulate the education and training of archi-

tects, painters, sculptors, and other artists, by enabling such citizens of the United States as shall be selected by competition from among those who have passed with honor through leading technical schools or have been equally well qualified by private instruction or study to develop their powers and complete their training under the most favorable conditions of direction and surroundings.

SEC. 2. That said corporation may adopt a constitution and make all by-laws, rules, and regulations not inconsistent with law that may be necessary or expedient in order to accomplish the purposes of its creation; and it may hold real estate and personal property in the United States and in the Kingdom of Italy for the necessary use and purposes of said organization to an amount not to exceed $1,000,000; and it may adopt a seal. Said corporation shall have its principal office in Washington, in the District of Columbia, and shall hold its annual meetings in such places as the said incorporators shall determine.

SEC. 3. That no official of the United States shall be eligible to serve as director of the said corporation, and when any director shall become an official of the United States he shall cease by virtue of this act to be a director of the corporation hereby authorized.

SEC. 4. That under no circumstances shall the United States be liable for any obligation incurred by this corporation.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, which I will not exercise, I desire to say a few words on the bill. When this bill was before the House on a former occasion, believing as I then did, and believing as I now do, that the Congress of the United States ought not to exercise, and in fact has not the constitutional power to exercise, the power to grant indiscriminately charters except in the jurisdiction over which the Congress has sole jurisdiction, the District of Columbia and the Territories.

In 1901 we passed a general law authorizing the formation of corporations for the District of Columbia, and we all know the extent to which it has been carried and abused, and that the President in a special message recently called the attention of Congress to the fact.

I hold in my hand an advertising letter head of one of these corporations claiming to be incorporated by the act of Congress of March 3, 1901, which reads:

American Corporation Company, incorporated under act of Congress approved March 3, 1901. Capital, $2,500,000. 32 Broadway, N. Y. Railroads and municipal enterprises financed. Stocks and bonds underwritten and guaranteed. Miscellaneous securities negotiated and purchased. Bank stocks, commercial paper, etc.

In other words, under the general law passed in 1901, authorizing corporations and bodies politic in the District of Columbia, we have now all over the United States corporations like this, which are nothing more than bucket shops—companies engaged in speculation. I do not believe that this Government, under the power of the Constitution, has a right to grant indiscriminate charters to people to engage in business in the United States or elsewhere. That doctrine is founded in the Constitution and in the construction of that instrument by the Supreme Court of the United States.

In a number of cases the court has declared that Congress has no general power to grant charters to corporations, and can only grant them where the Congress at the same time confers upon the corporation some governmental function, such as issuing money, building railroads that are to be equipped and used as great public highways, or in the transportation of mail for the Government or the transportation of its armies. Even that for a while was disputed until it was decided, in the famous case of McCulloch *v.* Maryland, that Congress could incorporate the United States Bank.

Now, Mr. Speaker, I have stated this to show that it has been no desire on my part to captiously object to the incorporation of these very worthy and distinguished gentlemen into a body politic, for the laudable and charitable purposes stated in the bill.

I ask that the letter which I hold in my hand, addressed to me by the president of Columbian University, in the city of New York, asking me to withdraw my objection, may be printed in the RECORD, and also the letter head to which I have referred. I have yielded to the request of these most estimable gentlemen, who are engaged in a most meritorious and charitable work for the time being, giving up my objection to this bill in this instance, but not to be binding upon me as a precedent in the future when other bills are sought to be passed like it.

The SPEAKER. Is there objection to the request of the gentleman from Georgia to publish the papers referred to in the RECORD?

There was no objection.

The letter and letter head referred to are as follows:

COLUMBIA UNIVERSITY, IN THE CITY OF NEW YORK,
President's Room, February 24, 1905.

Hon. CHARLES L. BARTLETT,
House of Representatives, Washington, D. C.

MY DEAR SIR: Noting in the CONGRESSIONAL RECORD for February 21 (p. 3111), your objection to unanimous consent to the passage of House bill 19052, to incorporate the American Academy in Rome, I venture to address you a brief word of explanation, in the hope that before the expiry of the present session of Congress you may consent to the passage of this important measure.

The bill simply incorporates an American academy in Rome, with power to hold property and to carry on instruction in fine arts there, in order that American students may have the same advantages which long have been extended to the students of France through similar action taken by the French Government many years ago.

The object of seeking incorporation at the hands of Congress is to secure the status which is necessary to enable the academy to receive favors and privileges at the hands of a foreign government. Foreign governments are very unwilling, as a rule, to extend their courtesies to institutions which are incorporated under general acts or in some one of the States. Inasmuch as the Italian Government is ready to give every privilege to the students in this academy that it has given to students in the French Academy in Rome, and since an American citizen has provided by gift a handsome villa for its headquarters, and since other citizens have already united to contribute a large portion of the $1,000,000 endowment fund which is being raised, I very much hope, as one of the incorporators named in the bill, that you will consent to its passage.

There are no conceivable circumstances under which the proposed American Academy in Rome could become, or seek to become, a beneficiary of our own Government or to ask any appropriations therefrom.

With high regard, I have the honor to be, faithfully yours,

NICHOLAS MURRAY BUTLER.

American Corporations Company, 32 Broadway, New York. Incorporated under act of Congress approved March 3, 1901. Capital, $2,500,000. Railroads and municipal enterprises financed. Stocks and bonds underwritten and guaranteed. Miscellaneous securities negotiated and purchased. Bank stocks, commercial paper, etc.

Mr. MANN. Mr. Speaker, when this bill was called up a few days ago I objected. I have investigated the matter quite fully, and while I have some doubt about the propriety of Congress enacting legislation of this sort at all, this particular case has such strong merit on its side that I do not feel willing to object, and I do not therefore object.

The SPEAKER. The Chair hears no objection.

Mr. McCLEARY of Minnesota. Mr. Speaker, the immediate object of this bill is to grant a charter to an institution, called The American Academy in Rome, whose purpose is to enable young Americans having talent in painting, sculpture, and architecture to have, under the most favorable circumstances, the advantages of three years' study in those lines abroad, the first two years in Rome and the third year in other art centers. The ultimate object of the bill is to secure for this country an uplift in artistic ability and in the appreciation thereof.

For many centuries Rome has been recognized as the chief art center of the world. For two hundred and twenty-five years France has followed the policy of sending to Rome for art courses her young people of demonstrated talent, and as a result Paris has been long recognized as herself a great art center. Germany, England, and other countries have followed the example of France with very pronounced benefit. It is time for this country to give its young people of talent similar advantages.

In France, Germany, and some other countries the nation undertakes to meet the expenses of this instruction from the public treasury. In England they are met from private benefactions. In this bill the example of England in this respect is followed. The bill now under consideration does not call for a dollar from the National Treasury, either now or in the future. Indeed, section 4 provides "that under no circumstances shall the United States be liable for any obligation incurred under this incorporation." The funds for carrying on the work of this institution will be furnished by the voluntary subscriptions of American citizens who have pride in their country and the wish to afford her the benefit which other nations have found to flow from the establishment of similar institutions.

Mr. McCLEARY of Minnesota. Mr. Speaker, I offer the three amendments which I send to the desk and ask to have read.

The Clerk read as follows:

Line 7, after "Brookings," insert the words "Glen Brown."
Line 9, after "Coolidge," insert the words "Albert Dean Currier."
Line 10, after "Draper," insert the words "William E. Eames."

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

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolution (S. R. 107) authorizing the Commission to revise the laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission.

Also:

S. 4931. An act to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally dis-

abled in them in the military or naval service of the United States.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4938) regulating the use of telegraph wires in the District of Columbia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3043) for the relief of the estate of the late John Jacoby.

The message also announced that the Senate had passed with amendment bill of the following title:

H. R. 14622. An act prohibiting the selection of timber lands in lieu of lands in forest reserves.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the following joint resolution and bills: S. R. 11, S. 735, S. 2876, S. 964, S. 2888, S. 175, S. 705, S. 3197, S. 2547, S. 4260, S. 2269, S. 4236, S. 2749.

DUTIES OF APPRAISERS OF MERCHANDISE.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4069) to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in case of a vacancy occurring, by reason of death or otherwise, in the office of appraiser or assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate, for a period not exceeding ninety days, some officer or employee within the district to perform the duties of the office, without additional compensation, until the vacancy shall have been filled.

SEC. 2. That in case of the sickness, disability, or occasional and necessary absence from his office of an appraiser or an assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate, for a period not exceeding ninety days, some officer or employee within the district to act as such appraiser or assistant appraiser, without additional compensation, during such absence: *Provided*, That in no case shall any person enter upon or discharge the duties of appraiser or assistant appraiser of merchandise until he shall have taken the oath required by law of such officer.

The following committee amendments were read:

Page 1, lines 6 and 7, strike out "for a period not exceeding ninety days."

Strike out section 2 of said bill and insert in lieu thereof the following:

"SEC. 2. That in case of the sickness, disability, or occasional and necessary absence from his office of an appraiser of merchandise in any customs collection district it shall be lawful for the appraiser to nominate, and the Secretary of the Treasury to confirm, an assistant appraiser or other officer of the customs in the same customs collection district, who shall perform the functions of the appraiser, without additional compensation, during such absence: *Provided*, That in no case shall any person enter upon or discharge the duties of the appraiser or assistant appraiser of merchandise until he shall have taken the oath required by law of such officer."

The SPEAKER. Is there objection?

There was no objection.

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

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

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

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

RIGHT OF SETTLERS TO TRANSFER RIGHT OF WAY, ETC.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6757) to amend section 2288 of the Revised Statutes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2288 of the Revised Statutes be amended so as to read as follows:

"SEC. 2288. Any bona fide settler under the preemption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, telegraph, telephones, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

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

COST OF WARS IN ALL COUNTRIES.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution No. 70, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to collect and compile, from the most authentic and reliable sources, statistics on the following subjects, and have the same printed and bound on or before January 1, 1906:

First. The cost of wars in all countries, from the year 1800 down to date, including the expenses of the nation and states, municipalities, and otherwise.

Second. The amount paid for pensions and other allowances to soldiers and sailors engaged in such wars.

Third. The amounts paid for hospitals and retreats to disabled soldiers and sailors.

Fourth. The amount of property destroyed in such wars, by land and sea.

Fifth. The additional cost of maintaining armies and navies in time of peace, to each nation during said period.

Sixth. An approximate estimate of the indirect expenses and damages by such wars to the health and prosperity of each nation resulting from such wars.

Seventh. The number of killed and wounded and disabled on each side during such wars.

Said statistics to be classified under the name of each nation, and to be summarized in the most plain and concise manner practicable.

On completion, said volume to be distributed, in the discretion of Congress, in this and other countries as preliminary to an international peace and disarmament congress, to be held at Washington or The Hague July 4, 1906, or sooner if practicable.

The following amendments were read:

In line 8, strike out the words "down to date" and insert "to and including the year 1900."

In line 16, page 2, strike out the words "in this and other countries."

In line 19, page 2, strike out the words "or sooner if practicable."

The SPEAKER. Is there objection?

Mr. LOUDENSLAGER. Mr. Speaker, I object.

GETTYSBURG NATIONAL PARK COMMISSION.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2697) to amend an act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, in the State of Pennsylvania, to commemorate the valorous deeds of certain regiments and batteries of the United States Army, approved the 18th of February, 1903, be, and hereby is, amended by adding to the names of batteries therein mentioned Battery E, Fourth United States Artillery. And for the purpose of carrying out the provisions of said Act as hereby amended the sum of $1,500 is hereby appropriated out of any money not otherwise appropriated.

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

The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time; read the third time, and passed.

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

RESURVEY OF CERTAIN TOWNSHIPS IN NEBRASKA.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18752) for the resurvey of certain townships in the counties of Rock and Brown, in the State of Nebraska, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of townships 25, 26, 27, and 28 north, range 17; townships 25, 26, 27, and 28 north, range 18; townships 25, 26, 27, and 28 north, range 19; townships 25, 26, 27, and 28 north, range 20; townships 25, 26, 27, and 28 north, range 21; townships 25, 26, 27, and 28 north, range 22; townships 25, 26, 27, and 28 north, range 23, and townships 25, 26, 27, and 28 north, range 24, west of the sixth principal meridian, situated in the counties of Rock and Brown, in the State of Nebraska; and all rules and regulations of the Interior Department requiring petitions from all settlers of said counties asking for resurvey and agreement to abide by the result of the same so far as these lands are concerned are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied.

The following committee amendment was read:

Provided further, That before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, reserving the right to object, I desire to ask whether or not it is a fact that at the present time the Commissioner of the General Land Office has a

fund from which he can have these surveys made? Has he not the authority under the law and has he not the fund now in hand from which he can have these surveys made?

Mr. KINKAID. There is no authority to make the surveys without this act.

Mr. STEPHENS of Texas. I understand that he has the authority to extend the United States Government surveys.

Mr. KINKAID. Yes; but this is a resurvey.

Mr. STEPHENS of Texas. And the monuments have been lost, obliterated?

Mr. KINKAID. Yes. This is unanimously reported and the Commissioner approves it. There is no question about the necessity of some of it being resurveyed, and the showing has to be made to the Secretary of the Interior that it is necessary to survey before a contract will be let.

Mr. STEPHENS of Texas. Is it public or private land, or mixed?

Mr. KINKAID. Homesteaders are occupying it and have not yet proven up, and in many cases it has been patented.

Mr. STEPHENS of Texas. It is a resurvey instead of an original survey.

Mr. KINKAID. Yes, sir.

Mr. STEPHENS of Texas. It is my understanding of the law that he has a perfect right to extend the United States surveys on any public domain not heretofore surveyed.

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

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.

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

GRANTING CERTAIN LANDS TO THE CITY OF TACOMA FOR USE AS A PUBLIC PARK.

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

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17019) granting certain lands to the city of Tacoma, in the State of Washington, for use as a public park.

Be it enacted, etc., That the title and fee to lots 1, 2, and 3 of section 10, and lots 1, 2, and 3, and the south half of the southwest quarter of section 14, and lots 1, 2, 3, 4, 5, and 6, and the east half of the southeast quarter, and the northeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of section 15, of township 21 north, range 2 east, Willamette meridian, in the State of Washington, be, and the same are hereby, granted to the city of Tacoma, in the county of Pierce in said State, for its use as a public park; subject, however, to the right of the United States to at any and all times and in any manner assume control of, hold, use, and occupy, without license, consent, or leave from said city any or all of said lots for any and all military and naval purposes, freed from any conveyances, charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said city.

The amendments were read, as follows:

First. On page 2, line 2, strike out "and" after "military," insert a comma, and after the word "naval" insert the words "or light-house," so that the same will read: "for any and all military, naval, or light-house purposes," etc.

Second. At the end of the bill insert the following:

"*And provided*, That the United States shall not be or become liable for any damages or compensation whatever to the city of Tacoma for any future use by the Government of any or all of the above-described land for any of said above-mentioned purposes."

Third. Insert at the end of the first proviso the following:

"*And provided further*, That if said lands shall not be used as a public park the same or such parts thereof not so used shall revert to the United States."

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection.

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.

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

RESURVEY OF CERTAIN TOWNSHIPS IN MONTANA.

Mr. DIXON. Mr. Speaker, I ask unanimous consent for the present consideration of the following House bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 19118) to authorize the Secretary of the Interior to construct dams across the Yellowstone River in Montana in connection with irrigation works.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I merely want, before consent is given, and as I understand this is a bill to authorize——

The SPEAKER. The gentleman from Georgia will suspend a moment until the bill is read.

Mr. BARTLETT. Yes, sir; but I do not want to lose the right to object.

The SPEAKER. Certainly not.

The Clerk read as follows:

Be it enacted, etc., That where, in carrying out projects under the provisions of the national reclamation act, it shall be necessary to construct dams in or across the Yellowstone River in the State of Montana, the Secretary of the Interior is hereby authorized to construct and use and operate the same in the manner and for the purposes contemplated by said reclamation act.

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

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

Mr. DIXON. Mr. Speaker, I ask unanimous consent for the present consideration of the following Senate bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

An act (S. 5203) providing for the resurvey of township 18 north, range 6 east, and township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in township No. 18 north, in range No. 6 east, and township No. 19 north, in range No. 6 east, Montana meridian, in Cascade County, in the State of Montana; and all rules and regulations of the Interior Department requiring petitions from all settlers of said county asking for resurvey and agreement to abide by the result of the same so far as these lands are concerned are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands to the lands so occupied.

The amendment was read, as follows:

Strike out, after the word "in," line 4 of the bill, the words "township No. 18 north, in range No. 6 east, and."

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, reserving the right to object, I desire to ask the gentleman whether or not if this is not a means to have land resurveyed that has been heretofore surveyed and upon which settlers are now living?

Mr. DIXON. Yes, sir.

Mr. STEPHENS of Texas. Then why should this Government be charged up with a perpetual requirement placed upon the Government to keep these lines up after the Government has parted with the title? When they have once made a survey, why should they continually resurvey this land year after year?

Mr. DIXON. I will say to the gentleman from Texas, until about twenty-five years ago there was no such thing as an inspector of surveys. Before that time surveys were made in the field, the plats were returned half the time surveyed on horseback, no corners were established, and it is those old surveys which were made before the inspectors went in the field and undertook to say whether or not the surveys had been made that are now desired to be resurveyed.

This is a Senate bill which Senator GIBSON introduced in the Senate. The settlers of this township ask for a survey, part on public lands, part on homesteads. The corners can not be found. It is done by the Commissioner every month in the year, but it takes a special act of Congress except where every man in the township agrees to a signed statement.

Mr. STEPHENS of Texas. It is nothing but to correct a survey made?

Mr. DIXON. Nothing whatever.

Mr. STEPHENS of Texas. This is work that the Government should have done first.

Mr. DIXON. Yes; and should have been done twenty-five years ago.

Mr. STEPHENS of Texas. Then I have no objection.

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

The amendment was agreed to.

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

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

The title was amended so as to read: "An act providing for the resurvey of township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana."

PRINTING REPORT OF COMMISSIONER OF CORPORATIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following House resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives 6,000 copies and for the Department of Commerce and Labor 6,000 copies of House Document No. 165, Fifty-eighth Congress, third session, being the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904.

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

The resolution was agreed to.

PRINTING REPORTS OF THE BUREAU OF IMMIGRATION.

Mr. CHARLES B. LANDIS. 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 Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That there shall be printed for the use of the Bureau of Immigration 2,500 copies of the Annual Report of the said Bureau for 1904, and that hereafter the number to be printed of the Annual Reports of the aforesaid Bureau shall be subject to the discretion of the Secretary of the Department of Commerce and Labor, the number of copies not to exceed 5,000 in any one fiscal year.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

BULLETIN NO. 57, BUREAU OF FORESTRY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 210.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of a House joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That there shall be printed 10,000 copies of Bulletin No. 57, of the Bureau of Forestry of the Department of Agriculture, which is a compilation of all Federal and State forest laws, of which 5,000 copies shall be for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for the use of the Department of Agriculture.

The following committee amendments were read:

Strike out the word "twenty-five," in line 3, and insert in lieu thereof the word "ten."

Strike out all after the word "laws," in line 6, to and including the word "copies," in line 8.

The SPEAKER. Is there objection?

Mr. CLARK. Mr. Speaker, I would like to ask the gentleman from Indiana [Mr. CHARLES B. LANDIS] where these that are to go to the House will be deposited?

Mr. CHARLES B. LANDIS. They will be placed to the credit of the Secretary of Agriculture.

Mr. CLARK. All right.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Indiana [Mr. CHARLES B. LANDIS] whether the amendment does not take away the copies that were intended for the House and Senate?

Mr. CHARLES B. LANDIS. Mr. Speaker, I would say that the distribution will be entirely with the Department of Agriculture.

Mr. FITZGERALD. Mr. Speaker, I object.

EULOGIES ON THE LATE SENATOR MARCUS A. HANNA.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of concurrent resolution No. 69, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That of the eulogies on the late Senator Marcus A. Hanna there be printed and bound in cloth 6,200 additional copies, of which 2,000 shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives and 200 of which shall be bound in full morocco, with gilt edges, for the family of the deceased.

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

The concurrent resolution was agreed to.

CRIERS AND BAILIFFS IN THE UNITED STATES COURTS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2207.

The SPEAKER. The gentleman from Maine [Mr. LITTLEFIELD] asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That on and after the passage of this act the per diem pay of all persons employed in any court of the United States under section 715 of the Revised Statutes, now fixed by law at $2 a day, shall be $3 a day.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I would like to inquire of the gentleman from Maine [Mr. LITTLEFIELD] from what committee this bill comes?

Mr. LITTLEFIELD. It has been passed by the Senate and comes from the Judiciary Committee by a unanimous consent.

Mr. BARTLETT. And fixes the compensation of criers and bailiffs in the United States courts at $1 a day more than they now receive, for the time they serve. I am informed, I will say to the gentleman from Maine [Mr. LITTLEFIELD] that he is in error about its having had unanimous consent in the committee. While there may not be minority views presented, it is not the unanimous judgment of the committee that it should pass.

Mr. LITTLEFIELD. If there is anybody on the committee that states that, of course I am in error. I had supposed it was unanimous.

Mr. BARTLETT. Can the gentleman from Maine give us some idea in regard to it? The gentleman has taken a position on the floor, and I think very properly, about keeping down expenditures. Can he give us some idea of how much it is going to increase the expenditures?

Mr. LITTLEFIELD. A very small sum.

Mr. BARTLETT. It is a dollar a day more for each crier and bailiff.

Mr. LITTLEFIELD. That is true. The truth of it is that in the courts the men who serve as criers and bailiffs have to be where they can be called upon at any time, and certainly up in my section they get anywhere from three hundred to three hundred and fifty dollars a year, and that is practically for a year's service. This increases the compensation a dollar a day. I can not give the gentleman from Georgia [Mr. BARTLETT] the aggregate amount, because I do not know the number of criers and bailiffs.

Mr. BARTLETT. This does not propose to limit the number of bailiffs?

Mr. LITTLEFIELD. Not at all. That is entirely within the discretion of the court.

Mr. BARTLETT. I have no doubt that the gentleman from Maine [Mr. LITTLEFIELD] does not suffer as people in other States do, from a superabundance of appointed bailiffs in Federal courts.

Mr. LITTLEFIELD. I assume, if the Chair pleases, that the court properly discharges its duties in regulating the number.

Mr. BARTLETT. That is a very violent presumption in very many cases.

Mr. LITTLEFIELD. That may be true.

Mr. BARTLETT. Mr. Speaker, I believe I will object.

Mr. LITTLEFIELD. Mr. Speaker, may I be recognized under the suspension of the rules?

The SPEAKER. In the present condition of the Speaker's table, the Chair can not recognize the gentleman for that purpose at this time.

Mr. ZENOR. Mr. Speaker, I desire to ask——

The SPEAKER. Objection has been made.

SALES OF PROPERTY PURCHASED BY RECLAMATION FUND.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 18528.

The bill was read, as follows:

A bill (H. R. 18528) to provide for the covering into the reclamation fund certain proceeds of sales of property purchased by the reclamation fund.

Be it enacted, etc., That there shall be covered into the reclamation fund established under the act of June 17, 1902, known as the reclamation act, the proceeds of the sales of material utilized for temporary work and structures in connection with the operations under the said act, as well as of the sales of all other condemned property which had been purchased under the provisions thereof, and also any moneys refunded in connection with the operations under said reclamation act.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman from what committee that is reported?

Mr. MONDELL. The bill was reported by the committee the other day. I think the gentleman was present. It simply provides that where material is purchased out of the reclamation fund and is disposed of under the law under condemnation the money shall be returned to the fund.

Mr. UNDERWOOD. In other words, when the work has been done under the reclamation act, and it is necessary for them to purchase machinery and tools, that they are to have the right to sell and then return the proceeds to the fund?

Mr. MONDELL. They have the right under the general law. It simply provides that instead of the proceeds going to the National Treasury, as it would under the law, it would go to the reclamation fund.

Mr. UNDERWOOD. The bill is confined to that authority?

Mr. MONDELL. It does not enlarge their authority at all.

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

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

NAVAL APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, with Senate amendments.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to disagree to the Senate amendments and ask for a conference.

Mr. VANDIVER. Mr. Speaker, I did not hear the gentleman's request.

Mr. FOSS. To nonconcur in the Senate amendments and ask for a conference.

Mr. VANDIVER. Mr. Speaker, I desire to ask whether or not that would take the whole subject of those amendments out of the consideration of the Committee on Naval Affairs of the House?

The SPEAKER. To disagree to the Senate amendments would be action of the House nonconcurring in the Senate amendments and asking a conference with the Senate.

Mr. VANDIVER. Mr. Speaker, I desire to ask the chairman of the committee if he will consent to the consideration of the last of these amendments in the House before the bill goes to conference?

Mr. FOSS. Now, let me ask the gentleman if there is some particular amendment upon which he wants a separate vote?

Mr. VANDIVER. Yes, sir.

Mr. FOSS. What amendment is that?

Mr. VANDIVER. I desire a separate vote on the amendment authorizing and directing the Secretary of the Navy to institute an investigation into the cost of the manufacture of armor plate and the cost of the establishment of an armor-plate factory.

Mr. FOSS. Well, I think I can assure the gentleman that there will be an opportunity for a separate vote on that in the House before it is agreed to by the conference committee.

Mr. VANDIVER. And on that vote I desire to make a parliamentary inquiry. Will it be in order at that time to move an amendment to the amendment?

The SPEAKER. It is in the power of the House to concur in the Senate amendment with an amendment, if it is germane.

Mr. VANDIVER. If I can be assured of an opportunity for a vote on the Senate amendment with an amendment, I shall not object to the request.

Mr. FOSS. As I understand the meaning of the gentleman, it is that we ask for a conference, upon the understanding that before the conferees agree on that particular amendment that it will be submitted to the House and opportunity will be given for a separate vote on it?

The SPEAKER. The gentleman modifies his request with that statement.

Mr. VANDIVER. With that understanding, Mr. Speaker, I shall not object.

The SPEAKER. The Chair hears no objection, and it is so ordered. The Chair announces the following conferees: Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana.

HARRIET E. PENROSE.

The SPEAKER laid before the House the bill (S. 202) granting a pension to Harriet E. Penrose, with an amendment of the House disagreed to by the Senate.

Mr. LOUDENSLAGER. I move that the House further insist on its amendment and request a conference.

The motion was agreed to.

The SPEAKER. The Chair announces as conferees Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

JAMES H. THOMAS.

The SPEAKER also laid before the House the bill (H. R. 17632) granting a pension to James H. Thomas, with an amendment of the Senate, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

WALTER ELKAN.

The SPEAKER also laid before the House the bill (H. R. 15629) granting a pension to Walter Elkan, alias Walter Eckhardt, with a Senate amendment, which was read.

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

The motion was agreed to.

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 27, 1905:

H. R. 1860. An act for the relief of certain enlisted men of the Twentieth Regiment of New York Volunteer Infantry; and

H. R. 18815. An act to authorize the construction of a bridge across Red River at or near Boyce, La.

On February 28, 1905:

H. J. Res. 217. Joint resolution to return to the proper authorities certain Union and Confederate battle flags; and

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.

SENATE JOINT RESOLUTION AND BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. Res. 107. Joint resolution authorizing the Commission to Revise the Laws of the United States to incorporate in its final report the criminal and penal laws and the judiciary title heretofore reported by said Commission—to the Committee on the Revision of Laws.

S. 4931. An act to amend an act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States—to the Committee on Invalid Pensions.

H. R. 14622. An act prohibiting the selection of timber lands in lieu of lands in forest reserves, with Senate amendment—to the Committee on the Public Lands.

UNITED STATES COURT, WASHINGTON, N. C.

The SPEAKER also laid before the House the bill (H. R. 14589) to provide for terms of the United States district and circuit courts at Washington, N. C., with a Senate amendment.

The Senate amendment was read.

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

The motion was agreed to.

SHOSHONE RESERVATION, WYO.

The SPEAKER also laid before the House the bill (H. R. 17997) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Reservation, in the State of Wyoming, etc., with Senate amendments.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Kansas asks unanimous consent to disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. MARSHALL, Mr. LACEY, and Mr. STEPHENS of Texas.

R. D. ASHFORD.

The SPEAKER also laid before the House the bill (H. R. 10089) for the relief of R. D. Ashford, with a Senate amendment.

The Senate amendment was read.

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

The motion was agreed to.

INTERNATIONAL COPYRIGHT.

The SPEAKER also laid before the House the bill (H. R. 6487) to amend section 4952 of the Revised Statutes, with Senate amendments.

Mr. CURRIER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 6647) 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.

Mr. CURTIS. Mr. Speaker, I ask that the bill be taken from the Speaker's table and put upon its final passage.

The SPEAKER. Is there a similar House bill on the Calendar.

Mr. CURTIS. There is.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Choctaw, Oklahoma and Gulf Railroad Company be, and it is hereby, authorized and empowered 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 the Chicago, Rock Island and Pacific Railway Company is hereby authorized and empowered to purchase, hold, maintain, and operate the railway heretofore constructed or now owned by the Choctaw, Oklahoma and Gulf Railroad Company, subject, however, to all the conditions and limitations contained in the several acts of Congress authorizing the organization of the Choctaw, Oklahoma and Gulf Railroad Company and the construction of its lines in the Indian Territory: *Provided, however,* That before any such sale and conveyance shall be made the terms thereof shall be approved by a majority of the directors of the Choctaw, Oklahoma and Gulf Railroad Company.

SEC. 2. That all the provisions of any act of Congress inconsistent with this act be, and the same are hereby, repealed.

Mr. LITTLE. Mr. Speaker, pending the motion of the gentleman from Kansas, I desire to offer an amendment to the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 7, after the word "company," add the following: "*Provided*, That said purchasing company shall by said purchase be and become liable and assume the payment of all existing liabilities of said selling company; and all suits now pending against the said Choctaw, Oklahoma and Gulf Railroad Company shall proceed to final judgment the same as if said sale had not been made."

The amendment was agreed to.

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

The SPEAKER. Does the gentleman ask for a conference with the Senate?

Mr. CURTIS. This is a House amendment. Can we ask for a conference at this time?

The SPEAKER. The gentleman can do so if he so desires.

Mr. CURTIS. Then I move that the House ask for a conference.

The SPEAKER. The gentleman moves that the House ask for a conference. If there be no objection, it will be so ordered.

There was no objection; and the Speaker announced as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas.

REPORTS OF BUREAU OF IMMIGRATION.

Mr. CHARLES B. LANDIS. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] has withdrawn his objection to House joint resolution providing for the printing annually of the reports of the Bureau of Immigration, and I now ask unanimous consent to its passage.

The Clerk read the joint resolution, as follows:

Joint resolution providing for the printing annually of the reports of the Bureau of Immigration.

Resolved, etc., That there shall be printed for the use of the Bureau of Immigration 2,500 copies of the annual report of the said Bureau for 1904, and that hereafter the number to be printed of the annual reports of the aforesaid Bureau shall be subject to the discretion of the Secretary of the Department of Commerce and Labor, the number of copies not to exceed 5,000 in any one fiscal year.

The SPEAKER. Is there objection?

There was no objection.

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

UNAPPROPRIATED AND UNRESERVED LANDS IN SOUTH DAKOTA AND COLORADO.

Mr. MARTIN. Mr. Speaker, I call up for consideration a bill under the special order relating to unappropriated and unreserved lands in South Dakota and Colorado.

The SPEAKER. Under the special order the gentleman from South Dakota calls up the following bill.

Mr. MARTIN. The first bill is the bill (H. R. 18464) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota, and I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection?

Mr. NEEDHAM. What arrangement is the gentleman to make as to general debate?

Mr. MARTIN. If I understand the parliamentary situation, there is no general debate contemplated under the rules. My request is that the first reading of the bill be dispensed with.

Mr. NEEDHAM. There is to be no general debate at all?

Mr. MARTIN. That is the way I understand the parliamentary situation, that there is to be no debate, except under the five-minute rule.

The SPEAKER. Is there unanimous consent to dispense with the first reading of the bill?

Mr. NEEDHAM. Mr. Speaker, a parliamentary inquiry. Is it not in order to have general debate on the bill?

The SPEAKER. This is a proceeding by unanimous consent to consider the bill in the House as in Committee of the Whole under the five-minute rule. The Chair is inclined to the opinion that the consideration of the bill under that order would be under the five-minute rule unless it is determined otherwise by unanimous consent.

Mr. ZENOR. Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. But the bill is being considered under a special order and is a privileged matter under that order.

Mr. ZENOR. I raise the question of consideration.

Mr. MARTIN. My request is simply that the first reading of the bill be dispensed with.

The SPEAKER. It occurs to the Chair, however, that the first reading of the bill in the House is not required; that the regular order would be to read the bill for consideration under the five-minute rule for amendment, paragraph by paragraph.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order under the rule.

The SPEAKER. The regular order would be to read the bill for amendment and consideration under the five-minute rule.

Mr. LACEY. Mr. Speaker, that is what I wanted to call the attention of the Chair to. This bill is being considered under a special order made by the House, which was passed under a suspension of the rules. That special order required that the bill should be considered in the House as in Committee of the Whole. Now, if it was considered in Committee of the Whole there would be general debate and then debate under the five-minute rule. If it is to be considered in the House as in Committee of the Whole, by what rule would the general debate be cut off? In other words, does not the same rule prevail precisely as though it was first considered in Committee of the Whole and then in the House, the House having control of both methods of consideration? It seems to me that we are entitled to general debate, which, of course, may be cut off at any time by order of the House.

The SPEAKER. House bills in the House ordinarily are considered subject to the previous question as a whole. There is no five-minute rule in the House of Representatives under the rules of the House. The Chair knows of no way by which debate can be cut off in the House except by the operation of the previous question. This bill is to be considered in the House as in Committee of the Whole, and it seems to the Chair that the better rule would be, and is under such an order, for the bill to be read under the five-minute rule. Much can be said on the other side. The Chair has not looked up the precedents himself, but the Chair is informed that the precedents are conflicting, but that the weight of practice seems to be to consider such bills under the five-minute rule, and unless the precedent should be clearly in favor of general debate, under an agreement of this kind or a special order of this kind, the Chair would be inclined to think that the better rule would be that it should be considered under the five-minute rule. Under the circumstances, the weight of precedents being in favor of that view, the Chair is very clearly of the opinion that the bill should be read for amendment under the five-minute rule.

Mr. UNDERWOOD. When the bill is to be considered in the House as in Committee of the Whole it should be considered under similar circumstances.

The SPEAKER. But it is impossible to consider it under similar circumstances, for in the House the previous question may operate, which it can not do in Committee of the Whole.

Mr. UNDERWOOD. Then it is not considered in the House as in the Committee of the Whole.

The SPEAKER. Yes; under the five-minute rule; and that seems to have been, under the precedents, under similar orders, the very object of it, viz, that the consideration might be had under the five-minute rule.

Mr. UNDERWOOD. There is nothing which can cut off debate in the House except an express order of the House itself. Now, the ordinary rule brought in limits debate or cuts it off, and it is so provided in the rule. I remember when we had up for consideration the revenue-cutter bill, at a time when one of the Speaker's predecessors was in the chair, and which was reported under this kind of a rule to be considered in the House as in the Committee of the Whole, there was general debate, and great latitude of debate, allowed on that proposition.

The SPEAKER. The Chair is inclined to adhere to the ruling the Chair has already made.

Mr. UNDERWOOD. Then, Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman raises the question of consideration against the bill. The question is, Will the House consider the bill?

Mr. MARTIN. Mr. Speaker, I demand the regular order.

The SPEAKER. That is the regular order. The gentleman from Alabama raises the question of consideration against the bill.

Mr. MARTIN. Mr. Speaker, a point of order. Under the special order which makes this bill the regular and continuing order, is the objection timely any longer?

The SPEAKER. Oh, it is always in order. It is not against the order. Although the House should refuse to consider the bill at this time it would still, under the special order, be privileged; but it is within the power of a majority of the House to refuse to consider anything, and that is the question of consideration that the gentleman from Alabama [Mr. UNDERWOOD] raises. The question is, Will the House consider the bill?

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 126, noes 91.

Mr. NEEDHAM. Mr. Speaker, I demand tellers.

Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused, thirty-five gentlemen rising, not a sufficient number.

So the House determined to consider the bill.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That from and after four months after the approval of this act entries made under the homestead laws in the State of South Dakota, west of the Missouri River and not within forest reserves or other reservations, may equal but shall not exceed in area 640 acres, and shall be as nearly compact in form as possible, and in no event over 2 miles in extreme length nor more than 1 mile in length along the course of a stream of water: *Provided*, That there shall be excluded from the operation of this act such lands within the territory herein described as, in the opinion of the Secretary of the Interior, it may be reasonably practicable to irrigate under the national irrigation law or by private enterprise, and that said Secretary shall, prior to the date above mentioned, designate and exclude from entry under this act the lands which, in his opinion, it may be practicable to irrigate as aforesaid, and shall thereafter from time to time open to entry under this act any of the lands so excluded which upon further investigation he may conclude can not be practically irrigated in the manner aforesaid: *And provided*, That the lands in Gregory County, S. Dak., opened to settlement under and by virtue of the act of Congress approved April 23, 1904, shall not be subject to the provisions of this act.

Mr. UNDERWOOD. Mr. Speaker, I am opposed to this bill not because I think the bill itself is a fraud, or that the men who are attempting to pass this bill in this House are doing it for fraudulent purposes, but I do believe that when you enact this bill into law you are opening wider and wider the gate for fraudulent homestead entries of the public lands of the United States and making it very easy for corrupt men to defraud the Government. We all know that through the great West the courts to-day are engaged in trying many criminal cases for fraudulent and unlawful entries of the public domain, whereby it has been taken up for speculative purposes, to the injury of the many home-seekers of America. I admit that it is not an answer to the arguments made by the advocates of this bill that it is necessary to enlarge the area of the homestead entry in South Dakota to say and prove that frauds are already being committed under the present homestead laws, but I do say that when you allow a man to enter 640 acres as a homestead, instead of 160, you open wider the gates through which the fraudulent entryman can go and increase the inducements for the perpetration of fraudulent entries for speculative purposes, encourage the taking up of these lands for immense cattle ranges, and deprive the humble and the lowly of the opportunity to find a home in the far West. I have a clipping here from a western paper, showing how this 640-acre, this square-mile homestead is being used in Nebraska, under a similar law to the one proposed in this bill, and I send the newspaper clipping to the Clerk's desk to have it read.

Mr. NORRIS. Will the gentleman state what paper it is from?

Mr. UNDERWOOD. The Tribune, of Fremont, Nebr., February 17, 1905. It shows how these lands are taken and how these entries are made under the Nebraska "square-mile homestead act."

The Clerk read as follows:

[From the Tribune, Fremont, Nebr., February 17, 1905.]

SAND HILLS LAND—FREMONTERS MAKE ENTRY ON SEVENTEEN SECTIONS—EXERCISE SOLDIERS' RIGHTS—SOME ALSO GET VALUABLE IMPROVEMENTS—MR. WINTERSTEEN ENTERS SIXTY-SEVEN SECTIONS—LIVELY SCENES AT NORTH PLATTE ON DAY OF OPENING.

P. H. Wintersteen has returned home from his trip to North Platte, where he went to attend the opening of the mile-square homesteads to settlement on the 14th. He says there was much interest among land seekers and that North Platte presented a lively appearance as a result of it.

Mr. Wintersteen made a large number of filings for Fremont people, those who were entitled to make them under their soldiers' rights. He took with him papers for all these, and upon presenting them at the land office was permitted to make entries. He made sixty-seven of these all told, covering 42,680 acres. Seventeen entries were for Fremonters as follows: Caroline Pope, Jacob Beemer, James Chase, Alfred Hancock, L. A. Harmon, G. W. Secrest, George W. Curry, J. A. Stanley, Seth. W. Hunt, James Campbell, A. C. Randall, R. Rider, Silas W. Dutton, Frank Healy, Horatio Hadley, Michael Connor, Jerry Gay.

Three declaratory statements offered by Fremont men were rejected on account of previous filings, which had been relinquished, but not annulled so as to restore their rights. These were W. W. Armstrong, D. M. Allen, and J. W. Hyatt.

Mr. Wintersteen last December went over the country pretty thoroughly on a tour of inspection and knew where to find the best land when it came to filing. He got most of it in Keith and McPherson counties, near the line between the two. Messrs. Connof, Healy, and Gay got claims with windmills and tanks on them and other improvements worth about $500. "In my talks with ranchmen," said Mr. Wintersteen, "I found that, as a rule, they will be willing to pay as much as $3 an acre for the hill lands when they can get title to it, and that hay land will readily bring twice that much. All the cattlemen are anxious to increase their ranges, and there is not a single section of all that has been entered that will not readily bring $1,500."

Frank Edgerton also gives an interesting account of the doings at North Platte incident to the land opening. Mr. Edgerton maintained a real estate office at North Platte for a month, and was in a position to know something of what was going on. He does not believe that more than a tenth of the homesteaders who filed were ever on the ground they will claim title to, nor that more than a few of them know just where their farms are located. The weather was so disagreeable and the snow so deep that it was impossible for them to go over the ground in accordance with the requirements of the law, but they took the advice of the numerous agents and filed anyway, leaving plenty of room for contest proceedings should the ranch owners of the vicinity desire to start them.

Mr. UNDERWOOD. Now, Mr. Speaker, in his frankness the editor of this paper in Nebraska has stated facts in reference to how these square-mile homesteads are taken up in Nebraska. He states that one man from a little local town went out into the snow, without being able to see the land at all, and located 17 miles square for seventeen people who never went on the property and have never seen it. More than that, he also states that a gentleman from the same town, a Mr. Edgerton, at the local land office, stated that he did not believe that one-tenth of the homesteaders who filed on the lands in Nebraska were ever on the ground they claim title to, nor that more than a few know just where their farms are located. Under the law, of course, a man is expected not only to know where his homestead is, but to build a house on it, live on it, and improve it; and this is what the honest homesteader wants to do; but from this newspaper it is very evident that large numbers of people in Nebraska are using the mile-square homestead law merely for speculative purposes, and yet claim the title through fraudulent entries and sell it to those who want to convert it into large ranges for cattle instead of homes for poor people.

Mr. BURKETT. Will the gentleman yield for a question?

Mr. UNDERWOOD. For a question.

Mr. BURKETT. The gentleman does not maintain this is any different proceeding from that on which all the homesteads can be taken, does he?

Mr. UNDERWOOD. I do not know that it is any different, except in the size of the homestead.

Mr. BURKETT. This is simply the privilege that any old soldier has of sending in his application at any time, and also——

Mr. UNDERWOOD. I did not yield for the gentleman to take up my time, but for a question.

Mr. BURKETT. And when we made the Rosebud bill we put in the special provision, and we always do, that the old soldier can send in his application.

Mr. UNDERWOOD. I know that, and I beg the gentleman not to attempt to make a speech in my time. He can secure time for himself for that purpose. Everybody knows that the old soldier can go on the public domain and make his entry, but it is expected that he takes the land for the purpose of making a homestead, and it is always necessary—for the entry is only made to him—to build a house and live on the ground a certain length of time; but I see from this newspaper published in Nebraska that the men who made the entries had not been on the ground, and that cattlemen and others were willing to give them $3 an acre at once. It is clear that they did not intend to occupy the land for homestead purposes, and are men merely absorbing the public domain where they get it without cost for the purpose of selling it for a few dollars an acre to allow millionaire cattle owners to have cheap pasture.

Mr. MARTIN. Will the gentleman yield for one moment?

Mr. UNDERWOOD. Yes; for a question.

Mr. MARTIN. The gentleman evidently refers to homestead files.

Mr. UNDERWOOD. Certainly.

Mr. MARTIN. Does not the gentleman know that on original homestead filings a soldier may enter by proxy?

Mr. UNDERWOOD. Of course I do; but the soldier is expected to build a home and live on the land.

Mr. MARTIN. From that does the gentleman infer there is anything fraudulent in this filing?

Mr. UNDERWOOD. Here is what I am trying to make clear: The people who have been making these entries under the mile-square homestead in Nebraska are evidently not taking up the lands for homestead purposes, but are taking them unlawfully for speculative purposes. We know that there have been similar fraudulent filings under the old law that only allowed 160 acres for homestead. There is hardly a court within the western territory that is not now carrying a large number of indictments on the rolls of the court against men who have made these fraudulent homestead entries, and I am merely contending that to give a 640-acre homestead instead of 160 acres makes it more possible and very profitable to make these fraudulent entries, such as have been designated in the newspaper published at Fremont, Nebr.

Mr. MARTIN. Now——

Mr. UNDERWOOD. I have but a few minutes time in which to make my statement to the House. The gentleman can have time of his own, and I do not care to be interrupted in that way.

We have in the South and East people who have as much right to the public domain as the people who are now living in the West. We have many crowded cities where people are dying for fresh air and an opportunity to make an honest living. Those people are entitled to their share of the public lands. They are entitled to go to the great West and find homes, and it is not right nor honest for men to enter on the public domain with no intention of ultimately making it their homes and absorb these lands to put a few dishonest dollars in their pockets, and thereby deprive thousands of the needy and suffering of the chance of building homes for themselves. You may say: "Why do not those people from the crowded cities of the East go there now and take the homesteads themselves?" In the first place they are not encouraged to go by the western people; in the second place, when they do go, they are often driven from the lands where they seek to build their homes by the emissaries of the great cattle owners, who seek to use the public domain for their cattle ranges and drive the honest, poor, homestead settler from the homes that the Government is willing to give them.

Mr. GILLETT of California. Will the gentleman yield for a question? Would not your same argument apply to the 160-acre homestead entries?

Mr. UNDERWOOD. Of course it does. But of course it applies to the 640-acre tract to an extent that is just four times as great as the original 160-acre tract, because it is easier for a man to get a large tract of public land fraudulently and dishonestly when he can get 640 acres at one time instead of taking 160 acres.

Mr. GILLETT of California. Will the gentleman from Alabama permit me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. GILLETT of California. Then the gentleman is objecting to this bill because it may be possible for somebody to fraudulently obtain public lands?

Mr. UNDERWOOD. I object to the bill not only because it is possible for them to obtain fraudulently the public lands, but because they do fraudulently and dishonestly acquire them. I want every Member of this House to understand that when he votes for the bill now under consideration he votes against the earnest recommendation of the Secretary of the Interior, who says that it is unnecessary; that 160-acre homes can be made on a large portion of this land. He votes against the recommendation of the Commissioner of the General Land Office, who is earnestly opposed to the proposition. He turns down the commission that was appointed by the President of the United States to investigate the question of the disposition of the public lands. All of these gentlemen, who are now in the Government service, who study these questions, and are endeavoring to save the public domain for the toiling masses of the people of the United States, have in every way, by their reports and by their letters, earnestly urged Congress not to open wider the door to fraud by the passage of this bill, and thereby deprive the legitimate home seeker of the right that should be left open for him in the future.

By the passing of this bill you are not developing the country. You are dedicating to be used forever as cattle ranges vast portions of the public domain and not allowing people to go there and build it up with small farms. The public lands of the country are rapidly diminishing and before long there will be none left for the home seeker. I contend that this land should certainly not be taken up under the mile square homestead bill at least until the Secretary of the Interior and the Commissioner of the General Land Office have carefully gone over, platted the land, and reported to Congress what land is capable of sustaining a home seeker on 160 acres and what land is so barren and desert that it requires a larger tract to maintian a home and family on. When we get this information we can legislate with our eyes open. The gentlemen are now asking us to legislate blindly without knowing what we are doing.

The bill now under consideration in the House was referred to the Department of the Interior for an opinion. The Secretary referred it to the Commissioner of the General Land Office, and in returning the bill to the House Mr. W. A. Richards, the Commissioner of the General Land Office, among other things said:

In the judgment of this Office, this bill should not become a law for the following reasons: It proposes to allow entry of all lands embraced in a large scope of country which are not irrigable, regardless of the fact that many of them may be susceptible of profitable cultivation without irrigation, while others may be available for timber. If this bill becomes a law, its operation should be limited to nonirrigable, arid lands, and, in my judgment, such entry should not be allowed even on lands of this class until after the lands have been inspected in the field and designated and set apart by your Department as being lands of that character and subject to such entries.

The act of February 28 last, known as the "Kinkaid Act," authorizes entries of 640 acres in western Nebraska. It is the first legislation of this character and has not been in force long enough to demonstrate the wisdom of its passage, and the facts which should encourage further legislation of this character are not yet apparent from the operations of this law. It would seem to be wise, therefore, to defer the enactment of other laws of this character until the wisdom of that act has been fully decided. Another objection to the pending bill arises from the fact that it is local in its application.

If legislation of this character is wise it should, in my opinion, be general in its nature, and not limited to lands in particular localities, since laws of this kind lead to confusion both in their administration and in the minds of intending settlers and make it necessary for each homesteader to acquaint himself with the provisions of the particular act applicable only to particular localities. If it is wise that entries on nonirrigable, arid land should embrace 640 acres, there should be a general law enacted which would apply to all lands of that character, regardless of their character.

In conclusion, I will say that after a careful consideration of the whole matter I do not think that this bill should become a law, and if any legislation of this character is to be enacted at this time it should be general in its provisions and authorize entries of this character to be made only after the lands subject thereto have been designated and classified by your Department.

The President some time ago appointed what is known as the "Public Lands Commission." They have from time to time made reports to the President of what is the best disposition to make of the public lands. They have given these questions a careful and thorough study. They are men who are thoroughly posted as to the public domain, and whose earnest wish is to preserve it for homestead settlement. In one of their reports made to the President on the 13th day of February, 1905, among other things, they say:

The agricultural possibilities of the remaining public lands are as yet almost unknown. Lands which a generation or even a decade ago were supposed to be valueless are now producing large crops, either with or without irrigation. This has been brought about in part by the introduction of new grains and other plants and new methods of farming, and in part by a denser population and improved systems of transportation. It is obvious that the first essential of putting the remaining public lands to their best use is to ascertain what that best use is by a preliminary study and classification of it, and to determine their probable future development by agriculture. Until it can be definitely ascertained that any given area is and in all probability will forever remain unsuited to agricultural development, the title to that land should remain in the General Government in trust for the future settler. For example, the passage of the reclamation act of June 17, 1902, made certain disposition to actual settlers of large areas of land which up to that time had been considered as valueless. Other areas which are too high and barren to have notable value for grazing are now known to have importance in the future development of the country through their capacity to produce forest growth.

The making of wells will give an added value to vast tracts of range lands for which the water supply is now scant. In short, because of possible development through irrigation, through the introduction of new plants and new methods of farming, through forest preservation and careful control, the remaining public lands have an importance but dimly foreseen. In view of these facts it is of the first importance to save the remaining public domain for actual home builders to the utmost limit of future possibilities and not to mortgage the future by any disposition of public lands in which home making will not keep step with disposal.

To that end your Commission recommends a method of range control in which the present resources may be used to the full without endangering future settlement. Your Commission is of the opinion, after careful consideration, that general provisions of this kind should not be extended until after a thorough study of the public lands has been made in each particular case, because to do so controverts the fundamental principles of saving the public lands for the home seeker. Each locality should be dealt with on its own merits even if it should ultimately appear that this law has worked beneficially in Nebraska, which would by no means follow that such a law might be safely applied to other regions different in topographical soil and climate.

No arbitrary rule should be followed; but in each case the area of the homestead should be determined by the acreage which may be necessary to support a family upon the land either by agriculture or by grazing, if agriculture is impractical. Until such acreage is determined for each locality any new general law providing a method of attaining titles to public lands would, in the opinion of the Commission, be decidedly unsafe.

Now, Mr. Speaker, with these earnest recommendations of the Commission appointed by the President and the Commissioner of the General Land Office, I earnestly hope that the House will

not pass the present bill, but that they will give a full and fair opportunity for the Land Department of the Government to investigate and segregate this land, so that we may know exactly what we are doing when we legislate in reference to it, and that we may use every opportunity that is offered to us to obtain it for the honest settler who desires to build a home for himself and his family. [Loud applause.]

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. LIND] is recognized.

Mr. LIND. Mr. Speaker, I want it distinctly understood by the membership of this House that I do not appear as a champion or advocate of this bill. It was reported from the committee of which I am a member. I gave it careful consideration, and have come to a conclusion in regard to it that is satisfactory to my own mind.

I am familiar with the land, as I was over it twenty years ago. If Members will kindly glance at the map and follow me, they will understand the application of my remarks. The dark-colored portion on the left is the Black Hills region. Immediately east of that, between the yellow-colored tract on the north and the portion colored yellow on the south, is a light-colored tract. That is the tract to which this bill applies. The eastern boundary of that tract is the Missouri River. I traveled, twenty years ago, from the northeast corner westwardly about 40 miles and back to the Missouri River and down along the Missouri River to Pierre, just near the southeast corner, so I am familiar with it.

The general character of the land is high and slightly rolling. Gentlemen who are not familiar with western land would call it absolutely barren. The soil is rich, and would be productive if it had water. But it is semiarid. One year in five, perhaps, there is sufficient precipitation to raise a crop; sometimes not one year in ten. When I was in Congress before, back in 1889, this tract was part of the great Sioux Indian Reservation. I helped to enact a law that opened that portion of Dakota and the country to the south of it to settlement. In that law, nearly twenty years ago, we provided for grazing homesteads of 640 acres. The people did not avail themselves of that law at that time. The law has been modified since, and is not now in force.

Now, the eastern portion of South Dakota is as fertile as any portion of this continent when the precipitation is sufficient, and usually they have enough rain. There the settlers who went in twenty-five or thirty years ago could acquire 480 acres—160 acres under the homestead law, 160 acres under the preemption law, and 160 acres under the timber-culture act. If they had been limited to 160 acres it would have taken fifteen years longer to have secured the settlement of that country. They acquired these large farms, and they have put them to good use, and South Dakota east of the Missouri River is one of the most productive States in the Union.

There is no land monopoly. You can go and buy good land at $8 and $10 an acre to-day; land that has been patented by the United States for ten or fifteen years. But the section west of the Missouri River, by reason of the barrenness and the drought to which it is subject, has not been settled, and, in my judgment, will not be occupied by individual owners nor by actual bona fide settlers except under some such scheme as is outlined in this bill. If it could be, why is it not settled now?

How is that tract occupied now? By cattle syndicates from Wyoming and other sections. The State of South Dakota gets no revenue, and the General Government receives none. Cattle syndicates and the beef trust get all the profits there is in those acres. As a resident of Minneapolis, and equally solicitous of the interests of St. Paul, next door to us, I am interested in the development of this section.

[Here the hammer fell.]

Mr. LIND. Mr. Speaker, I ask for five minutes more.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. LIND] asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. LIND. Mr. Speaker, I am only interested in having this land put to civilized use, to be made to support families and homes. If I thought for a moment that 160 acres would support a family in that section, does anyone suppose that I am inconsiderate enough of the interest of my country to vote that they should have 640 acres?

I think the membership will give me credit for more patriotism and better judgment than that. I confess I may be mistaken in my judgment. I repeat that along the lines of this bill is the only manner in which we can save this land to actual settlers.

Now, the gentleman from Alabama, in whose judgment I have the greatest confidence when it is expressed in regard to a matter with which he is familiar, and whose integrity every Member on this floor respects and honors, is in my judgment, mistaken in his position. This bill is not like the general homestead bill. If it were, and granted this increased area, I should oppose it. I had a hand in drawing some of the provisions of this bill myself. The gentleman from South Dakota [Mr. MARTIN] who was anxious to have the committee report the bill said: "Mr. LIND, put in all the restrictions upon this bill that your ingenuity can suggest to make it a real homestead measure." I did. Under the general homestead law a soldier is entitled to credit for the time he served in the Army and can obtain title with a single year's residence. Under this bill he can only obtain title after three years of actual continuous residence and an expenditure of $1.50 for each acre in improvement, 30 cents per acre or more each year. We made a mistake in the provisions of the Kinkaid bill. I acknowledge that frankly. We guarded it as well as we could foresee contingencies at the time; but subsequent experience has demonstrated that we could have made the provisions stricter. In that bill we require a dollar's worth of improvements per acre and five years' residence before final proof can be made and patent issue.

But we did not require that these improvements should be put upon the land in the first year or any subsequent year, but left the homesteader the option of making his improvements in any part of the five-year period. That was a mistake. Benefiting by that experience, and the consideration that we have given the matter, we now require the settler under this bill in each year to put on 30 cents worth of improvements per acre, and make proof of that fact in the Land Office, and if he fails to make the improvements or to make proof the entry will be canceled and the land is subject to entry by the next occupant. So that it is not possible that under this bill there can be as much fraud as there has been and probably will be under the other laws for the acquisition of public lands.

Mr. STEPHENS of Texas. Will the gentleman allow me?

Mr. LIND. Just one more thought, if my friend will permit. This tract was a part of the great Sioux Reservation. When it was opened for settlement the valuation was fixed at 50 cents an acre, the only public land in the United States that can today be acquired at that price under existing law. And I want to call the attention of my colleague from Alabama to the fact that under existing law a man can go on this land and by actual residence of eight months and paying 50 cents an acre acquire title to 160 acres.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the time of the gentleman be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LIND. I know that many tracts have been acquired under the commutation clause of the homestead law in this Territory for the benefit of cattle syndicates. You leave the law as it stands now, and, in my judgment, the larger portion of that tract, all that has any value whatsoever, will be gathered in under this commutation clause upon a 50-cent valuation by these cattle syndicates.

Mr. STEPHENS of Texas. Will the gentleman yield now?

Mr. LIND. I yield now to the gentleman.

Mr. STEPHENS of Texas. Would it not be much easier to gather that in amounts of 640 acres at a time than they could if they could only gather it in 160 acres at a time?

Mr. LIND. I am glad the gentleman asked the question. It is a practical one.

Mr. STEPHENS of Texas. It takes four men, under those circumstances, to get as much as one man would get.

Mr. LIND. Now, let me answer. That is a question that I put to myself. I arrived at this answer in my own mind. In all human probability no man will go and reside on that bleak, barren prairie continuously for five years with his family and put in a thousand dollars in cash for the sake of getting title and then sell it, say, at two or three dollars an acre.

That would be an investment that, thank God, there is no man in my district foolish enough to venture.

Mr. STEPHENS of Texas. Will the gentleman kindly yield again?

Mr. LIND. Yes.

Mr. STEPHENS of Texas. Then would it not be better to change the law?

Mr. LIND. If the gentleman will pardon me, I want to answer the other question a little more completely. Members understand that five years' continuous residence is required

under this law. There can be no commutation. Even an old soldier has to put in at least three years and the same amount of improvements as a civilian.

Mr. STEPHENS of Texas. Why should we not change the present law, the 160-acre homestead law, and make the requirements as strong as you make the requirements in this bill?

Mr. LIND. I agree with the gentleman that we ought to. I sought to change it the other day in committee, but it was objected to by my friend from Nebraska.

Mr. STEPHENS of Texas. Then I will ask you if it is not a fact that the President, the Commissioner of the General Land Office, the Secretary of the Interior, and the Republican platform, as I understand it, are all in favor of this?

Mr. LIND. The President has traveled over these prairies as a cowboy. I have traveled there and observed things as a resident of that section with the experience that comes from holding the plow, driving oxen, and breaking the soil. I have done all those things. I have waded through the streams before there were roads or bridges. I have seen nearly 2,000,000 people pass through the eastern part of our State to occupy western Minnesota and the two Dakotas. It is from that standpoint and with that experience I speak, and with all due respect to the President, to the Secretary of the Interior, and to the Commissioner of the General Land Office, I am egotistical enough to think that I know as much about that section of the country as they do. [Applause.]

Mr. MARTIN. Will the gentleman allow me to remind him also that all three of the authorities referred to, if they may be considered as authorities—the President, the Secretary of the Interior, and the Commissioner of the General Land Office—have united in recognizing the principle that in this semiarid country a larger homestead must be given than 160 acres.

Mr. LIND. That is true.

Another statement, and then I will not weary the House longer. In this bill there is another safeguard. For five months after its passage the Secretary of the Interior has full control of the land, to examine it, and if he thinks there is any acre, any section, any portion of it that is susceptible of irrigation by gravity, by artesian water, by damming, or any other method he may withdraw it. Not an acre of land capable of irrigation can be acquired under this proposed law. It is only the remnants, that are now bringing neither State nor nation any income, that are benefiting only monopoly—it is these remnants that we propose to utilize for homes for actual settlers. [Applause.]

[Here the hammer fell.]

Mr. REEDER. Mr. Speaker, because some statements have been made to some of the Members as to my supposed interest in this matter, I wish to premise my remarks by stating that I have not the least interest in these lands further than the interest of every good citizen, whether that citizen comes from Maine, from Kentucky, from Georgia, or any other section—the interest which we all should have in retaining the public domain for homes for the people. I wish it understood, as was said by the gentleman from Minnesota [Mr. LIND]—except that I am exactly his opposite on this land question—I desire it understood that I am against this bill, and I am willing to risk the future as to what the people will think of those who are against this legislation and those who favor it.

I have lived in a region such as is covered by these bills for more than a third of a century. I believe I am safe in saying that the gentlemen who are representing the States farther west, who are opposing this legislation, have just commenced to live under conditions such as we knew in western Kansas thirty-three years ago.

Mr. MARTIN. Will the gentleman yield?

Mr. REEDER. I can not, as I have practically no time, and you will have all the time you desire.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. REEDER. The condition of the country covered by these bills is to-day practically the same as the condition of our country thirty-three years ago when I settled there. The time they have lived there previous to this counts for nothing as against the experience that I and the other citizens of western Kansas have had in observing the changes that come from settlement and cultivation.

My district is separated from the land contained in the Brooks bill by an imaginary line 90 miles long—that is, my district joins his for 90 miles.

Twenty-five or thirty years ago the land 200 miles east of this line in my district was practically worthless. We had two sources of income in that country. One was to get as much of that land as possible and mortgage it; another was to get people to come in and spend their money earned elsewhere. This kept up the local tradesmen. Settlers came and stayed as long as they could, but generally spent all they brought and then moved back east; others came and went. The larger part of the present population are the third or fourth set of settlers. The lands seemed nearly worthless at that time. I might illustrate how little value was attached to them by a droll story which one of our farmers told as to how he got ahead of an eastern money lender many years ago. He had made a contract with his creditor to whom he had mortgaged his land, the conditions of which were that he would deed the mortgaged quarter of land to his creditor provided the creditor would release him from his indebtedness. The farmer had only promised to deed him the quarter section covered by the mortgage, but he put two quarter sections into the deed. He afterwards said: "I fixed that Yankee all right; I deeded him two quarter sections instead of one." This illustrates the small value of land in that country in early days.

Twenty-seven or twenty-eight years ago I went to look at a quarter of land with a view to buying it. The price was $400 for the 160 acres, and it had a stone house on it. I estimated the house to have cost $300 and to be worth at least $200 to the place. I did not purchase the farm, as I feared I would never be able to realize a profit on the investment. That land has sold since, with practically the same improvements on it, for $8,000.

Mr. MARTIN. Will the gentleman yield?

Mr. REEDER. I have no reasonable time permitted me to discuss the questions involved, and hence can not yield. I desire to show the Members of this House that the lands covered by these bills can be reasonably expected to become very valuable for homes by settlement and cultivation.

Western Kansas land when first settled was very similar to the lands covered by these bills, with probably a few more inches of rainfall annually. Several causes have been constantly bringing about changes in Kansas until to-day we have one of the best cereal, grass, and fruit producing sections of the world.

The geographies studied by the older Members of the House did not so belie Kansas as one would now suppose when they marked Kansas as part of the Great American Desert.

Spring, in his History of Kansas, repeats the assertions of settlers in eastern Kansas about 1850 to 1856. They insisted that the ground was actually so parched and burned that it was as solid as brick, that it could not be plowed, and that no vegetation appeared.

This would very closely describe western Kansas since I have resided there, and now describes eastern Colorado at times. Evidence before the Public Lands Committee of the House described South Dakota and Wyoming as countries with much more vegetation. Western Kansas thirty-five years ago, and eastern Colorado now, could be described as a country where trees could scarcely be made to grow. Western Kansas now boasts of fine orchards. I saw first-class hand-picked winter apples sell last fall for 35 cents a bushel, grown where I felt sure ten years ago that apples could never be grown successfully, and I have been very optimistic as to tree growing in that country. Nature has grown in the west half of Kansas as much as thirty trees to one that grew there forty years ago. This does not take into account the vast number of artificial groves.

Thirty to thirty-five years since nine-tenths of the settlers would laugh at a man who would waste his time planting a tree where there was no hope of its ever growing.

Lumber has been sawed since from trees 18 to 24 inches in diameter from groves which I saw planted. Grass grew from 1 to 2 inches high on the upland. Prairie fires would invariably burn it off some time between June and the next spring. It was often dry enough to burn in June. The soil was so hard in places that many insisted that moisture had not penetrated to a depth of more than 2 or 3 inches since the flood. Now our land is all wet many feet deep. I think it is safe to say that 12 inches of water now sinks into the soil annually more than did thirty years ago. This forms a reservoir 200 miles square, or covering 40,000 square miles 12 inches deep in western Kansas alone that must all return to the atmosphere in dry weather.

We had no dews in early days. Now the dews are often equal to a small shower. Fresh meat would not spoil if hung up in summer. When we killed a buffalo or antelope we hung the quarters up and used them as needed. In no country will meat spoil quicker now. The atmosphere *was* dry; it is *now* humid. Grass now grows several feet high each season.

Sand storms were common. We seldom see one now. Hot winds were common, and unless you have experienced one you don't know nor can I tell you what a real hot wind is. They have, at times, simply dried up growing corn in one-half day.

We have not had a hot wind for several years. Our rains were cloudbursts. Seldom a gentle rain. Nearly all gentle rains now. I made the statement, unchallenged for fifteen years or more, that no one had ever seen rain fall in western Kansas from a cloud passing from east to west. Now, most of our rains fall from clouds passing from east to west. Land had little value. Settlers would come, starve out, move back east, and others come, until the population changed largely three or four times. Nature has produced nearly all of these changes, with no change in the amount of rainfall. About all man has done is to keep the fires out. This is a conclusive reason to me that we should not hasten unduly to be rid of the public domain, especially if we can retain it and at the same time more surely and fully accommodate the present settler by permitting him to pasture them and by keeping the title to these lands in Uncle Sam's name till these changes come, as they surely will. As fast as these changes do occur settlers will go in and occupy. It is our obvious duty to see to it they do not have to pay tribute to avarice for the privilege. Other important changes have been wrought by man. Our great Agricultural Department has searched the world for plants suited to our climate and soil. They have given us alfalfa, Kaffir corn, milo maize, the soy bean, and others. But for this service of the Department, many think, we would still be paying interest to the Yankee farmer, who plants his corn with a shotgun, instead of having over $60 per capita deposited in our banks. We have also improved much in our methods of cultivation. And we have reason to hope for still greater achievements in the line of improvements of all semiarid regions by means of new discoveries of grains and grasses and further knowledge as to methods of culture. Western Kansas now has farm buildings that are equaled in few places in the United States, and I doubt if we are excelled in any part of the nation. In traveling from Washington to Kansas City, either by Chicago or St. Louis, you see no section where the farm buildings equal those of the Solomon Valley, which I have previously described as it was thirty-five to forty years since and as it is now.

Not less important is the improvement we are making in our methods of farming. If I could get the time I would refer you to a letter received a few days since from a Mr. R. H. Hammond, a constituent of mine, showing improvements due to care in choosing the seed planted and to the Campbell system of soil culture. These refer to experiments in Kansas agriculture which promise so much for farming in the semiarid regions.

Within 10 miles of Mr. Hammond's farm a circumstance occurred that has come to my mind with great force since our western friends are showing such great energy to get the ownership of the public domain into the hands of land grabbers on the theory that it is no good anyway. I was riding a musfang pony out to where I might spend a week or two hunting antelope, and I did hunt antelope in Graham County for two weeks, in the same portion of Graham County where what is known as the "Campbell experimental farm" is now located, of which I would gladly speak if I could get the time. About 35 miles west of my home, near the Hammond farm, I encountered a sand storm—the worst sand storm I have ever seen. I was fully convinced I had reached a point west of which man could never make a permanent settlement. I was not in the same place again until 1900. A beautiful little city had sprung up. In the country around beautiful houses and barns dotted the landscape. The houses in this town could scarcely be seen for the trees. I have driven over the same road several times in the past four years and always try to locate where that sand could have come from. That country is now fine fields of grass and grain and worth $6,000 to $10,000 per quarter section. Our friends would by these bills turn over 640 acres of lands that seem as good as these quarters did then on the theory they have no value.

For five years last past I have known of alfalfa growing within 10 miles of the imaginary line that separates my district from the land covered by the Brooks bill, and, from what men tell me who ship cattle through our country, alfalfa is now growing in spots all over the country covered by the Brooks bill.

[Here the hammer fell.]

Mr. REEDER. Mr. Speaker, I should like to discuss the matter further.

The SPEAKER pro tempore. The gentleman from Kansas asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. REEDER. Mr. Speaker, I will not spend any more time describing these changes. I fully believe that the changes which have occurred in Kansas will occur farther west and north if we will permit the settlers to pasture the lands and keep the 160-acre homestead, as recommended by the President's message and by the report of the commission appointed by him to investigate these matters, and that the time will come when the country will be settled up, and by a prosperous people, without paying tribute to organized greed, which is the main force behind these bills.

By these bills some men will secure lands of which 80 acres will support a family, while others will waste their accumulations of years trying to make homes on land of which it would at present require four sections or more to furnish a support for their families. This alfalfa will produce a crop that is worth from $10 to $40 an acre per annum. I know that alfalfa is growing in two parts of my district, within a few miles of the western line, not over 10 miles from the east line of the land covered by the Brooks bill. I know from men who ship cattle through our country that alfalfa is growing in places all over this section covered by this bill.

Mr. BROOKS. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. REEDER. Yes, sir.

Mr. BROOKS. Does the gentleman know of any of that alfalfa that is growing there near this imaginary line without irrigation?

Mr. REEDER. Yes; all of it.

Mr. BROOKS. Where, and how much?

Mr. REEDER. In Cheyenne County and in Wallace County both.

Mr. BROOKS. Cheyenne County, Colo.?

Mr. REEDER. No; Cheyenne County, Kans.; up in the northwest corner of the State. It has been growing there for five years.

Mr. BROOKS. Then the gentleman is not talking about Colorado at all?

Mr. REEDER. I am talking about land within 10 miles of where the land covered by your bill commences.

Mr. BROOKS. What line is that?

Mr. REEDER. The west line of Kansas from the north line of the State 90 miles south, where my district joins the land covered by your bill.

Mr. BROOKS. The gentleman is talking about Kansas now.

Mr. REEDER. I am talking about land within 10 miles of the line of your district and of land in your district.

Mr. BROOKS. What is the precipitation in the part of Colorado covered by this bill?

Mr. REEDER. As to precipitation, we have made the changes I describe in Kansas without any change of precipitation. Where these alfalfa farms are, which I speak of, there can certainly be no difference in the amount of rainfall, because they are within 10 miles of the territory covered by the bill. Our experience in western Kansas is that we have changed from practically an absolute desert to one of the very best farming sections in the world within thirty years, and that we were thirty years ago in just the condition that the countries covered by these bills are now, and if you people will not make haste to dispose of this land the time will come when that country will be settled by prosperous farmers.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. MARTIN. Mr. Speaker, as the gentleman from Kansas who has just taken his seat did not desire to be interrupted while speaking, I shall make a few statements which I have gleaned from his testimony in this case, and if I am not correct in any of these statements, the gentleman may correct me in my time. The gentleman has not been on any of the lands in South Dakota affected by this legislation. The wheat lands that he has been describing to this House are east of the one hundredth meridian in the State of Kansas and not west of it.

Mr. REEDER. Mr. Speaker, I want to say that while east of the hundredth meridian the crops are better than they are west, this wheat land now extends to the west line of the State.

Mr. MARTIN. It is a matter of familiar information to people who have knowledge of this subject that there always has been a line dividing precipitation about the one hundredth meridian, and you get west of that meridian——

Mr. REEDER. I would like to ask the gentleman a question.

Mr. MARTIN. Only one question.

Mr. REEDER. I want to ask the gentleman if he does not know that line was at the east end of Kansas forty years ago? It was, and I know it.

Mr. MARTIN. Consult the Weather Bureau map, which is on the map at the front of the House, and it will be found that for from twenty-four to thirty years the average rainfall in the State of Kansas in the territory the gentleman has been talking about is from 20 to 30 inches, and west of there, in the State of Colorado, from 10 to 15 inches. This is the record for now up-

ward of forty years throughout that district. Anyone familiar with this subject knows full well that with the hundredth meridian, approximately, conditions change, and west of that meridian the homestead area of 160 acres has never been adaptable to conditions during forty years, when that territory has been open to settlement. Now, these bills, so far as encouraging fraud is concerned, are devised, as the gentleman from Minnesota has told the House, to absolutely prevent fraud in the acquiring of title to Government lands in the eastern part of Colorado and the western part of South Dakota. The bill provides that settlers must live upon the land continuously for five years, and they must at the end of each year of the five prove before the register and receiver of the land office that they have so lived there continuously for the year. There is no such requirement in any other homestead law at present. In addition to that they must improve the homestead at the rate of $1.50 an acre, or $960 for the homestead, and they must improve that regularly to the extent of at least 30 cents per acre each year, and must at the end of each year make proof of the fact before the register and receiver of the local land office. There is no such provision in any of the present homestead laws.

Mr. REEDER. Will the gentleman yield?

Mr. MARTIN. I can not yield, as I have not the time. The provisions for the elimination of all lands that can be irrigated by public or private enterprise are full, and the time allowed for that purpose is that suggested by the Commissioner of the General Land Office—that is, four months. If the idea of the gentleman from Kansas was correct, it would not in any sense militate against this bill. Would it have been better for eastern Kansas, to which he was addressing his remarks, if during that time the settler had not been allowed to acquire more land than a hundred and sixty acres——

Mr. REEDER. Will the gentleman yield?

Mr. MARTIN. I decline to yield any of my time. If the gentleman will consult the census reports of his own State at present he will find in 1900 the average farm area in his own State was 240.7 acres to the farm. That is the condition that has developed in perhaps fifty years of settlement and shows that in the humid region of Kansas, east of this area in question in Colorado, that by the adjustment that men always make in the proper adjustment of things to derive the best benefit industrially out of the conditions, the settlers in that State have, in the development and evolution of that section, found that in Kansas 240 acres is necessary for the proper support of their families.

The lands in our State covered by this proposed legislation are a portion of the great open range country of western South Dakota. They lie mostly between the one hundredth and one hundred and fourth meridians of longitude, which forms the western boundary line of the State. The area embraces about 10,000,000 acres. The western half of this area was opened to free homestead settlement on February 28, 1877, by Presidential proclamation, under the Black Hills treaty of 1876. The eastern portion of the area, which lies between the Missouri River and the Cheyenne River, and embracing also certain lands east of the one hundred and third meridian in Meade and Butte counties, was opened to homestead settlement by the act of March 2, 1889.

For some years a charge was made to the settler of from 50 cents to $1.25 per acre for the lands in the eastern portion of the area referred to, but for the past six years this portion of the area has also been subject to the provisions of the free-homestead law. Only about 8 per cent of the public lands within the area embraced in this bill have passed to final proof and entry, and a further proportion of about 16 per cent has been filed upon. It is believed that quite a large percentage of these additional filings have been abandoned and will not pass to final entry.

It has long been recognized by those familiar with the problem of the settlement and development of the West that the homestead unit of 160 acres, which has applied to the humid portions of our country, is not adapted to the lands of the semiarid West. The President, in his message to the Congress at the beginning of the second session of the Fifty-seventh Congress, says:

Moreover, the approaching exhaustion of the public ranges has of late led to much discussion as to the best manner of using these public lands in the West which are suitable chiefly or only for grazing. The sound and steady development of the West depends upon the building up of homes therein. Much of our prosperity as a nation has been due to the operation of the homestead law. On the other hand, we should recognize the fact that in the grazing region the man who corresponds to the homesteader may be unable to settle permanently if only allowed to use the same amount of pasture land that his brother, the homesteader, is allowed to use of arable land. One hundred and sixty acres of fairly rich and well-watered soil, or a much smaller amount of irrigated land, may keep a family in plenty, whereas no one could get a living from 160 acres of dry pasture land capable of supporting at the outside only one head of cattle to every 10 acres.

Maj. J. W. Powell, former Director of the United States Geological Survey, in his report written in 1879 upon the lands of the arid region, says:

THE FARM UNIT FOR PASTURAGE LANDS.

The grass is so scanty that the herdsman must have a large area for the support of his stock. In general, a quarter section of land alone is of no value to him. The pasturage it affords is entirely inadequate to the wants of a herd that the poorest man needs for his support (p. 21).

Four square miles may be considered as the minimum amount necessary for a pasturage farm, and a still greater amount is necessary for the larger part of the lands; that is, pasturage farms, to be of any practical value, must be of at least 2,560 acres, and in many districts they must be much larger (p. 22).

Lands embraced under the present legislation are, in general, a better class of lands and have more favorable conditions of rainfall than those referred to by Major Powell. These lands should be classed as semiarid rather than arid lands.

Hon. Charles D. Walcott, present Director of the United States Geological Survey, in a communication to the Secretary of the Interior concerning the Kinkaid bill, which became a law at the last session of this Congress, said in part as follows:

The central idea of this bill is that of enlarging the area of homestead entry to suit the conditions of the semiarid West. There is general recognition of the fact that the present land laws, designed for the humid region, are not applicable to the arid region. Attention has been called to this matter many times by various individuals, and in particular by the writings of Maj. J. W. Powell, the former Director of this Survey, who devoted much of his life to the exploration and study of the West. In his report prepared in 1878, entitled "Lands of the Arid Region," Major Powell suggests that the farm unit where water is scanty should be not less than 4 square miles, the divisions of such farms being controlled by topographic features.

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The arbitrary limit stated by the present land laws of 160 acres for a homestead does not suit existing conditions in the arid region. If the water supply is ample, 160 acres is usually far too much, and would support two, three, or four families; on the other hand, throughout 90 to 95 per cent of the vast extent of remaining public land 160 acres is so small as to be useless for a homestead.

No general rule as to what shall constitute a homestead can be laid down. In order to determine this matter local knowledge must be had and exercised in the same manner as it is under the reclamation projects. The question is one largely of altitude, climate, and water supply, rather than extent of land.

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After cutting out the irrigable lands there are left great areas where it is known that water can not be had in any considerable amount and where the homestead area must be very large to furnish support for a family. In short, it is practicable after eliminating the irrigable land for the Geological Survey, through its organic act and through the reclamation service, to classify the remaining public land and obtain information upon which to base the disposal of these lands to actual settlers in tracts sufficient for the support of a family.

Under the operation of the present laws the securing of a tract of land large enough to support a family in the arid region is a cumbersome and expensive process. The nucleus of the home farm may be a 160-acre tract, which the law allows as a homestead.

All persons admit that this nucleus is only the first step, and that the man who actually desires to make a home there by stock farming must proceed to resort to various expediencies to secure control of additional land in order to support himself. To do this requires either capital to purchase the lands of other homesteaders or the stock farmer must secure some form of title through the desert-land law, timber and stone act, etc. In the majority of cases the practices absolutely necessary to secure an adequate area are open to the charge of fraud or collusion. It should not be necessary for a man desiring a homestead upon vacant public land to resort to indirect or possibly fraudulent means. On the contrary, he should be allowed and encouraged to take up as much land as he actually needs and be given every facility for so doing.

The development of the arid West has reached a point where it is now possible to see the ultimate character of settlement and utilization of the land. Where, as above stated, water can be had, the irrigable lands may be cultivated in the most intensive fashion. With favorable climatic conditions several crops a year will be raised, and a 40-acre farm will more than furnish support for a family. The average size of an irrigated farm in Utah is, for example, less than 30 acres.

Assuming that there are 600,000,000 acres in the arid and semiarid West, not to exceed 10 per cent of this, or 60,000,000 acres will be utilized for irrigation. Most of the remainder is useful for stock-raising purposes, a portion being devoted to forest reserves, within which grazing may be largely permitted. In round numbers 500,000,000 acres of land will have its highest use in the raising of cattle and sheep. Most of this is still in public ownership, and it is for the interest of the nation to have the land subdivided into the smallest tracts which will support a family and have these pass gradually into private ownership, so that the land may in time bear its share of taxation.

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There can be no hard and fast rule as to the limits to be set for such land, but knowledge of the water supply and judgment may be used if the arid lands are to be divided into tracts capable of supporting a family. Under the operation of the laws at present in force there is no possibility of equity in the matter. Men take their chances of getting enough land one way or another. If they fail, they sell or relinquish their rights to their neighbors until an adjustment is finally attained, at great cost and hardship, and without attaining the best results for the Commonwealth, since in the general laxity of affairs the lands are not put to the best use, and many of them gradually pass into the hands of corporations instead of being utilized for the support of independent families.

The proper test as to what should constitute a homestead is what is the average area upon which a settler can support himself and family in reasonable comfort. Throughout the

humid States, where the rainfall is from 25 to 50 inches, 160 acres is a reasonable area, and this will be found to be about the present average farm area in those States. A good evidence of what is the proper size of a farm for successful cultivation and use will be found by consulting the census reports as to the average acreage in farms in the various States. The census of 1900 shows the present average farm area in the belt of States in the same longitude as South Dakota as follows: Kansas, 240.7 acres; Nebraska, 246.1 acres; South Dakota, 362.4 acres; North Dakota, 342.9 acres. The tier of States immediately to the west of the one hundred and fourth meridian, which bounds the area in question upon the west, have average farm areas as shown by the census as follows: Colorado, 383.6 acres; Wyoming, 1,333 acres, and Montana, 885.9 acres.

The rainfall for the past thirty years over the area embraced in this bill has been from 10 to 20 inches. The average annual precipitation for this period is a little below rather than above 15 inches. The one-hundredth meridian, which is usually considered as the dividing line between the humid and *semiarid regions*, practically divides the State in half. The average annual rainfall in eastern South Dakota is between 20 and 25 inches. This portion of the State is practically all occupied by enterprising and thrifty homesteaders. The eastern third of the State is practically a repetition of Iowa and Minnesota—a rich soil, with sufficient rainfall generally to insure bountiful crops. The remainder of the eastern half of the State, bordering upon the area covered by this legislation, is an excellent grass country, with sufficient rainfall for the ordinary purposes of stock farming. This portion of the State is covered with dairy farms and used for miscellaneous stock growing, and is prosperous. The average farm area in the two tiers of counties immediately east of the Missouri River is 561 acres, as shown by the census of 1900, and by particular counties is as follows: Campbell, 417 acres; McPherson, 488 acres; Walworth, 499 acres; Edmunds, 469 acres; Potter, 563 acres; Faulk, 659 acres; Sully, 978 acres; Hughes, 437 acres; Hyde, 339 acres; Hand, 669 acres; Buffalo, 704 acres; Jerauld, 639 acres; Brule, 490 acres, and Aurora, 509 acres.

This is believed to be a fair indication of the acreage that will be required by the settler west of the Missouri River for successful agriculture. There are no extremely large or bonanza farms in South Dakota. There have never been any railroad land grants in this State. South Dakota farms, as a rule, are owned by the people who are living upon them and making their living from the soil, and the present average size of the holdings has been the result of long experience and necessity.

The lands west of the Missouri River and affected by this bill are adapted to dairy farming and to stock growing. Much of the soil is what is known as "gumbo," and in some localities is more or less modified by a mixture of sand and other alluvial soils. The area also includes a considerable portion of what is known as the "Bad Lands." The country generally consists of table-lands, broken by valleys and draws, which usually do not carry water except in time of rainfall. The region including the Black Hills has a rainfall of from 20 to 25 inches and a rich soil, but most of this is included within the Black Hills Forest Reserve and is excepted from the operation of this bill.

The soil of the area included in this legislation is in general a good grass soil, and with sufficient water would produce good agricultural crops. The experience of the past twenty-five years, however, has shown that successful agricultural crops can not be raised on small areas except under irrigation. It is believed that in all the area in question scarcely a settler can be found who is supporting himself on 160 acres of land, unless by irrigation. Repeated faithful efforts have been made at agriculture by these settlers by the usual methods followed in the humid regions, but without success. The counties of Fall River, Custer, Pennington, and Meade have been opened to free homestead settlement for twenty-eight years, and for about twenty years have been traversed by one of the chief lines of railway. Agricultural settlers came into the eastern portions of these counties in large numbers with the advent of the railway in the early eighties. In 1890 the population of Fall River County was 4,478, and in 1900 the population was 3,541, showing a loss of 937 in the ten years. The population of Custer County in 1890 was 4,891, and in 1900, 2,728, a reduction of 2,163. The population of Pennington County in 1890 was 6,540, and in 1900, 5,610, a reduction of 930. The population of Meade County in 1890 was 4,640, and in 1900, 4,907, a gain of 267.

This general reduction in the population of the counties referred to represents the honest but futile efforts of settlers to maintain themselves by farming small areas. The western portions of these counties are a part of the Black Hills mountain range, embracing some of the richest gold mining areas in the world. This section has prospered and increased in population, while the eastern portions of the counties have lost in population for the reasons given. The Black Hills mining population has during all of this period furnished an excellent market for all of the farm products, making every inducement to attract permanent settlers to the lands in question. There are still unoccupied and unappropriated public lands subject to free homestead in the western tier of counties referred to as follows: Fall River County, 681,530 acres; Custer County, 267,510 acres; Pennington County, 773,811 acres; Meade County, 1,505,788 acres, and in Butte County, 4,294,502 acres.

A large number of homestead filings have been made west of the Missouri River during the past three years. To the extent that they have become permanent it is well known that the settlers are not supporting themselves on 160 acres of land. They are depending upon large areas of open range for their stock, and without this could not exist under present conditions.

It is the duty of the Government to offer the homesteader sufficient land that his battle on the frontier may not be a losing one. If his efforts are not successful he becomes an easy prey for the speculator, and his land, after commutation and final proof, is likely to pass into large holdings. The native grass of the range country is being rapidly destroyed under the careless and wasteful methods of the open range. These vast areas of public lands are not subject to taxation and make no contribution to local self-government.

A good stock country is a wealthy country when properly stocked and used for the purposes for which it is best adapted. A section of these lands, properly protected and utilized in the ownership of an industrious citizen, may support a family. To limit the settler to 160 acres is to invite disaster.

The bill is very carefully framed to safeguard the interests of the actual settler and home builder. Some of its provisions are stronger than the similar act passed at the last Congress covering lands in western Nebraska. I believe that the bill in its present form will invite and protect the honest settler and facilitate the prompt and permanent development of an important portion of the public domain.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MARTIN. Now, Mr. Speaker, I move that debate be closed upon this particular section.

Mr. MADDOX. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MADDOX. I rise to ask that the gentleman from Kansas be allowed five minutes, as he has not been allowed to ask questions.

The SPEAKER pro tempore. The gentleman from Georgia asks that the gentleman from Kansas may proceed for five minutes.

Mr. MARTIN. The gentleman from Kansas was recognized for five minutes and asked leave to have five minutes more, and it was given by unanimous consent, so he has had ten minutes. I think, therefore, in justice to the rest of the House, I ought not to consent to the extension.

The SPEAKER pro tempore. The gentleman objects.

Mr. MARTIN. If the gentleman wants to make a statement to the House himself I will concede him almost anything.

Mr. MADDOX. Do you object?

Mr. MARTIN. If the gentleman requests and desires to make a statement I will not object.

Mr. REEDER. Mr. Speaker, I will say this: There is no time to discuss a matter of the importance of this subject. We should have had several hours. I believe that is a strong argument why we should not pass this bill now. I will have some time in the future, and I will not delay the House by taking up any more time just now.

Mr. MARTIN. Mr. Speaker, I renew my motion that debate upon this section be closed.

Mr. REEDER. I want to say the gentleman from Kansas desires to offer an amendment upon this section.

The SPEAKER pro tempore. The gentleman from South Dakota moves that debate upon this section be closed.

Mr. LACEY. Mr. Speaker, we have had no general debate on this, and it seems to me we ought to have some time on this section.

Mr. CANDLER. I hope the gentleman will not make that motion.

Mr. MARTIN. What is the request of the gentleman from Iowa?

Mr. LACEY. I want to speak on this section.

Mr. MARTIN. Then I will withdraw my motion at this time. I ask unanimous consent that debate on this section of the bill be closed in ten minutes, half to be used by the opponents of the section and the other half by those in favor of it.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that debate on this section be closed in ten minutes.

Mr. TIRRELL. I object, Mr. Speaker.

Mr. MADDOX. Mr. Speaker, I shall object to that unless the gentleman from Kansas [Mr. REEDER] be granted five minutes.

Mr. MARTIN. Mr. Speaker, I move that the debate upon this particular section close in ten minutes.

Mr. MADDOX. Mr. Speaker, I object.

Mr. REEDER. Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from South Dakota [Mr. MARTIN] moves that the debate close on this section in ten minutes.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. COWHERD demanded a division; and there were—ayes 68, noes 48.

Mr. LACEY demanded tellers.

Tellers were ordered; and the Speaker pro tempore appointed Mr. MARTIN and Mr. LACEY.

The committee again divided; and the tellers reported—ayes 92, noes 39.

Accordingly the motion was agreed to.

Mr. MILLER. Mr. Speaker, I make the point that there is not a quorum present.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. MILLER] makes the point that there is not a quorum present. The Chair will count. [After counting.] There are 200 gentlemen present, constituting a quorum. The ayes have it, and the debate will be closed in ten minutes.

The Chair recognizes the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I would like to have the attention of the House on this bill for a brief time, as it is certainly one entitled to full consideration, and I would like to have the House in possession of the facts. These bills involve an area as great as New England. I believe that if the Members fully understand them, they will vote this bill down. This measure is not a pressing one at this time. The land has only been opened to free homes for about five years, and during the last year 3,600 quarter sections were taken under the quarter-section homestead law, or nearly 600,000 acres of this land was taken within the last year, evidencing the fact that the people believe this land to be valuable and desirable for homesteads under the existing law.

There has been a question about trying the experiment in the arid country of enlarging the homestead. There is, in northwestern Nebraska, a region of about seven or eight millions of acres that has been open for forty years, a part of which homesteaders have filed upon and many of them abandoned. New homesteads were not being taken in that region. The Committee on Public Lands proposed to try the experiment last year of a 640-acre homestead on that kind of land. This law was passed for the purposes of such an experiment. It is known as the "Kinkaid law." Under that law 5,000,000 acres were taken inside of two or three months. None of the land has yet been occupied, or very little. No houses have been built upon it. The settlers have not taken possession; most of them have until April in which to do so.

Now, we can not say at present that the so-called "experiment" in Nebraska has thrown any light upon the subject at all, further than that the land will be taken by filing, and whether the filings will be followed by settlement is purely a matter of conjecture. Therefore it was my opinion, and I joined in a minority report upon this bill, believing that it ought not to be acted upon in the present Congress; that even if the bill was a good one it ought to go over until the next Congress. We could then legislate in the light of the experience in Nebraska.

The Department of the Interior and Governor Richards, the Commissioner of the General Land Office, have reported against this bill. The land commission appointed by the President, consisting of the Chief Forester, the Chief of Irrigation, and the Commissioner of the Land Office, have filed a report that is hostile to this legislation. So it seems to me, Mr. Speaker, that there is nothing to be gained by hasty action now, and much may be lost. But there is much to be gained by waiting until we can get some knowledge by the results of the Nebraska experiment. It may be that 640 acres will be demonstrated as being small enough for a homestead in that region. But the fact that in South Dakota 3,600 men last year thought that 160 acres were sufficient, and in North Dakota in the same kind of land, west of the Missouri River, 9,600 settlers moved in, taking about 1,800,000 acres of the land, would show that this land is good land on the 160-acre basis. And it is not, certainly, a discreet thing to take land and put four homesteads together for one, if one quarter section will answer the purpose of a homestead.

For that reason I believe action on this bill ought to be delayed. It ought to be postponed until we can get more light—and we will get more light. Gentlemen will remember that 640 acres were given in Oregon under the donation act fifty years or more ago. Every settler who went to Oregon then got 640 acres of land. It seemed necessary to tempt them by that large area, owing to the enormous distance from markets. This land is adjacent to markets. It is surrounded by population. That population is closing in is evidenced by the report of the Commissioner of the Land Office last year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURKE. Mr. Speaker, I wish to state, as I said the other day, that I reside in that portion of the State that will be affected if this bill is enacted into law. I have resided in that locality about twenty-three years, and I think I know something about the condition of the public lands in South Dakota—fully as much as the gentleman from Kansas, who never has been within several hundred miles of this country, and probably as much as the distinguished gentleman from Iowa who has just taken a seat.

For some years it has been apparent that there must be some change in the law about settling up this section of our State; that it was an impossibility, and is an impossibility, for a man to reside and make a living and support his family on 160 acres of this land. This is what is known as "grazing land." Understand that this section of country was ceded by the Indians in 1889, and the law provides that of grazing land west of the Missouri River the Indians may have an allotment of 640 acres, not 160 acres, as is generally given to Indians in the humid sections of the country. All recognized at that time that 640 acres was little enough to give anyone for a home to anyone who was going to go there and reside. So, as I have already said, the law gives an Indian—that is, the head of a family—640 acres.

Now, the gentleman from Iowa has had considerable to say about the number of entries that have been made in this tract during the last year. I believe he stated the number to be 3,600. I want to say, Mr. Speaker, that whether there have been 3,600 entries or not, there has not been one out of ten of that number of settlers gone upon the land. It is the result of an agitation, people having been induced to go there, relying to a considerable extent upon misrepresentation, and have been induced to file on homesteads, but invariably after they have gone upon the land and discovered its character they have abandoned their claims and have not commenced any residence as required under the provisions of the homestead law.

Now, the gentleman has had considerable to say about the objection to this bill from the Secretary of the Interior, from the Commissioner of the General Land Office, and other sources. The only objection, Mr. Speaker, from that source is the objection made by the gentleman from Iowa, namely, that this ought to be postponed until some future time. The gentleman from Iowa has not offered any objection, except that he says he does not think the time is ripe for this legislation.

Mr. Speaker, a portion of this land, instead of being opened for free homes four or five years, as stated by the gentleman from Iowa, has been opened to homestead settlement for twenty-eight years. Another portion has been opened for settlement since 1889, the settlers being required to pay 50 cents an acre only, until 1900, since which time the provisions of the free-homes law has been applicable, and, notwithstanding that, not more than 500,000 acres out of a tract of about 9,000,000 have been taken and final proof made. Mr. Speaker, in the interest of the development of my State, in the interest of the settlement of that State against the large cattle companies, and in order that we may get that portion of South Dakota traversed by a railroad, and get it to producing, I appeal to the House to pass this bill now, and not postpone it. [Applause.]

Mr. SIMS. Will the gentleman yield to me for a question?

Mr. BURKE. Certainly.

Mr. SIMS. How many railroads do you think you will get where you have one family to a square mile?

Mr. BURKE. It will certainly build one; and for the Lord's sake let us have that.

Mr. SIMS. I know of places where there are a great many more than one family to a square mile where there is no railroad; and I believe that it takes more than one family to the square mile to induce a company to build a road.

The SPEAKER pro tempore. Debate on this section is closed, and unless some amendments are to be offered the Clerk will read.

Mr. UNDERWOOD. Mr. Speaker, I have an amendment I desire to offer to the bill, but I wish to explain the amendment. I will offer it here, and I will ask the Chair to rule as to whether the motion made a while ago closes debate upon the paragraph and amendments to it?

The SPEAKER pro tempore. The Chair understood the motion to cut off all debate upon the paragraph and all amendments, but not to preclude amendments.

Mr. UNDERWOOD. As I desire to explain my amendment, I will offer it at another part of the bill further on.

Mr. LIND. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama be permitted at this time to explain his amendment.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. LIND] asks unanimous consent that the gentleman from Alabama [Mr. UNDERWOOD] may have five minutes in which to explain his amendment. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama offers an amendment, which the Clerk will report.

Mr. *UNDERWOOD*. Mr. Speaker, I offer this amendment, to read—

And provided further—

after line 11, page 2. I ask the House to listen to the amendment, as I think its adoption will improve the bill.

The Clerk read as follows:

Insert at the end of line 11, page 2, the words:

"*Provided further*, That wherever the 640-acre homestead is applied, the lands intended to be so entered shall be opened to the 640-acre entry or modifications thereof under this act only after they have been declared by the Secretary of the Interior to be nonirrigable, or of such an arid, irredeemable nature as to preclude their being irrigated in the future, either through public or private enterprise, the intent under this provision being that where it is possible to establish homes upon tracts of land of 160 acres or less, where a settler can make a *comfortable living*, the land shall remain in the hands of the Government until its settlement and cultivation by actual bona fide home makers."

Mr. MARTIN. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER pro tempore. The gentleman from South Dakota reserves the point of order. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I think this amendment is germane and therefore in order; and in opening the land to homestead entry it simply prescribes a limitation as to the time and manner in which the homestead shall be opened. Therefore, being germane and being a limitation, it would be in order on both of those grounds.

I wish to say to the House that the majority report in this case states that the intention of the gentlemen who present this bill is to allow the Secretary of the Interior to withdraw that portion of the land embraced in this area that is subject to irrigation; that they only want to open to 640-acre homestead such of the land as will not support a family on a homestead of 160 acres. Now, if they are sincere in that proposition, I can not see why they should object to this amendment.

This amendment does not interfere with the bill, does not interfere with the taking of the mile-square homestead on any portion of this land that is not or can not in the future be subject to irrigation. It does not interfere with the taking of a mile-square homestead on any of this land on which a 160-acre homestead will not support a family. It merely provides that the Secretary of the Interior, in so many words (so there can be no doubt about the proposition), can withdraw any of this land that can be used for future irrigation, or any of this land that is shown to be of such a class as a man can make a 160-acre homestead on, and live on it and support his family.

Mr. JAMES. Does the Secretary have to go out there to make this investigation?

Mr. UNDERWOOD. The Secretary of the Interior has a class of men who are competent to make this investigation. Congress should not act blindly in this matter. That is the objection to this bill. The Secretary should segregate the land and plat out, as he would if this amendment is carried, those parts that are open to 160-acre homesteads and those parts that are open to homesteads a mile square.

Mr. BURKE. Does not the bill provide for that?

Mr. UNDERWOOD. Well, the gentlemen who offer the bill claim that it does.

Mr. BURKE. I will ask the gentleman what he thinks about it?

Mr. UNDERWOOD. I do not think it does. The bill as now presented only gives the Secretary four months in which he can withdraw land that may be irrigable hereafter. I do not think that is sufficient time, and it does not provide that if any portion of this land can be used for 160-acre homesteads he shall withdraw it. Now, we know there is some of this land that can be so used, because on this very tract last year, as I am informed, and as I see stated in the report filed by the gentleman from Iowa [Mr. LACEY], over 3,000 men homesteaded 160 acres each, believing there is land there that still can be utilized for 160-acre homesteads.

Now, if all these gentlemen want to do is to take out lands which can not be used for this purpose, what objection can they have to this amendment?

[Here the hammer fell.]

Mr. MARTIN. Mr. Speaker, I want one minute to reply to the gentleman from Alabama.

The SPEAKER pro tempore. The gentleman asks unanimous consent that he may have one minute. Is there objection?

There was no objection.

Mr. MARTIN. What the gentleman states he wants to cover by his amendment is entirely covered by the bill. His amendment would destroy the whole effect of the bill. The Secretary asked only four months to exclude all lands that could be irrigated by public or private enterprise, and that is provided in the bill. This amendment would make it impossible for anything to be done at any time unless the Secretary should be disposed to open up the land for settlement under the act. That we want to avoid.

The SPEAKER pro tempore. Does the gentleman from South Dakota insist on his point of order?

Mr. MARTIN. No, Mr. Speaker; I think the subject is germane, but I do not think it ought to be adopted.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. UNDERWOOD] there were—ayes 43, noes 83.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. That a former homestead entry shall not be a bar to an entry under this act to a tract which together with the former entry shall not exceed 640 acres, and any homestead settler within the territory above described, whose claim has not passed to final entry at the time this act shall become operative, may have the privilege of relinquishing such claim, and may thereupon make a new homestead under this act of not to exceed 640 acres.

Mr. CANDLER. Mr. Speaker, as a member of the Committee on the Public Lands I want to submit a few remarks in reference to the provisions of the bill under consideration. We have heard a good deal in the general discussion about other States and other conditions and about another bill that was passed in reference to Nebraska, but we have heard very little by the opponents of this bill in reference to the provisions of this bill itself. This bill provides that the homestead in this section designated by the bill shall consist of 640 acres of land; that the settler shall actually and continuously occupy the land itself for five years, and he must make permanent inprovements to the extent of at least $1.50 per acre, or $960 for the homestead claim, and these improvements must be made at least at the rate of 30 cents an acre each year, and the proof of these annual improvements shall be made to the local land office, under the provisions of the law, showing that the improvements have been made each year as prescribed by the terms of this bill. Now, these provisions, Mr. Speaker, are not found in the Kinkaid Nebraska bill, which is being criticised, and therefore the criticisms made by the gentleman from Alabama [Mr. UNDERWOOD] and the article which he had read from the Clerk's desk do not apply to this bill, because the provisions in this bill are not in the bill to which that criticism does apply.

Every safeguard possible has been thrown around the provisions in this bill to protect the land for the absolute honest settler. Every amendment offered by the Democratic members of the committee looking to that purpose was adopted by the committee and was reported as a part of this bill. Every single solitary Democratic member on that committee voted to report favorably this bill to the House. This was not taken by any snap judgment either, because we had hearings on the bill for three or four weeks, hearing witnesses from the territory itself which is involved, and who knew the facts that existed by actual observation and actual experience. Therefore the committee has given to this bill deliberate and "judgmatical" consideration, and as I said a moment ago, every single amendment offered was agreed to. The distinguished gentleman from Minnesota [Mr. LIND], who is perfectly familiar with all the land laws, was very careful in guarding the provisions of this bill in order that the lands might be secured for the settler, the man whom we desired to have the land. The amendments which were added to the bill were to prevent frauds that have been practiced in reference to the entry of 160-acre homesteads. [Applause.]

If this bill is administered honestly there is no possibility of fraud, because no man is going over this land and actually occupy, actually live upon it for five years; he is not going to pay for the land and make the improvements which this bill requires in order that he may acquire title to it unless he means to become a settler and use it for the purposes of a home.

We had witnesses before us who demonstrated by actual experience and facts, which they stated, that a man in this part of the territory could not make a living on 160 acres of land. As evidence of that you may take the statistics of the counties included in this very territory and you will find that the population between 1890 and 1900, as shown by the census itself, demonstrates that the population has decreased in number instead of increasing in number. What we want is that the public domain shall be occupied. What we want is that it shall be occupied by the citizen who will make a home of it.

The SPEAKER. The time of the gentleman has expired.

Mr. CANDLER. Mr. Speaker. I ask unanimous consent that I may extend my time. I am a member of the committee, and I would be glad to discuss some other provisions of the bill.

Mr. MARTIN. Mr. Speaker, I would be glad to yield further time to the gentleman or to any others who may desire to speak, but I am told that as this is one of the closing days of the session it will be necessary to proceed faster with the consideration of the bill.

Mr. CANDLER. Well, give me two minutes more.

The SPEAKER. Does the gentleman yield?

Mr. MARTIN. Mr. Speaker, I yield two minutes, at the conclusion of which time I shall then be compelled to move the previous question on the bill and amendments thereto on account of the condition of the public business.

Mr. CANDLER. Mr. Speaker, the point I was calling attention to at the time I was interrupted was that it had been actually demonstrated that you could not make a home on 160 acres of land because the people who have gone there and made the entries for the purpose of acquiring a homestead of 160 acres have been compelled to leave it, because they could not make a living on 160 acres of land. You may take the counties composing the Territory, as I said a moment ago, and every one of them, with the exception of one county, shows a decrease in population between 1890 and 1900, and that county shows an increase of only 267 in population between those dates. That being true, what is the result? The result is that the land remains a part of the public domain and is not taken for homestead purposes by anybody, because a part of this Territory has been opened up since 1889, another part of the Territory has been open to entry for forty years, and if the people have not gone there during this time when they could get the land for 50 cents an acre by taking a homestead of 160 acres, do you believe that they are going there in the future under the same circumstances when the facts are that those who have preceded them have not been able to make a living upon the land and to derive any benefits from it? [Applause.] In addition to that, this land remaining part of the public domain pays no taxes, and there are counties within this Territory to-day that have not sufficient revenue from taxation to keep up the county government and to pay the necessary expenses for the administration of justice, or to give to the children, what few there may be there, any of the opportunities of education. [Applause.]

Now, I am frank to say that I went into this hearing upon the committee as a member of it opposed to this bill. I went into the committee hearings and listened to the testimony and sat as a judge in the case, and heard the testimony on both sides of the question, heard the witnesses for and against, and at the conclusion of the hearings I voted to report the bill, believing it was to the best interests of the country to do so and to the best interests of the people who desire to go there for settlement. Believing that now and having with me in that view every single Democratic member of the Committee on the Public Lands, I want to know if it is proposed by the Members on this side of the House to turn aside and vote against the bill upon such statements as have been made by the gentleman from Kansas [Mr. REEDER] and by others who do not know anything about the bill, as shown by the discussion on this floor, and have no knowledge about the facts that exist there, because they did not hear the witnesses, and thus turn down your Democratic members of the committee who did hear the testimony and reported the bill to the House and asked your approval of it? [Loud applause.]

Mr. MARTIN. Mr. Speaker, I move the previous question upon the bill and amendments to its final passage.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Can the previous question be ordered on a single section of the bill?

Mr. LACEY. Mr. Speaker, I make the point of order on that motion. The bill has not yet been considered by paragraphs.

The SPEAKER. As the Chair understands, the gentleman from South Dakota moves the previous question on the bill and amendments to its final passage.

Mr. LACEY. Mr. Speaker, under the order of the House, this bill has to be considered in the House as in the Committee of the Whole, and the previous question is not in order until the bill has been so considered. Debate may be closed on a paragraph, but at the conclusion of the first paragraph and before the bill has been read in full, the previous question on the whole bill would not be in order.

The SPEAKER. The Chair is informed that under prior rulings, under similar orders, when a bill is in the House as in the Committee of the Whole the consideration of it proceeds under the five-minute rule, but that the House does not lose its control by a majority over the bill, and that it is in the power of the House to order the previous question upon the bill and amendments pending, if there be any. Otherwise the bill, even if it had been gone through entirely, would be subject to indefinite amendment and the House would be powerless to express its will, acting by a majority.

Mr. LIND. Mr. Speaker, I desire to ask the gentleman from South Dakota to withhold that motion a minute. The gentleman from Alabama desires to submit an amendment, which I think the House ought to have an opportunity to pass upon.

Mr. LACEY. I will ask my friend if he will not withhold his motion until his colleagues on the committee, the gentleman from California and the gentleman from Kansas, who have in good faith filed a minority report, shall have the same opportunity to be heard as the gentleman from South Dakota?

Mr. MARTIN. I will say to the gentleman from Iowa that personally it would gratify me very much to do so, but I am admonished that the necessity of public business is such that I must insist. I endeavored early in the session, as the gentleman will remember, to fix the time of debate upon this question, but the opponents of the bill compelled us to wait until a suspension day and have a two-thirds vote for the adoption of this special order.

The SPEAKER. Does the gentleman from South Dakota, responsive to the suggestion of the gentleman from Minnesota, yield for the purpose of offering an amendment to be pending?

Mr. MARTIN. I will do that.

Mr. UNDERWOOD. Mr. Speaker, I desire to offer an amendment at the end of this section that has just been read, that provides for the repeal of section 2301 of the Revised Statutes, known as the "commutation clause." In other words, if this section is repealed, it will require every man who wants a homestead to live on his land.

Mr. MARTIN. Mr. Speaker, has the amendment been read?

The SPEAKER. Does the gentleman yield for this purpose?

Mr. MARTIN. I yield for a reading of the amendment, but I desire, if it is what I understand it to be, to reserve a point of order upon it.

The SPEAKER. The gentleman yields for the purpose of reading the amendment for information.

Mr. UNDERWOOD. Mr. Speaker, I understood that the gentleman yielded to me for the purpose of offering an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 20, page 2, the words:
"*Provided further*, That section 2301 and amendments authorizing the commutation of homesteads is hereby repealed."

Mr. MARTIN. I reserve the point of order, Mr. Speaker. I make the point of order that the amendment is not germane.

Mr. UNDERWOOD. On the point of order, Mr. Speaker——

Mr. MARTIN. This refers to all public domain and proposes to amend an important part of the general law. This bill refers to a particular part of the public domain, and has special provisions referring to and applicable to it alone.

Mr. UNDERWOOD. Now, Mr. Speaker, if I can have the attention of the Chair upon the point of order. May I be heard on the point of order?

The SPEAKER. The Chair would hear the gentleman briefly.

Mr. UNDERWOOD. Well, I do not desire to occupy the time of the Chair except briefly, Mr. Speaker. This bill is a bill that seeks to change the homestead laws in a large section of the country.

The SPEAKER. In South Dakota, is it not?

Mr. UNDERWOOD. This particular bill relates to South Dakota. Mr. Speaker, if you amended the bill it would be ger-

mane to say strike out South Dakota and say it shall apply to all that land that lies west of the one hundredth meridian, which would practically take four-fifths of all of the public land in the United States. It amends the homestead laws radically, not only in providing for a mile-square homestead of a 160-acre homestead, but it provides that you must live on the land for three years before you can commute it.

Now, that is germane to the bill. It is not the territory, but the main object of this bill is to change the homestead laws. It is not a local bill; it is a general bill in its nature. True, it only relates to one portion of the homestead, but, Mr. Speaker, if you are to introduce a bill here, if you carry the argument to its ordinary conclusion and hold that this is not a general bill in so far as it amends the homestead laws of the United States, then you might as well hold that if you applied this bill to every State in the Union except the State of Alabama that it would still be local in its nature, and would not be of such a character as would amend the general homestead laws. There can be no question that the object of this bill is directly to amend the general homestead law in many particulars, and the fact that it is located you can always prevent a bill from being of a general nature, one that would be open and subject to amendment of the general law, by simply withdrawing from it a very small portion of territory, it seems to me, reduces the argument to a matter of absurdity. But the complaint that is made is that the frauds that have crept into these homestead entries have all grown out of the fact that they commuted the homesteads.

Now, the object of my amendment is to require a man to live on the homestead the time the law provides—the time to perfect his homestead entry and then get his title. It will not allow him to go there and live a few months, commute it in cash, and use his homestead entry for speculative purposes. And that being the case, as this relates to a large area of lands, it seems to me that it is general in its character. It is a general amendment of a general homestead law, and therefore any other amendment along this line is both germane and in order at this time.

The SPEAKER. The Chair is prepared to rule.

Mr. DAVIS of Minnesota. Mr. Speaker——

The SPEAKER. The Chair does not desire to hear further argument on the point of order, and is prepared to rule.

Mr. DAVIS of Minnesota. Mr. Speaker, I desire to ask the gentleman from South Dakota [Mr. MARTIN] a question before he puts the motion for the previous question.

The SPEAKER. We have not reached that yet.

The Chair finds on examination that this bill affects lands in the State of South Dakota. The Chair also finds upon examination that as to those lands in South Dakota it repeals the commutation homestead clause. The amendment which the gentleman from Alabama offers applies to all the public lands in the United States subject to homestead entry.

Mr. LACEY. Mr. Speaker, I would like to suggest a correction there. This does not repeal the commutation clause, except where the homestead is 640 acres. It still leaves it in force if a man only takes a quarter section.

The SPEAKER. It does not exist except in the State of South Dakota and possibly in the State of Nebraska, although the Chair is not advised as to the State of Nebraska. But this bill affects land alone in the State of South Dakota. The gentleman's amendment would affect land everywhere outside of the State of South Dakota.

Even without any precedents the Chair would be clear that the amendment would not be germane upon this bill. The Chair, however, has a precedent in principle:

In a provision extending the customs and internal-revenue clause of the United States over the Hawaiian Islands, an amendment for effecting the extension of all the laws of the United States over those islands was offered and held not to be germane.

It is perfectly clear, in the opinion of the Chair, that under the rules the amendment is subject to the point of order.

The gentleman from South Dakota [Mr. MARTIN] is recognized.

Mr. MARTIN. Mr. Speaker, I renew my motion on the previous question.

Mr. DAVIS of Minnesota and Mr. MILLER rose.

The SPEAKER. The gentleman from South Dakota [Mr. MARTIN] moves the previous question on the bill to its final passage.

Mr. MILLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. MILLER. Mr. Speaker, I desire to ask the gentleman from South Dakota [Mr. MARTIN] if he will withhold his motion in order to let me ask him a question?

Mr. MARTIN. Unless it has something to do with the present stage of the proceedings, I object.

Mr. MILLER. It has all to do with it.

Mr. MARTIN. Then I will hear one question.

Mr. MILLER. I desire to ask the gentleman from South Dakota if this motion he is now making for the previous question is for the purpose of carrying out in good faith the language used in a statement he made to the House when the matter was up a week ago, as follows:

In order to secure the adoption of the resolution, the purpose of this resolution is to give a thorough opportunity to discuss the merits of this legislation when it may be considered in the House.

Mr. MARTIN. In answer to that question I will state that the gentleman who is now propounding the question vigorously and strenuously opposed this resolution at that time, and has not been deceived by its enforcement and adoption.

Mr. MILLER. I would like to have an opportunity now to be heard on the merits of the bill.

The SPEAKER. The question is on the motion of the gentleman from South Dakota [Mr. MARTIN] for the previous question.

The question was taken; and the Chair announced that the ayes seemed to have it.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. LACEY. Division, Mr. Speaker.

The House divided; and there were—ayes 151, noes 62.

Mr. LACEY. I demand the yeas and nays.

The SPEAKER. The gentleman from Iowa demands the yeas and nays on the third reading of an engrossed bill.

The question was taken.

The SPEAKER. Thirty-three gentlemen have arisen; not a sufficient number, and the yeas and nays are refused.

Mr. LACEY. I make the point of order and demand the reading of the engrossed bill.

The SPEAKER. The gentleman makes the point of order and demands the reading of the engrossed bill. The bill will have to be laid aside.

Mr. MARTIN. I move to suspend the rules and pass the bill without being engrossed.

Mr. LACEY. I make the point of order against that. [Cries of "Regular order!"]

UNAPPROPRIATED AND UNRESERVED LANDS IN COLORADO.

The SPEAKER. The gentleman from Colorado [Mr. BROOKS] is recognized.

Mr. BROOKS. Mr. Speaker, I call up for present consideration under the rule and order of the House, the bill H. R. 18787, making similar provisions, including lands in the State of Colorado.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18787) to amend the homestead laws as to certain unappropriated and unreserved lands in Colorado.

Be it enacted, etc., That from and after nine months after the approval of this act entries made under the homestead laws in the State of Colorado east of the 105th meridian of longitude, and not within forest reserves or other reservations, shall not exceed in area 640 acres, and shall be as nearly compact in form as possible, and in no event over 2 miles in extreme length, nor 1 mile in length along the course of a stream of water: *Provided*, That there shall be excluded from the operation of this act such lands within the territory herein described as in the opinion of the Secretary of the Interior it may be reasonably practicable to irrigate under the national irrigation law or by private enterprise, and that said Secretary shall, prior to the date above mentioned, designate and exclude from entry under this act the lands which in his opinion it may be practicable to irrigate as aforesaid, and shall thereafter, from time to time, open to entry under this act any of the lands so excluded which, upon further investigation, he may conclude can not be practically irrigated in the manner aforesaid.

The amendment recommended by the committee was read, as follows:

In line 9, page 1, after the word "nor," insert the words "more than."

The amendment was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I desire to know if the Clerk is reading the bill under the five-minute rule.

The SPEAKER. He is.

Mr. UNDERWOOD. It is impossible to hear the Clerk read, and I will ask the Speaker to preserve order, that we may hear the reading of the bill.

The SPEAKER. The House will be in order.

The Clerk read as follows:

SEC. 2. That a former homestead entry shall not be a bar to an entry under this act of a tract which, together with the former entry, shall not exceed 640 acres, and any homestead settler within the territory above described whose claim has not passed to final entry at the time this act shall become operative may have the privilege of relinquishing such claim, and may thereupon make a new homestead under this act of not to exceed 640 acres.

The amendment recommended by the committee was read, as follows:

In line 8, page 2, after the word "entry," insert the words "within the area above described."

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That a previous entryman being a present landowner within the territory above described, or a settler under the homestead laws of the United States within such territory, who owns and occupies the land heretofore entered by him, or a settler within such territory whose claim has not passed to final entry may, under the provisions of this act and subject to its conditions, enter other lands contiguous to his present holdings which shall not, with the land already entered, exceed in the aggregate 640 acres; and residence upon the original homestead shall be accepted as equivalent to residence upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same. Any former homestead settler whose entry was made prior to January 1, 1905, and who shall be entitled to an additional entry under this section shall have, for thirty days after the homestead provisions of this act become operative, the preference right to make such additional entry, and all conflicts under the preference right hereby conferred shall be equitably adjusted by the Secretary of the Interior, except that as between applicants who have made homestead entries within the area covered by the provisions of this act and those who have made such entries elsewhere, previous entrymen within the State of Colorado shall have the preference for such period of thirty days.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all of section 3, and substitute in lieu thereof, the following:

"SEC. 3. That a settler under the homestead laws of the United States, within the territory above described, who owns and occupies the land heretofore entered by him or whose claim has not passed to final entry may, under the provisions of this act and subject to its conditions, enter other lands contiguous to his homestead entry which shall not, with the land already entered, owned, and occupied, exceed in the aggregate 640 acres; and residence upon the original homestead shall be accepted as equivalent to residence upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same. Any former homestead settler whose entry was made prior to January 1, 1905, and who shall be entitled to an additional entry under this section shall have, for thirty days after the homestead provisions of this act become operative, the preference right to make such additional entry, and all conflicts under the preference right hereby conferred shall be equitably adjusted by the Secretary of the Interior."

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman from Colorado, so as to see if I understand this amendment which is offered to the bill. This provision was not included in the South Dakota bill, was it?

Mr. BROOKS. The Colorado bill as amended is identical with the South Dakota bill except that it extends the time during which the Secretary of the Interior can make these examinations.

Mr. UNDERWOOD. Then this section 3, which has just been read by the Clerk—does this provide that if a man has already taken a homestead of 160 acres, or a quarter of a mile, he can take three more quarters of a mile and homestead them? Is this simply to let the homesteader homestead three other quarters?

Mr. BROOKS. It provides, just as the South Dakota bill did, that in the area involved a man who has a homestead on that territory may take an additional amount making up 640 acres.

Mr. UNDERWOOD. Then I move to strike out the section. Mr. Speaker, I do not see any reason why section 3 should remain in this bill if the object of it is to provide homes for the people of the United States. Now, under a provision of this sort, when a man has a homestead of 160 acres, presumedly he has found land upon which he can make a home and a living to support his family. If this bill passes——

Mr. BROOKS. I can not hear the gentleman from Alabama.

Mr. UNDERWOOD. If I understand this, he has already made one homestead that he has taken up, and is entitled to, and entitled to have more under the law. If so, you give the people living in Colorado something that you do not give to people living in Alabama, or Iowa, or any other State in the Union. After he proves up one homestead and is living on it you give him three more 160-acre tracts for nothing. You do not require him to live on it, to homestead it. You do not require him to develop the country. It is a gratuity pure and simple given by the Government. I think that ought to be stricken out.

The SPEAKER. The Chair on examining the bill after the gentleman made his motion finds that the committee amendment is to strike out section 3 of the original bill and insert what is marked section 3 in italics.

Mr. UNDERWOOD. It was in opposition to the committee amendment that I spoke.

The SPEAKER. The motion is to strike out section 3 of the original bill and insert what is marked section 3 in italics.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. UNDERWOOD. I ask for a division, Mr. Speaker.

The House dvided; and there were—ayes, 123, noes 47.

Accordingly the amendment was agreed to.

Mr. REEDER. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The Clerk will report the next section, and then the gentleman will be recognized.

Mr. HOGG. Mr. Speaker, a parliamentary inquiry. Is it too late to introduce an amendment to the first section?

Mr. BROOKS. I should like to say that, so far as I am concerned, I accept the gentleman's amendment. I know what it is.

Mr. HOGG. I should like to offer it.

The SPEAKER. The gentleman could only do so by unanimous consent.

Mr. HOGG. I ask unanimous consent to offer an amendment to the first section.

The SPEAKER. The gentleman from Colorado asks unanimous consent to offer an amendment to the first section. Is there objection?

Mr. NEEDHAM. I object.

The SPEAKER. The gentleman from California objects. The Clerk will report the next section.

The Clerk read as follows:

SEC. 4. That the fees and commissions on all entries under this act shall be uniformly the same as those charged under the present law for a maximum entry at the minimum price, that the commutation provisions of homestead laws shall not apply to entries under this act, and that at the time of making final proof the entryman must prove affirmatively that he has resided on the land continuously for five years and has placed upon the land entered permanent improvements of the value of not less than $1.50 per acre for each acre included in his entry, which improvements must be made to the extent of at least 30 cents per acre per annum and proof thereof made to the local land office each year, under such regulations as the Secretary of the Interior may prescribe in that behalf: *Provided*, That improvements made in any one year and proof thereof as required by such regulations in excess of 30 cents per acre per annum shall apply on the requirements for subsequent years: *Provided further*, That when a homesteader under the provisions of this act shall have served as a private soldier or officer in the Army, Navy, or Marine Corps of the United States during the war of the rebellion, or during the war with Spain or the Philippine insurrection, and shall have been honorably discharged, the time which such homestead settler has so served shall be deducted from the time hereinbefore required to perfect title; or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time herein required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least three years after he shall have commenced his improvements.

With the following committee amendment:

On page 5, after line 20, insert:
"Which improvements shall be of no less value than $1.50 per acre."

The SPEAKER. The question is on the amendment.

Mr. REEDER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. REEDER. I rise to make some remarks. I move to strike out the last word.

The SPEAKER. The gentleman from Kansas moves to strike out the last word.

Mr. REEDER. Mr. Speaker, if I may be permitted just a moment, I desire to make one or two statements, which I would prove if we were permitted time to discuss the questions involved in this bill. First, I wish to state that if this bill becomes a law, a cattleman with twenty herders can fence in 64,000 acres of the public domain—homes for 400 families—and no man can settle on this vast tract. He can put 6,000 cattle there and pasture them within four months from the day these bills become laws, hold it for an indefinite period, paying no taxes on the land. I wish I could have time granted me to prove this to you, but I can not do so for lack of time. It is a fact, however.

I would like to state further that there is no possibility of your making a mistake if you postpone the passage of this bill until next fall, when we may have time to know more about it. But you will make a serious mistake if you turn the few remaining tillable acres of our public domain over to speculators.

It is surely unwise for this House to pass a bill of such import without some chance for discussion, as we are seeing this bill crowded through to-day, when most of you concede that you do not know the existing conditions, and when by delaying the matter until next fall we may have time to learn much as to the facts.

I judge that half of the Members from the Eastern States will think that REEDER is wrong in saying that one man can, under this bill, fence so large a tract, yet I can, if time could be secured, prove to you that the homes of 400 people can be taken by one cattleman who employs twenty herders. Within

four months from the date of the passage of this bill he can fence 64,000 acres of land and put cattle upon it, and no man can settle on the lands inclosed. The man who monopolizes this vast amount of land can take timber land, alfalfa, and all kinds of land inside his fence, and need pay no taxes. There is forty times as much land to be taken from the people and given to speculators by these bills and similar bills that are to follow as there is of tillable land in all of Japan, and this vast domain is to be turned over by wholesale to the speculators. There are but two classes of people in the western part of the United States who are interested in this bill. One is the man who desires to get the land; the other is the man who desires to induce settlers to go in there pellmell and spend their money with the local tradesmen. It is certainly very unwise, in the face of the recommendations of the President, in the face of the recommendations of a commission of three men, the heads of great bureaus, who have been chosen by the President on account of their special fitness, who have spent one and one-half years examining the subject and have reported that bills of this class should not become laws, when the Secretary of the Interior, the Commissioner of the General Land Office, the chairman of the Public Lands Committee, and the three ranking members of the committee strongly advise against such legislation.

Mr. BOWIE. Who are the four members of the committee who are against this Colorado bill?

Mr. REEDER. There is no minority report on the Colorado bill. I speak particularly of the South Dakota bill, as there is a minority report made against that bill.

Mr. BOWIE. We are talking about this bill now. I want to ask the gentleman if it is not a fact that the chairman of this committee, who was opposed to the South Dakota bill, favors the Colorado bill? Is not that true?

Mr. REEDER. I think he does not.

Mr. BOWIE. I should like to have the gentleman from Colorado say.

Mr. REEDER. The South Dakota land seems, by the evidence before the committee, to be much better land than that covered by the Colorado bill, or than is now worth $20 to $50 per acre in western Kansas. I know about the land covered by the Colorado bill. There are places where a man can make a living on 80 acres, and there are other places where a man can not make a living on four sections.

The evidence was introduced before the committee by the author of the Dakota bill in the hearings, showing that it will require 2,560 acres for a man to make a living for himself and family on certain classes of the land, or even more. So that when a man tries the experiment of settling on a section of this class of land he will learn that he can not make a living from 640 acres and can do nothing except leave the land; having disbursed his earnings, accumulated by years of economy and toil, among the local tradesmen, he must return to some place where his labor will procure a sustenance for himself and family. This is all he can do.

Hence I insist that it is exceedingly unwise, under the circumstances, for men on both sides of this Chamber to vote to dispose of this land without consideration, and especially when we have been promised from first to last that we should have ample time for discussion.

Mr. BROOKS. Mr. Speaker, I want just a minute to say a word in answer to the gentleman from Kansas. I submit that stockmen can not take any 64,000 acres unless they could get the fraudulent consent of the Interior Department. Now, this bill is identical with the terms of the Dakota bill except that it gives nine months' time for investigation and limits the additonal grant that the homesteader can take to the ground included in this bill. In other words, these restrictions are stronger than in the Dakota bill. This land has been opened up for forty-five years. There are eight counties where the population has decreased. The limits of successful homesteading has been reached and were reached eight or ten years ago, and without this bill passes the development of that State and the growth of these counties and the advancement of these people must stop. Now, Mr. Speaker, I move the previous question on the pending bill and amendments.

The SPEAKER. The gentleman from Colorado moves the previous question on the bill and all amendments to its final passage.

The question was taken; and there were on a division (demanded by Mr. NEEDHAM)—ayes 114, nays 57.

So the previous question was ordered.

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

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read a third time by title.

The SPEAKER. The question is on the passage of the bill.

Mr. NEEDHAM. Mr. Speaker, I call for the reading of the engrossed bill. [Cries of "Too late!" "Too late!"]

Mr. Speaker, I was on my feet to demand the reading of the engrossed bill before the Clerk read the title to the bill.

The SPEAKER. The Chair is inclined to think that, as the gentleman was on his feet, the Chair will recognize him.

Mr. NEEDHAM. Then, Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. The gentleman from California demands the reading of the engrossed bill, and the bill will accordingly be laid aside.

Mr. BROOKS. Mr. Speaker, I request unanimous consent that all those who have spoken on this bill and on the South Dakota bill, including the gentleman from Kansas [Mr. MURDOCK], the gentleman from Montana [Mr. DIXON], and the gentleman from Massachusetts [Mr. TIRRELL], have leave to print remarks in the RECORD.

Mr. BARTLETT. Mr. Speaker, I will not object if the remarks are confined to the subject-matter of the bill under discussion and the time limited to the session. I will not consent that there shall be any abuse of the printing privilege as there was at the last session.

Mr. BROOKS. I will modify the request, Mr. Speaker, to during the session and on the bill.

Mr. KLUTTZ. I object, Mr. Speaker.

GENERAL DEFICIENCY BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19150, the general deficiency bill; and pending that I would like to agree upon some time for general debate. How much time does the gentleman from Georgia want?

Mr. LIVINGSTON. Not less than two hours on this side.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that there be time for general debate, an hour and a half on a side, the minority time to be controlled by the gentleman from Georgia and the majority by myself, and that the time be taken to-night.

The SPEAKER. The gentleman from Indiana asks unanimous consent that general debate may be limited to an hour and a half on each side, one-half to be controlled by the gentleman from Indiana and one-half by the gentleman from Georgia, and that the debate be taken to-night.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I understood the gentleman from Georgia to say that he wanted two hours on a side.

The SPEAKER. The Chair is submitting the request as it was made by the gentleman from Indiana.

Mr. WILLIAMS of Mississippi. I will object to that, but if the gentleman will make it two hours on a side I will not object.

Mr. HEMENWAY. I do not want the general debate to run into to-morrow.

Mr. WILLIAMS of Mississippi. I shall have no objection to general debate being concluded to-night if it is understood that nothing but general debate shall take place, that there shall be no matters considered by unanimous consent or any other business.

Mr. HEMENWAY. No.

Mr. WILLIAMS of Mississippi. I have no objection.

Mr. HEMENWAY. Then, Mr. Speaker, I will modify my request to two hours on a side for general debate, to close to-night.

Mr. LIVINGSTON. And nothing else except general debate?

Mr. WILLIAMS of Mississippi. I do not know, Mr. Speaker, that I have understood the request correctly, but if I understand it, I have no objection. It is for unanimous consent that there shall be general debate for two hours on each side, the debate to go on to-night, and that no other business shall be transacted except the general debate.

The SPEAKER. The gentleman from Indiana asks unanimous consent that general debate may be closed in four hours, one-half to be controlled by himself and one-half by the gentleman from Georgia, that all the general debate, or such portion of it as is desired, be had to-night, and after it is concluded the committee shall rise and that no other business shall be done in the House. Is there objection?

There was no objection.

TIME OF MEETING.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

WILLIAM TAWNEY.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Invalid Pensions, and ordered printed:

To the House of Representatives:

In compliance with a resolution of the House of Representatives, dated the 25th instant (the Senate concurring), I return herewith House bill No. 15657, entitled "An act granting an increase of pension to William Tawney."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 28, 1905.*

RESOLUTION OF SENATE TO RETURN CERTAIN BILLS AND A JOINT RESOLUTION.

The SPEAKER laid before the House the following resolution from the Senate:

IN THE SENATE OF THE UNITED STATES,
February 28, 1905.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the following joint resolution and bills: S. R. 11, S. 735, S. 2876, S. 964, S. 2888, S. 175, S. 705, S. 3197, S. 2547, S. 4260, S. 2269, S. 4236, and S. 2749.

Attest:

CHARLES G. BENNETT, *Secretary.*

The SPEAKER. Without objection, the request of the Senate will be granted.

There was no objection, and it was so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY of Minnesota. Mr. Speaker, I offer the following conference report on the bill (H. R. 18123) making appropriations for the expenses of the government of the District of Columbia, to be printed in the RECORD under the rule.

The SPEAKER. The report and statement will be printed under the rule.

UNANIMOUS CONSENT TO PRINT.

Mr. BROOKS. Mr. Speaker, I renew my request for unanimous consent to print.

The SPEAKER. The gentleman from Colorado renews his request that unanimous consent be given to print remarks on the two bills last considered in the House during the session, including the gentleman from Montana [Mr. DIXON], the gentleman from Kansas [Mr. MURDOCK], the gentleman from Massachusetts [Mr. TIRRELL], and any others who desire to print remarks confined to the bill. Is there objection?

Mr. MURDOCK. Mr. Speaker, I object.

The SPEAKER. Objection is made.

GENERAL DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House do resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the deficiency appropriation bill.

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

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of 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, with Mr. MANN in the chair.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, I desire to call especial attention of the House to page 4 of the report, where certain limitations, some of them changes in law, are reported on this bill, so that Members may go into these changes carefully to see whether or not they will result in good administration. On the bill reported to the House and considered yesterday a point of order was made by the gentleman from Missouri on one change of law suggested, which sought to remedy an abuse where one officer of the Government in one year received more than $60,000 in the way of pay. The gentleman made the point of order, taking off that amendment, which would result in doing away with that abuse. Certainly there is no Member of this House who believes that an official of the Government should receive anything like $60,000 a year for his services. I am sure the Member who made the point did not realize at the time the effect of his point of order.

I simply call especial attention to these limitations now, so that they may be investigated. Of course Members have the right to make points of order against them, but I insist that they should go into them carefully and see whether or not they are points of order which would have the affect that the point of order made yesterday had, of continuing an abuse against this Government such as is going on in the southern district of the great State of New York, where one man is receiving fees that give him a salary greater, in some years, than that received by the President of the United States. Mr. Chairman, I will make no further statement this time upon this bill other than to ask that the Clerk read, for the information of the House, the last provision of this bill—section 3.

The Clerk read as follows:

SEC. 3. That section 3679 of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made for the fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent undue expenditures in one portion of the year that may require deficiency or additional appropriations to complete the service of the fiscal year; and all such apportionments shall be adhered to except when waived or modified in specific cases by the written order of the head of the Executive Department or other Government establishment having control of the expenditure; and all such waivers or modifications, together with the reasons therefor, shall be communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month."

Mr. HEMENWAY. Mr. Chairman, I call attention to this particular limitation because we seek by it to prevent deficiencies in the future. It is a hard matter to deal with. We give to Departments what we think is ample, but they come back with a deficiency. Under the law they can make these deficiencies, and Congress can refuse to allow them; but after they are made it is very hard to refuse to allow them. So we seek by this amendment to in some respect, at least, cure that abuse. I ask, Mr. Chairman, unanimous consent that the report of the committee may be printed in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, I reserve the balance of my time.

The report is as follows:

In presenting the bill making appropriations to supply deficiencies in the appropriations for the fiscal year 1905, and for prior years, the Committee on Appropriations submit the following report in explanation thereof:

The bill is based chiefly on estimates submitted in House Documents Nos. 22, 43, 46, 47, 68, 78, 87, 93, 95, 141, 163, 217, 218, 220, 237, 240, 257, 261, 277, 287, 292, 294, 296, 299, 304, 306, 307, 310, 311, 315, 321, 322, 323, 324, 325, 333, 341, 343, 345, 346, 348, 349, 352, 359, 361, 362, and in Senate Documents Nos. 59 and 93, referred by the House from time to time during the present session. These estimates aggregate or involve appropriations of $33,886,267.13.

The whole amount recommended in the bill is $31,024,079.04, distributed as follows:

State Department	$77,583.39
Treasury Department	7,192,945.37
District of Columbia	47,793.38
War Department	591.05
Military establishment (exclusive of $1,850,000 reappropriated)	395,247.38
National Soldiers' Home	173,609.02
Public buildings and grounds, District of Columbia	2,000.00
State, War, and Navy building	5,378.81
Navy Department	4,000.00
Naval establishment	14,960,775.51
Interior Department	297,939.37
Pensions	4,500,000.00
Post-Office Department	6,955.17
Postal service	1,091,069.45
Department of Justice	56,885.61
United States courts	531,533.71
Department of Agriculture	200,000.00
Department of Commerce and Labor	188,990.62
House of Representatives	76,281.84
Botanic Garden	1,000.00
Printing and binding	95,750.00
Judgments, Court of Claims	198,454.50
Judgments, Indian depredations	20,653.00
Judgments, United States courts	7,355.08
Sec. 2. Audited accounts	891,286.78
Total	31,024,079.04

The chief items included in the bill for each of the Departments of the Government on account of the current fiscal year are as follows:

Under the State Department:	
Contingent expenses, United States consulates	$30,000.00
Under Treasury Department:	
Stationery	8,000.00
Transportation of silver coin	10,000.00
Transportation of minor coin	5,000.00
Recoinage of gold coins	10,000.00
Vaults, safes, and locks for public buildings	20,000.00
Furniture for public buildings	310,700.00
Collecting the revenue from customs, fiscal year 1905	3,000,000.00
Collecting the revenue from customs, fiscal year 1906	3,000,000.00
Public Health and Marine-Hospital Service, 1905	200,000.00
Public Health and Marine-Hospital Service, 1906	200,000.00
Engraving and printing	73,047.82
Redemption of internal-revenue stamps	150,000.00
Revenue-Cutter Service	57,106.83
Mints and assay offices (Denver, Colo.)	39,000.00
Independent Treasury, contingent expenses	10,000.00
Under District of Columbia:	
General expenses, 1905 and prior years	47,793.38
Under military establishment:	
Reappropriated out of unexpended balances for pay of the Army, fiscal year 1903, on account of pay of the Army for 1905	1,400,000.00
Reappropriated out of unexpended balances for pay of the Army, fiscal year 1903, on account of mileage to officers for the fiscal year 1905	100,000.00
Military post, Fort Snelling, Minn	15,000.00
Claims for property taken from Confederate soldiers	100,000.00
Military Academy	15,237.00
Expenses of certain branches of Home for Disabled Volunteer Soldiers	51,801.09
State and Territorial Homes for Disabled Soldiers and Sailors	121,807.93
Under the Navy Department:	
Contingent expenses	2,000.00
Naval Observatory	2,000.00
Under the naval establishment:	
Marine Corps, contingent expenses	50,000.00
Military stores, Marine Corps	20,000.00
Naval Academy, fuel	10,000.00
Transportation, Bureau of Navigation	65,000.00
Maintenance of colliers	168,480.00
Ordnance and ordnance stores	500,000.00
Yards and docks, maintenance	50,000.00
Naval hospital, Washington, D. C	20,000.00
Naval laboratory, Brooklyn, N. Y	20,000.00
Steam machinery	700,000.00
Increase of the Navy	13,100,000.00
Under the Interior Department:	
Stationery	9,000.00
Patent Office, additional salaries, 1906	20,700.00
Producing Official Gazette, Patent Office	80,000.00
Producing copies of drawings, Patent Office	40,000.00
Contingent expenses, Land Office	40,000.00
Incidental expenses, Indian service in Indian Territory	8,000.00
Commission of the Five Civilized Tribes	40,000.00
For clerical work and labor connected with the sale and leasing to Creek and leasing of Cherokee lands	15,000.00
Expenses of purchasing goods and supplies, Indian service	1,000.00
For army and navy pensions	4,500,000.00
Under the Post-Office Department:	
Stationery	6,000.00
Under the Postal Service:	
Rent, light, and fuel, first, second, and third class post-offices	50,000.00
Wrapping twine and tying devices	59,000.00
Wrapping paper	20,000.00
Printing and facing slips	5,000.00
Mail-messenger service	41,000.00
Mail bags	37,000.00
Manufacture of stamped envelopes and newspaper wrappers	10,000.00
Pay of rural carriers in the free rural-delivery service	300,000.00
Clerks at division headquarters of post-office inspectors	10,000.00
Under United States courts:	
Salaries, fees, and expenses of marshals	50,000.00
Salaries and expenses of district attorneys	10,000.00
Fees of clerks	40,000.00
Fees of jurors	125,000.00
Fees of witnesses	40,000.00
Rent of court rooms	15,000.00
Pay of baliffs and criers	35,000.00
Miscellaneous expenses	175,000.00
Under Department of Agriculture:	
Bureau of Animal Industry	150,000.00
Protection of forest reserves	50,000.00
Under Department of Commerce and Labor:	
Bureau of Standards	19,250.00
Light-House Establishment, salaries of keepers and expenses of light vessels	26,000.00
Census Office, semimonthly reports of cotton ginned	125,000.00
Bureau of Immigration, dredging in and about Ellis Island	10,000.00
Under House of Representatives	76,281.84
Under public printing and binding:	
Treasury Department	25,000.00
Navy Department	15,000.00
Interior Department	24,000.00
Department of Justice	6,000.00
State Department	5,000.00
Annual leave to employees	20,000.00

CLAIMS IN COLLISION CASES.

Regulations of the Navy Department, made under authority of law, require that in cases of collision of naval vessels with merchant or other vessels a court of inquiry shall be organized to determine the responsibility for the collision and the amount of damage occasioned.

On certification to Congress of the results of such inquiries it has been the custom in the past to provide on deficiency bills for payment of damages occasioned, where it appeared that the responsibility for the collision was on the officers of the Government.

Regulations governing cases of collision similar to those of the Navy have been adopted by the Revenue-Cutter Service and the transport service of the War Department.

The number of these cases for damages occasioned by collisions with United States vessels has very greatly increased, and at this session twenty of them, involving $30,398.56, are pending before the Committee on Appropriations by reference of the House.

In many of the cases pending it does not appear conclusively, either from the reports of the courts of inquiry or otherwise, that the responsibility for collision rested wholly with the officers of the Government.

Under the circumstances, and as it is not clear that any legal obligation exists requiring the Government to pay damages thus ascertained and awarded, the committee have declined to recommend appropriations in the accompanying bill to cover any of the pending claims, believing that the appropriate committee having legislative jurisdiction of the subject should recommend and bring about legislation that will clothe with necessary jurisdiction a proper court to ascertain and determine in each case that arises the responsibility therefor and the measure of compensation, if any, that should be made on the part of the United States.

LIMITATIONS.

The following limitations, not heretofore imposed, are recommended:

On page 3 the following:

"Hereafter the Secretary of State shall, in submitting estimates for the consular service, segregate and submit separately estimates for rent of consular offices, and under contingent expenses estimate for the amount required annually to be expended at consular offices for purposes within the discretion of the Department."

On page 8 the following:

"That section 3687 of the Revised Statutes of the United States is repealed, to take effect from and after June 30, 1906; and that the Secretary of the Treasury shall, for the fiscal year 1907, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of collecting the revenue from customs."

On page 9 the following:

"That so much of section 15 of 'An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes' approved June 26, 1884, as makes a permanent appropriation of the receipts for duties on tonnage provided for by said act, for the expenses of maintaining the Marine-Hospital Service, is hereby repealed, to take effect from and after June 30, 1906. And the Secretary of the Treasury shall, for the fiscal year 1907, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of maintaining the Public Health and Marine-Hospital Service."

On page 13 the following:

"Authority is hereby granted the Secretary of the Treasury to pay, from the regular annual appropriation for the Life-Saving Service for the fiscal year 1905, the services of a keeper and surfmen detailed for duty at the Lewis and Clark Centennial Exposition at Portland Oreg., during the months of April, May, and June, 1905, the sum of $1,800, or so much thereof as may be required."

On page 14 the following:

"The Secretary of the Treasury is authorized to reimburse the bullion fund of the mint at Philadelphia for the balance of $46,132.42, due on account of the melter and refiner's gold wastage, out of the unexpended balance to the credit of the appropriation for parting and refining bullion."

On page 50 the following:

"Authority is hereby granted to rent necessary drafting rooms for work in connection with the office building for the House of Representatives and to pay therefor out of appropriations made for said building at the rate of not exceeding $70 per month from November 1, 1904, until June 30, 1906, inclusive."

On page 68, in connection with the appropriation for miscellaneous expenses of United States courts, the following:

"That in so far as it may be deemed necessary by the Attorney-General this appropriation, and the like appropriation for the fiscal year 1906, shall be available for such expenses in the district of Alaska: *Provided further*, That the unexpended Government funds which were in the hands of the clerks of the district court for the district of Alaska at the close of January 26, 1905, shall be available for the payment of court expenses in so far as they were available by virtue of then existing law, notwithstanding the provisions of the act of January 27, 1905, entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes.'"

On page 75, the following:

"That the necessary expenses incident to the detention of aliens ordered deported, whose attendance as witnesses is required in behalf of the United States in prosecutions arising under the immigration laws, may be paid from the permanent appropriation for 'Expenses of regulating immigration:' *And provided further*, That nothing contained in the sundry civil appropriation act approved March 3, 1903, making appropriation for the establishment of an immigration station at Honolulu, Hawaii, shall be construed to prevent payment of the cost of the furniture and equipments required for said station from the permanent appropriation for 'Expenses of regulating immigration.'"

On page 81 the following:

"Hereafter no payment shall be made, nor shall the Committee on Accounts approve any payment, for additional or extra compensation out of the contingent fund to any officer or employee of the House of Representatives."

On page 82 the following:

"That of the document entitled 'The Declaration of Independence' the Public Printer shall deliver to the Senate 540 copies and to the House of Representatives 1,170 copies for distribution, and the residue of the present editions of said document shall be delivered to the superintendent of public documents for sale to the public, and no further copies of said document shall be printed unless expressly authorized by Congress.

"Hereafter no book or document not having to do with the ordinary business transactions of the Executive Departments shall be printed on the requisition of any Executive Department, or unless the same shall have been expressly authorized by Congress."

On page 96, as section 3 of the bill, the following:

"SEC. 3. Section 3679 of the Revised Statutes of the United States is hereby amended to read as follows:

"'SEC. 3679. No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year or involve the Government in any contract or obligation for the future payment of money in excess of such apropriations unless such contract or obligation is authorized by law; nor shall any Department or officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made for the fulfillment of contract obligations expressly authorized by law or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent undue expenditures in one portion of the year that may require deficiency or additional appropriations to complete the service of the fiscal year, and all such apportionments shall be adhered to except when waived or modified in specific cases by the written order of the head of the Executive Department or other Government establishment having control of the expenditure, and all such waivers or modifications, together with the reasons therefor, shall be communicated to Congress in connection with estimates for any additional appropriations required on account thereof.

"'Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month.'"

Mr. HEMENWAY. The gentleman from New York desires to ask a question?

Mr. FITZGERALD. It is relative to this provision which has just been read. Has this abuse of expending money or incurring contracts become so great now that this has become imperative?

Mr. HEMENWAY. I think so.

Mr. FITZGERALD. And it has just within the last two years reached this stage?

Mr. HEMENWAY. Oh, no; the gentleman is mistaken about that. It is an abuse that has continued for many, many years.

Mr. FITZGERALD. But it has never become so imperative until now?

Mr. HEMENWAY. I do not care to be bothered with that kind of questions. It is an abuse that has been continued for years which we are seeking to some extent to remedy in good faith, that is all.

Mr. FIZGERALD. I think the provision is wise——

Mr. HEMENWAY. I decline to yield further. I now yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. You spoke a few moments ago about some officer getting $60,000 in fees and that a point of order had been made against thus remedying the evil. How long has this evil been going on?

Mr. HEMENWAY. Well, if the gentleman will read the report of the Attorney-General—I do not remember just now how long it has been going on.

Mr. BARTLETT. Since 1897.

Mr. HEMENWAY. The gentleman from Georgia says 1897.

Mr. GAINES of Tennessee. Can not we remedy that by some general law?

Mr. SIMS. Who is this official?

Mr. HEMENWAY. The attorney for the southern district of New York.

Mr. GAINES of Tennessee. We could remedy it by a general law, could we not?

Mr. HEMENWAY. I sought to remedy it by a provision in the appropriation bill, so as to do it quickly, but I was prevented from doing so by the point of order being interposed.

Mr. BARTLETT. May I ask the gentleman right there, Is it not a fact the salary, or rather the income, of the district attorney for the southern district of New York grows out of the fact that he has been engaged in suits for large recovery for the Government growing out of violations of the tariff law? Is not that a great source of revenue to that attorney?

Mr. HEMENWAY. It is in general suits, mostly in regard to customs.

Mr. BARTLETT. That is, it is not——

Mr. SIMS. Can not you remedy that by an amendment on this bill?

Mr. HEMENWAY. No; I do not like to do so in the face of the point of order having been interposed yesterday when I tried to do so.

Mr. SIMS. They perhaps made it ignorantly, and maybe they will not do it again.

Mr. FITZGERALD. I objected to it, and I knew what I was doing.

Mr. GAINES of Tennessee. How is it there has not been some general legislation on this subject? I think it ought to be stopped. And why have we not had a general bill on the subject? I never heard of these facts before.

Mr. HEMENWAY. The gentleman knows as well as I do——

Mr. GAINES of Tennessee. My dear sir, I confess I do not; and you are the lawmakers on that side, we are the auxiliaries.

Mr. HEMENWAY. But the gentlemen on that side seem to have been the lawmakers yesterday afternoon. [Laughter.]

Mr. BARTLETT. Have you not gotten over that yet?

Mr. GAINES of Tennessee. You can get over it to-day, and I hope you will. I want to say that I had nothing to do with that point of order yesterday. I was not here, and the gentleman knows I have been unable to be here for several days. I want to dig up the root of this evil and will do my best to aid you.

Mr. LIVINGSTON. Mr. Chairman, this bill carries, in round numbers, $31,000,000. At the last session the deficiency bill carried $10,000,000. Here is a bill carrying three times as much in deficiencies as was carried in the deficiency bill of last winter. There must be something radically wrong when deficiencies grow up in that way upon this House. I must admit, Mr. Chairman, that we have been for quite a while under a wave of extravagance. That began perhaps under the operations of the Dingley tariff law. On account of the very high rates in that bill, items that Mr. Dingley said himself in his place on this floor, were put so high for the purpose of trade, we supposed in this country we would have reciprocity. Nobody objected to that bill upon the idea that it was prepared for the purpose of trading with other countries to get larger commerce for our own.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. LIVINGSTON. Yes.

Mr. PAYNE. I want to say to him that he is entirely mistaken in that statement. After the subject of reciprocity came up in the committee they decided that reciprocity could be had on certain items, the principal one of which was sugar at a reduction of 8 per cent, but the theory that the bill was made for the purpose of reciprocity and the rates made high is entirely wrong.

Mr. LIVINGSTON. Well, Mr. Chairman, if I recollect correctly, from the days of James G. Blaine until this time we have talked reciprocity. I remember distinctly when the Dingley bill was before this House it was often referred to on this floor. Reciprocity is not a new scheme started in the Ways and Means Committee on sugar duties in Cuba.

Mr. PAYNE. If the gentleman from Georgia [Mr. LIVINGSTON] will allow me right there, I will say there was a section for reciprocity in the bill, and the section provided that the duty on sugar might be reduced 8 per cent; that the duty on chicory might be removed, and some things of that kind; but there was no statement in the debate, and it was not discovered by anyone until some newspaper discovered a few years afterwards that those rates were fixed high for the purpose of having reciprocity. Reciprocity was considered, and a third section was put in the bill after the rates were all fixed.

Mr. LIVINGSTON. That is true, but, Mr. Chairman, I say that our extravagance in the expenditure of money began then. The country was then prosperous, and I desire to submit this proposition: That public expenditures keep pace with revenues, and when the latter fall behind it is all but an impossible task to reduce the former proportionately.

When the Dingley bill passed we had prosperity everywhere. There was no trouble about revenues. Congress was liberal in both branches and kept up this appropriation of money. And now, Mr. Chairman and gentlemen, we are "up against it." The expenditures are beyond the revenues. In this bill, referred to by the chairman in control of the bill, is a clause called "section 3," that you will find in your report, and that we propose, if you do not call a point of order upon it, to pass, and if we can pass it, then we can assure you from the Appropriation Committee room you will not be troubled with deficiencies in the future.

But take this bill and this report of the committee which is before you, gentlemen, and look at one item, namely, naval establishments, $14,960,775.51—in round numbers, $15,000,000 of deficiency in one Department.

Mr. GAINES of Tennessee. What is the cause of that deficiency?

Mr. LIVINGSTON. It is for contracts made and expenditures unauthorized.

Mr. GAINES of Tennessee. Has not the Government been held up in a great many of these contracts by the trusts?

Mr. LIVINGSTON. I will say to the gentleman from Tennessee that I am not here to discuss trusts this afternoon.

Mr. GAINES of Tennessee. I want to say to the gentleman from Georgia [Mr. LIVINGSTON] that I am ready at any time to discuss trusts.

Mr. LIVINGSTON. I will say to the gentleman from Tennessee that I will discuss trusts with him at any time when he has a bill for that purpose before the House.

Mr. GAINES of Tennessee. The gentleman from Georgia has been here a long time and has not introduced such a bill.

Mr. LIVINGSTON. Why has not the gentleman from Tennessee [Mr. GAINES] done that?

Mr. GAINES of Tennessee. I am not on your committee nor aware of this condition.

Mr. LIVINGSTON. It is not the business of the Appropriations Committee to legislate. Mr. Chairman, I desire to inform the gentleman from Tennessee [Mr. GAINES] that the Appropriations Committee is barred from legislation. When we attempted to legislate and save $225,000 for the southern district of New York it was objected to, a point of order made on this side, and out it went. When we attempt to legislate in an appropriation bill we are met with a point of order. Now, I have answered the gentleman's question as to why we have not done it. We can not do it under the rules of the House.

Mr. GAINES of Tennessee. Will the gentleman from Georgia [Mr. LIVINGSTON] indulge me for a moment? He asked me why I had not introduced a bill for that purpose. I will say that if the gentleman does not do it I will do it. I have been trying to keep down steals all through the Government ever since I have been in Congress.

Mr. LIVINGSTON. If the gentleman will keep quiet about the matter he will learn something about it.

Mr. GAINES of Tennessee. I am satisfied I will if the gentleman will answer a few more questions.

Mr. LIVINGSTON. Let me make my statement.

The CHAIRMAN. The gentleman from Georgia [Mr. LIVINGSTON] declines to yield.

Mr. LIVINGSTON. Now, take the Treasury Department, and here is a deficiency of over $7,000,000.

Mr. BURLESON. Is this $15,000,000 of deficiency in the Navy Department in excess of the expenditures made last year?

Mr. LIVINGSTON. It is a deficiency. These deficiencies come about in this way: The gentleman in the State Department concluded he wanted a book published and he ordered the publication without authority. The War Department concluded they wanted two sights on a gun instead of one. They take $500,000 of the appropriation and put double sights on the guns without authority. There are hundreds of those kinds of cases that I have not time to mention. It is sufficient to illustrate how it is done. They make contracts in that way. Some man will say, Why does this committee make the appropriation? Why do you not turn it down? We do not turn it down because the Department would go out of business if we did.

Mr. SMITH of Kentucky. Mr. Chairman——

Mr. LIVINGSTON. In a moment. They use the money appropriated and find that they have run out of money to do the ordinary work of the Department, to meet the ordinary requirements.

Mr. SMITH of Kentucky. Mr. Chairman——

Mr. LIVINGSTON. In a moment. And then they make a deficiency. Now I yield to the gentleman.

Mr. SMITH of Kentucky. As I understand the gentleman from Georgia, he says that many of these sums are for the payment for books and other things contracted for by officers in the Departments without authority of law. Is that correct?

Mr. LIVINGSTON. That is correct.

Mr. SMITH of Kentucky. Well, now, I want to know why these sums contracted for under such circumstances as stated should not constitute claims, that ought to be considered by the Committee on Claims, rather than the Committee on Appropriations?

Mr. LIVINGSTON. That is where they ought to go, perhaps, but I do not know how you are going to get them before that committee without legislation to that effect.

Mr. SMITH of Kentucky. They could be put before that committee by the introduction of bills which could be referred to that committee.

Mr. LIVINGSTON. It would take legislation. Of course, they come now to the Committee on Appropriations. The estimates come, and the Speaker sends them to the Committee on Appropriations, where they belong. There is no legislation that authorizes these estimates to be sent to the Committee on Claims.

Mr. SMITH of Kentucky. I will state the real question that I want an answer to. I discover from the gentleman's statement that in some instances officers of the Government have contracted for services or for supplies for the Government without authority at all, and that the amounts are allowed in the general deficiency and other bills coming from the Committee on Appropriations, and in other instances, where officers of the Government have contracted for things without authority of law, the Committee on Claims have it under their jurisdiction to make the appropriation for the payment of those claims. Now, I do not understand why these cases should be treated differently when they rest substantially upon the same foundation and basis.

Mr. LIVINGSTON. The answer I have given to the gentleman is the only one that I have. Changes in the direction of deficiencies to the Committee on Claims would require legislation. I was endeavoring to show, Mr. Chairman——

Mr. HILL of Connecticut. If the gentleman will permit me. I was surprised at the deficiencies being the result of unauthorized expenditures. Now, I want to ask for information, if the gentleman means to apply that to the deficiency to the extent of the large sum of $15,000,000 of the Navy Department, or is that expenditure the result of deferred delivery of armor plate or expediting work or concentrating work and placing that in a single year in anticipation of appropriations that will come later on in connection with it? That it has been authorized at some time. Is not that the way of it?

Mr. LIVINGSTON. I will answer the gentleman as best as I can.

Mr. HILL of Connecticut. That is what I would like to know.

Mr. LIVINGSTON. Mr. Chairman, the deficiency may be authorized. An amount may go into the deficiency bill when it is authorized. I do not know that all the items in the naval establishment that mount up to fifteen millions of money in round numbers were unauthorized. I am not able to say just now.

Mr. HILL of Connecticut. Will the gentleman name one item?

Mr. LIVINGSTON. I am not prepared to do so now; but will get the estimates, and do so later. We have them on the floor, and I will satisfy the gentleman later on.

Mr. Chairman, the Committee on Appropriations has endeavored to hold down the expenses of the Government as best they could. I want to refer to the same item that the Chairman referred to a moment ago. I want to say that the trouble came from this side of the House on yesterday. The Attorney-General called the attention of Congress to the fact that in one district in this country, the southern district of New York, where the law allowed fees to be taken in connection with salaries, that in four years the district attorney of the southern district of New York received $219,895 in this way. If I recollect correctly, it is the only district in the United States that has not the restriction that the committee seeks to impose in this bill.

And yet when the chairman in charge of that bill stood here ready to give you a reason why that legislation was put in the sundry civil bill, some Democrat on this side raised a point of order against it. I do not know who it was. It does not make any difference. I am talking to you as a brother Democrat. I do not want to see you make that mistake again. There is an item of $219,885 that we were trying to save to the Government. It is true we were doing it irregularly, by legislation on that bill. The gentleman from Tennessee [Mr. GAINES] has just asked the question, "Why don't you legislate?" There is an illustration of why we can not do it. When we attempt to do it, somebody who is disgruntled or somebody who thinks it is unfair or wrong makes a point of order and out it goes.

Mr. GAINES of Tennessee. I was not able to be here yesterday, I want to say to the gentleman, but I am shocked that legislation of a general nature has not been enacted to prevent the evils the gentleman recites.

Mr. LIVINGSTON. So am I.

Mr. GAINES of Tennessee. That is what I am talking about. It occurred in 1897, the gentleman from Indiana [Mr. HEMENWAY] says, and has been occurring ever since, it seems.

Mr. SMITH of Kentucky. I should like to suggest just there, as pertinent to the inquiry of the gentleman from Tennessee, I understand there is a general law that prohibits this running in debt of the departments, so to speak, but there has been no penalty attached to it.

Mr. LIVINGSTON. Oh, I believe the Constitution of the United States says that no money can be expended unless authorized by special appropriations.

Mr. SMITH of Kentucky. I think there is a statute that prohibits it, but no penalty is attached.

Mr. GAINES of Tennessee. Yes; I think there is a statute.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LIVINGSTON. Yes.

Mr. FITZGERALD. You have been discussing the changing of the compensation of the district attorney for the southern district of New York. I was one of those who raised the point of order against it, and, if the gentleman will permit me, I just wish to say, in answer to the question, that the Committee on Appropriations has no jurisdiction of that question, has it?

Mr. LIVINGSTON. No; it is legislation, and the rules prohibit legislation on appropriation bills.

Mr. FITZGERALD. And the rules of this House provide methods—orderly methods—for the obtaining of legislation to remedy abuses.

Mr. LIVINGSTON. That is right.

Mr. HEMENWAY. The gentlemen seemed to be in favor of disorderly methods yesterday.

Mr. FITZGERALD. Is there any reason why the members of the Appropriations Committee (and in saying this I do not wish to reflect on the gentleman or his associates), ascertaining that some reform is needed, should have the right to put the legislation they favor onto an appropriation bill, when it is impossible for any other Member of the House to do the same thing, no matter how imperative the legislation may be?

Mr. LIVINGSTON. In answer to the gentleman——

Mr. FITZGERALD. I am asking that question in good faith.

Mr. LIVINGSTON. In answer to that, let me say to the gentleman it is the only way that the Committee on Appropriations has of bringing to the attention of the House and the country the very reforms that you say ought to come through general legislation.

Mr. FITZGERALD. Would it not be proper for some member of that committee to do what any other Member of the House would be compelled to do when he found a situation that required a reform, which is to prepare a proper bill to be referred to the appropriate committee, and to come here to be discussed and passed properly? Is there any reason why the members of your committee should be subject to one rule and the rest of the House subject to another rule?

Mr. LIVINGSTON. There is no rule of the House that I know of that prohibits a member of the Committee on Appropriations from introducing a bill.

Mr. FITZGERALD. I simply wish to say that it is my purpose (not on this bill, because there are some things in this bill that should be done, but in the coming session of Congress) to take everything out of appropriation bills that is in violation of the rules of the House, and I will compel this House to legislate in accordance with its rules from this time on.

Mr. HEMENWAY. Did not the gentleman vote to overrule the rules of the House twice yesterday?

Mr. FITZGERALD. I will say to the gentleman from Indiana that I voted to overrule a ruling of the Chairman of the Committee of the Whole twice, because I believed that the Chairman was in error.

Mr. HEMENWAY. The gentleman's notion of the rules, then, would be very bad.

Mr. FITZGERALD. I will say to the gentleman that a majority of the House agreed with me on that question and disagreed with the gentleman from Indiana, and I think I am in a better position——

Mr. HEMENWAY. Yes; but there is not one of that majority who, understanding the rules of this House, did not know at the time that he was voting to override a plain rule of this House.

Mr. FITZGERALD. I will say to the gentleman from Indiana in good faith that I have discussed the two questions ruled upon with gentlemen competent to pass on them, and they have expressed a very serious doubt as to the propriety of the rulings.

Mr. LIVINGSTON. Now, Mr. Chairman, I will have to decline interruption at this time.

Mr. GAINES of Tennessee. I would like to ask the gentleman if anybody in the House has introduced a bill of general legislation proposing to remedy this evil?

Mr. HEMENWAY. We had it in the appropriation bill yesterday.

Mr. GAINES of Tennessee. Yes; but in a "general bill," not an appropriation bill, as this is.

Mr. HEMENWAY. Well, that was a general bill.

Mr. GAINES of Tennessee. Has the gentleman from Indiana himself ever introduced a general bill?

Mr. HEMENWAY. The item on the appropriation bill yesterday would have absolutely cured the evil, and that is the best kind of a bill that can be introduced.

Mr. GAINES of Tennessee. I asked the gentleman from Indiana if he had ever introduced any general bill to cure this evil.

Mr. HEMENWAY. What is the use of a general bill when a few lines on an appropriation bill will cure the evil?

Mr. GAINES of Tennessee. You see the use of it and the evil that grows out of it—no law on the subject.

Mr. LIVINGSTON. If gentlemen will read the report of the Attorney-General, or had they read that report, they never would have made the point of order on the clause referred to on yesterday.

Mr. FITZGERALD. I will say to the gentleman from Georgia that I will vote again for it, and if the gentleman will give me time I will state the reasons why.

Mr. LIVINGSTON. Gentlemen say, Why does not the Appropriations Committee do this thing? We have done all we can do and more too, as individuals and collectively, in line of our duty. The Members of the House certainly did not do their duty on the sundry civil bill that came up yesterday. The Attorney-General's report brings to your attention the very thing we complained of and that we attempted to stop by putting in the bill a provision prohibiting it in the future. Had you followed the Attorney-General's report you would have done better. I want to suggest now that we have some limitations in this bill, and perhaps they may be considered pretty severe. Let us take section 3 and dispose of it:

Any person violating any povision of this section shall be summarily removed from office and may also be punished by fine of not less than $100 or by imprisonment of not less than one month.

Mr. GAINES of Tennessee. Has that ever been done before?

Mr. LIVINGSTON. No; it is legislation, and I want to give notice to the House that it is legislation, and for the very reason that no legislation can cover it between now and the next session the committee thought it its duty to bring in this clause and put you on notice that if you permit this clause to remain in this bill there will be no more expenditure of money without authority. Now, then, if you will permit this clause to go on this bill, and if the Senate permits it and the President signs it, certainly for twelve months you will be free from this evil, and you can at the next session introduce general legislation to cover this question.

Mr. GAINES of Tennessee. The gentleman from Indiana stated that the evil had been going on since 1897. Why has he not brought in some such proposition—and I am going to vote for this—long before this?

Mr. LIVINGSTON. I thought I had stated why. I will repeat it. This wave of extravagance came after the enactment of the Dingley bill. It was accelerated and increased when the Spanish war came along and immensely increased while the Spanish war was on. It has been a question to your Committee on Appropriations as to how we could possibly hold down these expenses, and we are trying to do it in an illegal way.

Mr. CHARLES B. LANDIS. This is not an illegal way, is it?

Mr. LIVINGSTON. No; it is not illegal on an appropriation bill if there is no point of order. It is not illegal if the House does not see fit to make the point of order.

Mr. HILL of Connecticut. Will the gentleman from Georgia allow me a question?

Mr. LIVINGSTON. Yes.

Mr. HILL of Connecticut. Do these deficiencies represent unauthorized expenditures that have not been made, or does it include more than that—unauthorized expenditures that are to be made from now to the 1st of July?

Mr. LIVINGSTON. Many of them come in this way. Take the State Department for instance. The Department says that in a certain line of work of our expenditures we have spent three-quarters of our appropriation. Between now and July 1 we will be without money, and we make this estimate of a deficiency to meet our wants between the final expenditure of the former appropriation and the end of the fiscal year. That is anticipating, of course. Many of them are that way. Let me say to the gentleman from Connecticut we have asked uniformly this question of every man that has come before the committee in the hearings, and I would like very much if the members of the committee would get the hearings and go through them and see whether or not we have been diligent—I think you will be satisfied, when you read them, that we have. We asked them how it come that they have increased these expenditures and almost invariably they answered "increased business."

Well, we are all aware of the fact that this country is growing. It is growing everywhere from every possible source, not only in her commerce, but in her agriculture, in her mining, in her manufacturing, and in many, many other ways; and when they say that we can not hold down this Department to the appropriation and that they made this deficit and that we can not go another step if you do not furnish the money, your committee proposes to furnish that deficit rather than have that Depart-

ment fail in its functions. We are right up to it, and we do not know what else to do.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman one question. Does this rider which has been put on the deficiency bill apply to all the United States district attorneys of the country or only to the United States district attorney for the southern district of New York?

Mr. LIVINGSTON. The southern district of New York is the only one that gets fees now. The others are all restricted.

Mr. SULZER. That is what I want to know.

Mr. LIVINGSTON. New York is the only one that gets the fees.

Mr. GAINES of Tennessee. That is about the only place the Dingley tariff bill is particularly heavily operative on all the balance of the world, is it not? Of course, New York is the whole thing, when the gentleman makes a speech about his home city.

Mr. LIVINGSTON. Mr. Chairman, a year ago last winter the committee gave notice to the Departments that they must send their estimates in early, and that they must confine themselves to the exact amount that they would need during the fiscal year. We did that hoping thereby that we could cut expenses and in that way limit the deficit. I read another one of these restrictions:

Hereafter the Secretary of State shall, in submitting estimates for the consular service, segregate and submit separately estimates for rent of consular offices, and under contingent expenses estimate for the amount required annually to be expended at consular offices for purposes within the discretion of the Department.

They have not been doing it, and I want to say just here, without particularizing, that some of the Departments of this Government have been absolutely taking lump sums appropriated for a particular purpose and promoting clerks and officers out of it, and in one of your bills recently on the floor of this House you will find that you put a restriction upon one of the Departments of the Government, saying that when that was done in the future it must be reported specifically to Congress. Again:

That sections 3687 of the Revised Statutes of the United States is repealed, to take effect from and after June 30, 1906; and the Secretary of the Treasury shall, for the fiscal year 1907, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of collecting the revenue from customs.

Mr. Chairman and gentlemen, if we can succeed in that you will no longer have $2,000 paid out to a customs officer who collects you a dollar and a half, and when those detailed estimates come into this House it will impel every man on this floor to abolish these customs officers and places that cost $2,000 to collect a dollar and a half. Now, that is legislation. Yet we put it in here for that purpose, and I hope that no man on either side of the House will dare to make a point of order on it, because we have no general legislation. The gentleman from New York [Mr. FITZGERALD] will remember that last winter we had this question up and tried to remedy it and fall in with Mr. Armstrong's proposition in the Treasury Department, but we were divided and could not do it.

Mr. FITZGERALD. Does the gentleman not know that the Committee on Ways and Means, which has jurisdiction of this matter, has had a bill before it for a year or a year and a half, which it was said at the time would be reported, correcting this abuse?

Mr. LIVINGSTON. It was never reported.

Mr. FITZGERALD. Is not the majority of this House responsible for the failure to correct that abuse?

Mr. LIVINGSTON. I want to say that I have no criticisms or reflections to make on any other committee of the House. I do not know why the Ways and Means Committee have not done it. I want to say this, however, that in my humble opinion they ought to have done it.

Mr. FITZGERALD. I am not as sensitive as the gentleman in criticising the other committees of the House, and I am frank to make the criticism because I recollect the chairman of the committee stated that they had under consideration a bill which would be brought in here and which would remedy that abuse.

Mr. LIVINGSTON. Well, the gentleman may make his inquiry of the chairman of that committee. So much for that. I will ask gentlemen to pardon me for dwelling upon these restrictions, because they are the items which will cause the fight on this bill; not our deficiencies. We have to pay them whether we want to or not; but the fight on the bill, if a fight must come, is upon these restrictions, and I therefore confine myself to them.

I read another:

That so much of section 15 of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," aproved June 26, 1884, as makes a permanent appropriation of the receipts for duties on tonnage provided for by said act for the expenses of maintaining the Marine-Hospital Service is hereby repealed, to take effect from and after June 30, 1906. And the Secretary of the Treasury shall, for the fiscal year 1907, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of maintaining the Public Health and Marine-Hospital Service.

Now, that Service, Mr. Chairman, has been maintained from a kind of lump sum. It comes largely from the duty on tonnage and it comes from other sources and it is dumped into the Treasury in a lump sum.

Mr. GAINES of Tennessee. What department?

Mr. LIVINGSTON. The Bureau of Public Health and Marine-Hospital Service. Now we ask, Mr. Chairman, that this department can no longer pay from the lump sum, and thereby evade the discretion of Congress as to whether the matter ought to have been paid or ought to have been expended or not, and we require——

Mr. GAINES of Tennessee. What Department is that Bureau under?

Mr. LIVINGSTON. It is under the Treasury Department. We require them, if it is adopted, to come before Congress in the Book of Estimates, making a detailed estimate of what they want.

Mr. GAINES of Tennessee. What is the title of this particular Department?

Mr. LIVINGSTON. I have stated it to you. They are now paying expenses from the lump sum of money that largely accrued from the tax on tonnage and other things.

Mr. GAINES of Tennessee. And they make no account of it at all?

Mr. LIVINGSTON. It is expended in their discretion and we want it to be expended in the discretion of Congress, and that makes a difference. On page 13 is the following:

Authority is hereby granted the Secretary of the Treasury to pay, from the regular annual appropriation for the Life-Saving Service for the fiscal year 1905, the services of a keeper and surfmen detailed on duty at the Lewis and Clark Centennial Exposition at Portland, Oreg., during the months of April, May, and June, 1905, the sum of $1,800, or so much thereof as may be necessary.

That is legislation, but if our friends at Portland succeed with their exposition they must have this help. It will go out on a point of order if anyone sees fit to offer it. Again on page 14 we say:

The Secretary of the Treasury is authorized to reimburse the bullion fund of the mint at Philadelphia for the balance of $46,132.42, due on account of the melter and refiner's gold wastage, out of the unexpended balance to the credit of the appropriation for parting and refining bullion.

That is legislation. There is a discrepancy between the 20-dollar gold piece taken in at the Treasury and very often between the bullion coming from the assay office. Its real value is tested at the mint at Philadelphia and the difference we have provided for here, but this is a matter of bookkeeping and accounts and must be provided for.

Mr. GAINES of Tennessee. How is it that the deficiency occurred at Philadelphia and not at San Francisco and at the other mints?

Mr. LIVINGSTON. I do not know why.

Mr. HEMENWAY. I can inform the gentleman, I think. They coined about twice as much gold there last year as they anticipated and the wastage is fixed by law.

Mr. GAINES of Tennessee. At the other places there is no wastage it seems nor loss or deficit spoken of by the gentleman.

Mr. HEMENWAY. If the gentleman will look into it he will see that he is mistaken.

Mr. GAINES of Tennessee. Why not reimburse the other mint?

Mr. HEMENWAY. Well, it is provided for at the mints, but at the Philadelphia mint last year there was about twice as much gold coined as was anticipated, and the wastage amounted to so much more. The wastage is fixed by law.

Mr. SULZER. I would like to suggest to the gentleman that the increased production of gold is what has brought about prosperity in this country. If it had not been for that increased production of gold we would not have had the prosperity.

Mr. CHARLES B. LANDIS. Do you know that to be the fact?

Mr. SULZER. Absolutely; and I am glad you know it, too.

Mr. CHARLES B. LANDIS. I had heard that stated before, but never heard it stated officially.

Mr. LIVINGSTON. Now, Mr. Chairman, on page 68 you will find more legislation. This is a resolution instructing the Attorney-General about the expenditure of money in Alaska. Prior to this the court expenses of Alaska were paid from the tax on salmon and from other sources that went into the hands of the court, and they distributed it out to meet their expenses.

Your legislation here last winter changed that whole course. And you now, I believe, under that law give this for public

highways in Alaska. Therefore you have left courts of Alaska without money, owing to that change of law.

Mr. GAINES of Tennessee. Did the House pass the highway law here last winter?

Mr. LIVINGSTON. Yes.

Mr. GAINES of Tennessee. I tried my best to keep it from being passed. I do not know how they got it through here. There was quite a number opposing it.

Mr. LIVINGTON. Here is another piece of legislation, on page 14, that is pretty severe:

Hereafter no payment shall be made, nor shall the Committee on Accounts—

And if there are members of the Committee on Accounts on the floor this afternoon I call their attention to it—

approve any payment for additional or extra compensation out of the contingent fund to any officer or employee of the House of Representatives.

Our contingent fund has been exhausted time after time by this kind of payments.

On page 125 we come to that book that has been published and which we have had to pay for. We have said of that document entitled "The Signers of the Declaration of Independence," that the Public Printer shall deliver to the Senate 540 copies, and to the House of Representatives 1,170, for distribution. In other words, we have taken the book into our hands, and as we have had to pay for it, or will pay for it if this bill passes, we propose to distribute those books in the usual way, so many to the Senate and so many to the House.

Mr. GAINES of Tennessee. What book is that?

Mr. LIVINGSTON. Signers of the Declaration of Independence; the unauthorized book referred to some time ago, published by some one in the State Department without authority.

On page 138 comes this drastic section 3. And now, before I take my seat——

Mr. CHARLES B. LANDIS. I would like to ask the gentleman from Georgia [Mr. LIVINGSTON] a question there. With reference to the publication of the book known as the "Signers of the Declaration of Independence," the law specifically states the edition shall be limited to 1,000 copies. Well, the State Department made a request upon the Government Printer for a second thousand copies. I would ask the gentleman if it is not the business of the Government Printer, before acting upon a requisition of that kind, to make inquiry of the State Department upon what authority the second edition is ordered?

Mr. LIVINGSTON. To be candid with the gentleman, Mr. Chairman, I think the Public Printer should do it, and I believe the Public Printer ought to be held responsible for the expenditure when he does not do it. In other words, if he takes a contract from the Treasury Department, or State Department, or any other Department, he ought to do what the gentleman from Indiana [Mr. CHARLES B. LANDIS] has suggested, namely, that he ought to ascertain the authority the Department has for a publication. But this has been the custom; and I think the gentleman knows, being on that committee, that almost anybody can get printing done, and almost anybody can get any kind of binding he wants on the publication. We discovered in our investigation that binding that could have been done ordinarily for 25 cents was put up for $1.25. That is another lot of expenditures we are trying to cut, and that I would recommend to my friend, who is on that committee, to look into. These are enormous expenditures in binding that we believe are unnecessary.

Mr. GAINES of Tennessee. It is perfectly outrageous waste, I would say to the gentleman from Georgia [Mr. LIVINGSTON]. I get books here and at home, valueless, and you can't burn them up; they won't allow me to throw them out in the streets, and a negro or a white man will not accept them. Last summer I hired a man and sent two carryall loads to the public square in Nashville and threw them into a market wagon nolens volens to get rid of them and, if possible, used.

Mr. CHARLES B. LANDIS. They were bound in the most elegant bindings?

Mr. GAINES of Tennessee. As fine as you ever saw in your life.

Mr. CHARLES B. LANDIS. I will ask the gentleman if he knows if there is a special committee, one of the organizations of the Government Printing Office, that devotes its time to circulating among Members of Congress and insisting upon their giving their orders for special bindings?

Mr. GAINES of Tennessee. I never gave any order for these books. There were war and other reports, things I could not read and did not want to read and nobody wanted to read them. I could not give them away, and I had literally hauled them away to get them out of my office. The books were bound magnificently. I showed them to a number of people and urged people to come in and get them, but never could persuade them to do so.

Mr. LIVINGSTON. Mr. Chairman, I desire to say in this connection, and I did not intend to allude to it, the Committee on Printing, Mr. Chairman, ought certainly to take up the public printing of the Government and look it through, and in my humble opinion when they do it they will cut it 33⅓, and perhaps they will cut it 50 per cent, and in that way save an immense amount of money to the Government.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Georgia that there has been a joint resolution introduced in the Senate providing for work of that character, and if the House will authorize the sitting of that committee I will guarantee to reduce the public printing during the next year at least $1,000,000.

Mr. GAINES of Tennessee. I suggest to the gentleman that he put that provision right on this bill.

Mr. LIVINGSTON. I hope when that resolution is brought up by the gentleman from Indiana that it will be passed, and the committee will be given this opportunity.

Mr. CHARLES B. LANDIS. That resolution is now in the hands of the Committee on Rules.

Mr. LIVINGSTON. I know, Mr. Chairman, and every member of the Committee on Appropriations knows, that here is a leak that ought by all means to be stopped, if possible, and we bring it to your attention.

Mr. GAINES of Tennessee. Mr. Chairman, just a moment. I would suggest to my friend from Indiana [Mr. CHARLES B. LANDIS] that he put a rider on this bill, giving authority to that committee to act in this matter. I do not suppose anybody will object to it. It is certainly a wholesome proposition.

Mr. HEMENWAY. Has the gentleman from Georgia concluded?

Mr. LIVINGSTON. I will conclude in just a moment.

Mr. CHARLES B. LANDIS. The resolution has passed the Senate.

Mr. GAINES of Tennessee. It may not pass here, and you could put a rider on this bill giving that authority to the committee.

Mr. LIVINGSTON. It could be done if no one made a point of order on it. If it was passed in this House and sent to the Senate, they might say it was unnecessary, because they have just passed a resolution authorizing it. The resolution is now in the hands of the Committee on Rules, and I think there are one or two members of the Committee on Rules, perhaps, in the House now. If not, I know that my friend from Indiana [Mr. CHARLES B. LANDIS] will press it, and I know it ought to be done.

Now, Mr. Chairman, the purpose of the Committee on Appropriations from the start—from the day we received these estimates—was at every opportunity to investigate and see what we could do in the future to prevent this expenditure of unauthorized money. We have given you these limitations. We have not given you all you ought to have. We have given you all that we have had time to prepare and arrange in this bill. If you will take them to-morrow, when this bill comes to its passage, and take them as we have given them to you, I say that you will not regret it one year from now, when we meet again.

I reserve the balance of my time, Mr. Chairman.

Mr. HEMENWAY. Mr. Chairman, I yield to the gentleman from Ohio [Mr. LONGWORTH] such time as he desires to use, within my limit.

Mr. LONGWORTH. Mr. Chairman, the question that I am about to discuss is not exactly germane to the bill under consideration by this committee, but it is germane to the question generally of the annual appropriations of this Government, and while no bill directly upon the subject is, so far as I am aware, before the Congress, it is a subject that, in my opinion, deserves most careful consideration now.

The question to which I shall address myself is the question of the compensation of our ambassadors to the capitals of Europe and to argue in favor of an increase, if not directly at least indirectly, in their compensation.

I am well aware that any proposition to increase the yearly expenses of this Government is not a popular one at any time with this House and is still less popular at this time in the present condition of the nation's finances. It has been the policy of this House at this session of Congress, and I am heartily in accord with it, to cut down the necessary running expenses of this Government to as low a point as possible; and I am convinced that, after consideration, the Congress of the United States—and I hope the next one—will see the advisability if not the necessity of increasing the compensation in some way of our foreign ambassadors.

The policy was adopted at the very foundation of this Government of paying to our public officials a salary founded upon the principle of simplicity and lack of ostentation in living; and thus, from the President down, the salaries of many of the great

public officials are less in this country than in other countries approaching anywhere near us in wealth and power. But as this Republic grew and soon surpassed even the fondest expectations of its founders many salaries were found to be wholly inadequate and were increased. And in this connection I sincerely hope that the bill now before Congress to increase the salary of the President of the United States to $100,000 a year may become a law.

No matter how strong the sentiment may be among the people of this country for Jeffersonian simplicity, surely no one can argue that a salary should be paid to any public official which should not enable him at least to live in a manner in some degree commensurate with the duties, responsibilities, and dignity of his position. It would be a grievous mistake to fix any salary so high that the office would be sought for financial gain, for the money to be made out of it. It is even a more grievous mistake to fix the salary of any office under this Republic so low that no one but a rich man can accept it. To quote from the words of a distinguished scholar and statesman, John W. Foster, in an address lately delivered by him: "It is a sad day for any country, and more especially for a republic, when its highest offices cease to be the reward of merit and fitness and where they can only be filled by rich men." That this lamentable condition is true of certain offices under this Government I think can not be contradicted. I regret that I can not give absolutely accurate figures, for I am informed by the State Department that it is impossible to procure information that is absolutely up to date; but it is safe to say that the compensations paid by foreign countries to their ambassadors, if lately changed at all, have been increased, so that if I err it will be on the side of conservatism.

To sum up briefly, then, these figures show that there is not a single European country represented here by an ambassador that does not pay to its ambassadors a cash compensation larger than and in many cases nearly three times as large as we do. There is hardly a country represented here by an ambassador that does not own its own embassy in every capital of Europe. There is hardly a country represented here by an ambassador which, if it does not own its own embassy, does not lease its official residence for a long term of years. In the few cases where such countries do not thus own or lease their official residences they invariably allow to their ambassadors a substantial allowance for rent. There is not one that does not make a further allowance to its representative in the nature of a local indemnity for keeping up the embassy and for incidental expenses. There is not one that does not allow to its ambassador at the expiration of his diplomatic service an annuity in the nature of a pension at least sufficient to keep him for the rest of his life from want and in many cases almost as large as the salaries we pay to our representatives during their actual service.

From these figures it is apparent that in the matter of salaries paid to ambassadors this country, in comparison with the other great powers of the world, makes a very sorry showing. If our theory of the proper compensation is at all reasonable, then that of other countries must be grossly unreasonable and excessive, and yet I do not believe that anyone can point out an ambassador of any of the foreign powers who saves, or can save, any substantial amount out of his salary. Certain it is that these positions are not sought with motives of greed or for financial gain, and certain it is that, as a matter of fact, they are frequently refused by eminent men on account of the expense attached to them.

I understand, upon the most competent authority, that Lord Dufferin, one of England's most distinguished statesmen and for many years ambassador at Paris, was compelled to retire on account of the expense; and the post was then offered to and declined by three statesmen of prominence upon the sole ground that they could not afford it. Instances like this and diplomatic history for years show that the compensation paid by foreign countries to their ambassadors is not excessive.

What can be said, then, of the policy of the greatest country of them all, who pays to her ambassadors a sum equivalent to only a fraction of the sum paid to the ambassadors of the least of them?

Is our policy a question of dollars and cents, or is it a question of sentiment? If it is a matter of dollars and cents, then I claim that it is a most niggardly policy. If it is a question of sentiment, then I claim that it is foolish and out of date, and must necessarily accomplish the direct result that our fathers sought to avoid—the result that wealth should be the necessary qualification for holding certain offices of honor and responsibility in our Government. Of course, it may be true that our fathers may not have contemplated that our diplomatic envoys should be of the highest rank as fixed by the Congress of Vienna in 1815, and it is sometimes said that we do not need ambassadors at all—that we got along well enough when we had ministers.

The question of raising the rank of our ministers was a matter of debate for many years, on account of the fact that our foreign envoys, being only of the second rank, were often put to inconvenience, humiliation, and sometimes insult, in their relations with the foreign powers. Nevertheless successive Secretaries of State refused to make this recommendation to Congress, and I call attention to the message of Secretary Frelinghuysen, in which he said that—

> The Department could not, in justice to its ministers abroad, ask Congress to give them higher rank with their present salaries, nor could he with propriety appeal to Congress for an allowance commensurate with the necessary mode of living of an ambassador.

It was not until 1893 that Congress took any action on the subject, and then it did just what Secretary Frelinghuysen recommended that it should not do; it raised certain of our ministers to ambassadorial rank without increasing their compensation. This legislation, I am informed, was tacked onto an appropriation bill and passed the House and Senate unanimously and without discussion or debate. The question, then, is now beyond debate. It is forever impossible that we should degrade our ambassadors to a lower rank. It is now the settled policy of this Government that we should be represented by an ambassador in every court which sends an ambassador to us. It has been argued by eminent men that we should go even further than this and raise our ministers to ambassadorial rank in countries which are not represented here by an ambassador. The question then arises whether we are justified in going further if Congress is determined not to provide increased and adequate compensation.

There is one European capital in which nearly every European country, and even the Shah of Persia, is represented by an ambassador, and for the very good reason that only an ambassador can ever obtain an audience with its ruler. Under diplomatic etiquette our representative in Constantinople, who has only the rank of minister, is debarred from ever doing business directly with the Sultan, and is only entitled to personal interview with subordinate officials, wholly irresponsible, for the Sultan of Turkey, more than any other potentate in the world, is the sole governing power. It is an open secret that even to obtain an interview with some of the subordinate officials of the Sultan's court our diplomatic representatives are compelled to use other means than mere oral argument.

Mr. MURDOCK. If the gentleman will allow me—jumping from Turkey to Mexico—some years ago we had a minister to Mexico who was afterwards raised to an ambassador. Now, what rights or benefits accrue to the United States through the change from a minister to an ambassador to Mexico, while any representative of the United States can have audience with the President?

Mr. LONGWORTH. I do not think the case of Mexico is at all parallel with the case of other countries—of Europe. I agree with the gentleman that it was never necessary that we should have an ambassador to Mexico. But inasmuch as the Government of Mexico advised us that it proposed to be represented here by an ambassador, it was proper that we should send an ambassador there.

For these reasons our Government has been put to serious inconvenience, and it has been found difficult to properly protect the large property interests in the Turkish Empire owned by citizens of the United States. To remedy this difficulty President McKinley, under the law which provides that the country to which our ambassador is to be sent shall first indicate its intention of sending an ambassador to Washington, requested the Turkish Government to appoint an ambassador to the United States, but this request was refused. President Roosevelt has twice made the same request, and both times it has been refused, and probably from his own standpoint the Sultan is wise, for he can now hide behind a technicality in refusing to do justice to our interests in Turkey.

The situation now is that it is the settled policy of this Government to be represented at the highest posts by envoys of the highest diplomatic rank. We have now seven ambassadors; Brazil will shortly make eight, and more will come. We have the ambassadors, and the question now is, What are we going to do with them?

Shall we announce it as the settled policy of Congress that these positions of extreme dignity, honor, and responsibility shall be given only to men of wealth, or shall we seriously consider the question of providing proper remuneration for these offices that they may be held by men of brains and ability regardless of the fact whether they be rich or not?

It is idle to talk nowadays about the sentiment for the simple life in diplomacy. It is a fact there is not a single American

ambassador who conforms with diplomatic usage, and who meets or could meet with the expectations of the people of the capital to which he is accredited, who does not spend far more than his salary, And, more important still, there is not a single American ambassador who meets or could meet with the expectations of his fellow-countrymen who does not spend far more than his salary. In this connection it is important to remember that every year American travel in Europe is growing.

It is not a question of theory as to what it should cost an ambassador to live in a foreign capital, it is a question of what it does and necessarily must cost him to live to in any manner keep up the dignity of his position as a representative of his country. In the words of a very distinguished statesman "it is a condition and not a theory that confronts us."

You may talk all you please about simplicity in living, but an ambassador of this great nation can not live the simple life. No matter what his own views may be of living he can not entertain his fellow-diplomats on malted milk and shredded wood. No matter what his own views of living may be, he can not receive representatives of a great and friendly nation in a three-room flat. The few representatives that we have had in times past who lived up, or rather down, to this sort of thing served no purpose whatever except to bring contempt and ridicule upon us.

I have heard it stated as a fact that not many years ago one of our ministers at an important European capital established the American legation in a flat so small that the smell of cooking was the principal odor which greeted the nostrils of the visitor; that it was his custom to receive the ambassadors of the great nations in his shirt sleeves, and that his manner of returning their calls was to hand them his card when they left, saying: "Consider your call returned."

Now, while no one can doubt the right of any man in his individual capacity to live exactly as he pleases, I claim that he has no right in his capacity of representing the Government of the United States to live or act in any way which should bring ridicule or contempt upon our flag, and I do not believe that there is a Member of this House, of no matter how democratic views, who can say otherwise. But the question of reception and entertainment is only a small part of the duties of an ambassador. He must have a suitable place to transact business; he must have a suitable house in which to receive his countrymen, who are visiting abroad in annually increasing numbers. In short, he should maintain an establishment which, while it by on means should be a palace, should, at the very least, reflect dignity upon himself not as an individual only, but as the representative of the greatest country in the world.

No establishment of proper size and proper location can be procured in any foreign capital except at a very large rental, and it is a notorious fact that no one pays such high rents as the American ambassador. House owners know that he must be rich, and so they mark him for their prey. I venture to say that there is not one of our ambassadors in Europe who does not spend the majority of his salary, and in many cases more than his salary, in house rent alone.

The worst feature of the whole matter is that under the present conditions the residences of our ambassadors can never be official in the proper sense of the term, but must vary in size and location, according to the private purse of the individual. If he is a multimillionaire, the embassy for the time being will be in one part of the town; if he is a millionaire, it will be in another; if he is only what you and I call "well off," it will be in still another, probably in some back street. We can not surmise where it would be in the case a poor man, because if we had no rich men to choose from we would probably have to be unrepresented by an ambassador. Next to the President of the United States there is no official who represents in the same degree the whole people and the Government of the United States as does our foreign ambassador. In the very nature of things, then, his residence should be official, and it should represent the place of the Government, and not the mere private residence of the particular individual who is happening for the time being to represent that Government. No tremendous outlay of money in the renting of a palace by some very rich man can make an establishment which is official in the proper sense of the term. The greater the outlay by one incumbent upon such an establishment the more absurd will be the inequality shown should the next incumbent be a man of less wealth.

If the magnificence of the establishment is to be considered a test of the efficiency of the ambassador, then the matter comes down to one purely of purse strings, and this evil can not but continue to grow from year to year if Congress shall refuse to remedy conditions by which wealth, inherited or acquired, shall constitute the test for diplomatic positions and not ability or brains.

Could any condition be more deplorable than that wealth alone should be the qualification, at least the one absolutely necessary qualification, for fitness for high office? Worse still, that the greater the wealth the greater the fitness. And yet year by year the truth of this proposition becomes more established. And should these conditions continue, it is not impossible to imagine that the day may come when training for diplomacy shall consist not in the study of history and international law, but research in the methods of manufacturing steel, converting that noble animal, the pig, into food products and toothbrushes, or refining oil. [Applause and laughter.]

If it is true that the conditions exist that I have indicated, and I do not think that it can be contradicted, then it is also true that the wrong will continue to grow worse. As this country increases in wealth, power, and influence among the nations of the world, so will the need increase for men of brains, experience, and ability to represent us with the powers.

It is true that our diplomatic envoys act largely under instructions from the State Department; that their course is based upon policies enunciated here in Washington; but let us not blind ourselves to the fact that we shall not always have at headquarters so powerful a directing force as we now have.

The country is fortunate to-day in having at the head of the State Department in John Hay the ablest and most brilliant diplomat of modern times; no brain so clear, no eye so bright, no hand so firm as his has ever before directed our course in international affairs. When he shall leave his post, as in the course of time he must, so much more will the need arise for able, accomplished, and experienced diplomats to represent us abroad.

I do not mean for a moment to be considered as saying that our ambassadors to-day are not able and accomplished men. It is possible that no better could have been in any event selected, but my complaint is that with their present compensation had they not been blessed with a liberal share of the goods of this world scarcely one of them would or could be where he now is.

Argue as we may, the fact remains, and it can not be contradicted, that our foreign ambassadorships, among the best and most honorable positions in the gift of the nation, are for rich men, and rich men alone.

I venture to say that there are few men who have been members of the Committee on Foreign Affairs of this House or Foreign Relations of the Senate who would be eligible, and when I say eligible I mean financially, for an ambassadorship. There is scarcely a man in public life, scarcely a writer or authority on international law, a president of a great university, or a distinguished scholar in the whole United States who is eligible (financially) for such appointment. The day is past when we could be represented at a European capital by distinguished literary men like Washington Irving, Motley, Bancroft, Lowell, and Wallace. What can be said of a system under which Abraham Lincoln or Daniel Webster would not be eligible for appointment as ambassador at London or Paris or any other great European capital?

It is a system which is un-Republican, un-Democratic, un-American.

Mr. MURDOCK. Did Lowell, Bancroft, and Motley suffer any humiliation at the time they served their country abroad by reason of the fact that they were poorly recompensed?

Mr. LONGWORTH. They were there as ministers and not as ambassadors. I think you can hardly make a comparison between how a man like Lowell would be treated and a man who might be sent and as some men have been treated who have been sent to foreign posts.

Has the time not come when Congress should act or are we to sit supinely and say "Let well enough alone," or, rather, to be accurate in this case, "Let bad enough alone." There is a work, recently published, called the "Foolish Dictionary." I do not remember its authorship, but many of its definitions are worth reading. Under the heading "pro and con" I read the following:

> Pro and con—two prefixes of opposite meaning, as, for instance, progress and Congress.

[Applause.]

If we continue to fail to take action in this matter I fear that I shall be forced to the conclusion that the definition is not so far-fetched as the title of the work might indicate.

The law which fixes the compensation of our foreign ambassadors has stood upon the statute books thirty-five years without change. Shall we continue to accept the conditions of to-day in this respect as the conditions of thirty-five years ago? If we accept all conditions as the same, we would have to admit

that the amount appropriated by the bill under consideration and those amounts appropriated by every one of the great supply bills that have passed this House are infinitely too large, overwhelmingly excessive.

If on the other hand we admit that conditions have changed with regard to our diplomatic envoys and that a wrong exists, is it not time that we should consider providing a remedy for that wrong? Of course it is obvious that the remedy is to increase, directly or indirectly, the compensation paid to our ambassadors. The figures that I have quoted show that other governments compensate their ambassadors directly by paying them a salary and indirectly by furnishing them a residence, by making them an allowance for expenses, and paying them at the expiration of their official career a pension. While I am frank to say that I should favor the increase of the salary of all of our foreign ambassadors and most of our ministers at the more important posts, I regard it as infinitely more important that they should be provided with suitable residences by this Government.

I propose at the next Congress to introduce a bill, or, preferably, I would advocate a bill to be introduced by some more distinguished Member than myself, which shall authorize and provide an appropriation for the purchase of suitable residences in the various European capitals to be used as embassies, and in addition appropriate a reasonable sum for their furnishing and maintenance. [Applause.]

According to the report of Secretary Olney, in 1897, such residences could be purchased in Vienna, Paris, London, Berlin, and St. Petersburg at that time for a sum estimated at between $831,000 and $1,946,000, which, including a residence in Rome, not mentioned in the report, at, say, $100,000, would be between $931,000 and $2,046,000. Assuming, then, that valuations are about the same, or slightly increased, it is safe to say that an appropriation of two millions and a half would provide an American embassy in the central portion of every one of the great European capitals.

Mr. MURDOCK. The total amount?

Mr. LONGWORTH. The total.

If a reasonable sum were expended annually for their maintenance outside of the salary of the particular incumbent, every one of these residences would be at least as valuable, if not far more valuable, twenty years hence. Viewed as an investment only, it seems to me that it can not be inadvisable for the Government to embark upon this course. I venture to say that there are many European countries which have actually made money by purchasing and holding an embassy in other capitals.

England, for instance, has owned her embassy in Paris for nearly one hundred years, and it has undoubtedly immensely increased in value. The ground upon which the British embassy stands here in Washington, I am informed, has more than quadrupled in value since it was bought by the British Government. Viewed as an investment, it would seem that real estate in the heart of London, Paris, and the other great European capitals would be a sounder investment than real estate in Tokio, Bangkok, Seoul, Tangier, and Tahiti. A sum of two million and a half dollars seems insignificant beside the cost of a battle ship. Besides, we are told that, viewed as an investment, a battle ship is comparatively valueless after twenty years, while this amount, viewed as an investment, would be even more valuable after that time.

But there is a much more important consideration than the question of the profitableness of the investment. It is the question of putting the office of ambassador within the reach of the American citizens of moderate circumstances, the man who most truly represents the bone and sinew of the Republic.

If this Government shall own its embassies, then the ambassador, whether he be rich or poor, will at least have a residence in which he can live with becoming dignity. [Applause.] Externally, at least, differences in financial circumstances of the various incumbents will not be apparent. I believe that this is the right way in which to begin the solution of the problem.

In conclusion, I venture to express the hope that the day is not far distant when it can be said that there is no longer a single office within the gift of the American people to which any American citizen may not aspire, whether he be rich or poor; when we shall have razed to the ground the barrier between the poor man and the ambassadorship, and wealth shall no longer be a qualification for high office, but only integrity, ability, and love of the Republic. [Applause.]

The following are the figures to which I referred:

SALARIES OF AMBASSADORS.

From England: At Paris, $45,000; at Berlin, $40,000; at St. Petersburg, $39,000; at Rome, $35,000; at Vienna, $40,000. Government owns residences in all cases except at St. Petersburg, where it has a long lease on premises occupied by the embassy.

From Germany: At Paris, $30,000; at London, $37,500; at St. Petersburg, $37,500; at Rome, $25,000; at Vienna, $30,000. Government owns residences in all cases.

France pays all ambassadors $8,000, making allowances for local indemnity and entertainment as follows: At Berlin, $20,000; at London, $32,000; at Rome, $16,000; at St. Petersburg, $32,000; at Vienna, $27,000. Owns residences at Berlin and St. Petersburg; long lease in London.

Austria pays ambassadors $5,000, with allowances as follows: At Berlin, $26,000; at Paris, $30,000; at London, $28,000; at Rome, $28,000; at St. Petersburg, $30,000. Owns residences at Paris, Berlin, and St. Petersburg. Long lease at London.

Italy pays ambassadors $4,000, with local indemnity of: Vienna, $18,000; London, $18,000; Berlin, $18,000; St. Petersburg, $18,000; Paris, $19,000. Where the embassy has not its own residence the ambassador receives an allowance for rent of the house.

Russia pays at Berlin, $40,000; at London, $40,000; at Paris, $40,000; at Vienna, $40,000; at Rome, $32,000.

Russia owns and maintains her embassies in Paris, Berlin, Vienna, and London. The cost of maintenance averages from $5,000 to $6,000 per annum.

In Vienna official residences are owned by Germany, England, and Russia; in Paris by Austria, Germany, England, and Russia; in Berlin by Austria, France, England, Russia; in St. Petersburg by Austria, France, and Germany.

In London official residences are held by leaseholds, running from twenty-one to seventy-eight years, by Austria, France, Germany, Italy, and Russia.

At St. Petersburg England has a long lease on residence.

The governments of Austria, France, Germany, England, Italy, and Russia have both summer and winter residences at Constantinople.

The United States owns its official residences only at Tokyo, Japan; Bangkok, Siam; Seoul, Korea; Tangier, Morocco; Tahiti, Society Islands.

In addition to salaries and other allowances, all governments except the United States pay their ambassadors a substantial pension upon retirement. This enables them to live up to their salaries and to spend what they receive during their active career. The pensions of foreign ambassadors and ministers in many cases are about as large as the salaries paid by the Government of the United States.

Our ambassadors at London, Paris, Berlin, St. Petersburg, and City of Mexico receive $17,500; at Vienna and Rome, $12,000 (all without allowances).

Compensation of ministers at London and Paris is fixed by act of July 11, 1870; at Berlin and St. Petersburg by act of May 22, 1872; Mexico, March 3, 1891; Rome and Vienna, July 11, 1870.

The act raising our foreign ministers to the rank of ambassadors was passed March 1, 1893, and provides that when the President shall be advised that any foreign government is represented, or is about to be represented, by an ambassador in this country he is authorized to direct that our envoy to that country shall bear the same designation, but that this provision shall in no wise effect his duties, powers, or salary.

Mr. CUSHMAN. Mr. Chairman, I have on the Calendar of this House a bill (H. R. 17019) in relation to a piece of public land near the city of Tacoma. It becomes important to my constituents that I shall place on record somewhere a brief history of the title of this piece of land. I therefore ask unanimous consent that I may extend my remarks in the RECORD on this subject alone in relation to this Government reservation.

The CHAIRMAN. The gentleman from Washington [Mr. CUSHMAN] asks unanimous consent to extend his remarks in the RECORD upon the subject indicated. Is there objection?

There was no objection.

Mr. FREDERICK LANDIS. Mr. Chairman, I ask that the gentleman from Ohio [Mr. LONGWORTH] be given permission to extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana [Mr. FREDERICK LANDIS] asks that the gentleman from Ohio [Mr. LONGWORTH] be given permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LIVINGSTON. I now yield to the gentleman from New York [Mr. BASSETT.]

Mr. BASSETT. Mr. Chairman, a discussion of the bankruptcy act is rendered more timely by reason of what the present Congress has not done than by reason of what it has done. Widespread disapproval has met no response in this House, with the result that an imperfect law retains all of the imperfections that it had three years ago, and not a word or letter of it has been changed. In the meantime the operation of the law is the joy of the dishonest manipulator and the bane of the honest tradesman. A few days ago the Judiciary Committee, unwilling to adapt it to the needs of business, reported a bill to repeal it entirely. Thus, because of our tardiness, we are invited to annihilate that which we should long ago have perfected.

The opposition to the Federal bankruptcy law arises from two sources. The first is the protest from unorganized dealers of all sorts against the dishonorable practices permitted by the loose provisions of the act regarding discharge from debt. This comes from all parts of the country and appears to represent a great majority of the business men of all sections. The second source of opposition is largely from the South and Southwest, and is based upon the desire to oust the United States courts from jurisdiction over matters that the several States would otherwise control. I shall not here discuss the second ground of opposition further than to say that I do not sympathize with it and

that it appears to me to arise more from dislike of the Federal courts and from a desire to magnify the jurisdiction of State courts, than from an earnest wish to discover and perpetuate the fairest and most effective method of distributing the assets of insolvents.

Nothing will suit this second class of objectors but repeal.

The objections of the first class however deserve attention, and I do not hesitate to say that if the fraudulent opportunities afforded by the law as it now stands are not altered to conform to a large extent to these objections popular demand for the repeal of the entire act will be so great that it will be impossible not to heed it. The friends of a uniform and permanent bankruptcy act should work for amendment rather than to retain the law as it is. The present law is impossible to endure. Its unfairness is monthly becoming more evident and the hostility to it is monthly increasing.

I shall first speak of the easy and almost gratuitous discharge afforded by the present act to debtors. Let us say that a New York jobber of fair credit becomes discontented with his earnings, and yields to the temptation of the bankruptcy law. He goes into the market and buys freely. Say he was worth $2,000 net and he buys $10,000 worth of goods. Then he gradually, by cheap sales, converts his goods into cash as far as possible, and divests himself of both goods and cash by transfers for pretended consideration to relatives and intimates.

In about five months he files a voluntary petition in bankruptcy, schedules a few odds and ends, after about two months asks for a discharge, and gets it as a matter of course. He is now rehabilitated, and proceeds to come into his own again; digs it up from its burying place, and resumes actual control or controls what is in the nominal ownership of his relatives. He was worth $2,000; now he is worth at least $8,000. Quite a profitable six months' business for him. He is now more of a factor in the trade than he was before, and has the effrontery to tell his creditors that he will favor them when he buys, so as to give them a chance to help make up their losses. Moreover, it is a singular thing that the above procedure is so well recognized in certain circles that the very creditors who supinely laid down helpless before the injustice of the bankruptcy law and refused to spend money to unearth the shady transactions of the bankrupt are the first to trust him again, on the theory that his next failure will be some years in the future. Sometimes a slight change of name or change of location affords the enterprising swindler a new grist of creditors.

Another evil of the free discharge of debtors is the encouragement of speculation. When a young man is beginning his career he wants to keep his future clear of embarrassments. His tendency is to avoid the burden of unsatisfied judgments. He regards enterprises with prudence. But when lawyers inform him that he can by speculation keep what he makes, but if he loses he can, by going through bankruptcy, free himself from his debts and take a new start, he argues that the chances of speculation are largely in his favor, and he proceeds accordingly. The present bankruptcy law tends to discourage thrift and prudence.

In the early days of the constitution the State of New York had a bankruptcy law that gave debtors the same sort of free discharge as is afforded by the present Federal bankruptcy act. It was this act which was declared unconstitutional as to debts contracted before its passage in the famous case of Sturges *v.* Crowninshield (4 Wheat., 122). Of this act Chancellor Kent say (Hicks *v.* Hotchkiss, 7 Johns., chap. 297, 304):

> There never was a law that held out more alluring and more dangerous temptations to debtors to forget what they owed to good faith and to disregard the moral obligations of contracts. Its effects upon the community were rapid and deplorable. The evils of it were contagious and spread like a pestilence. The public became alarmed, and wise and good men and men of property were deeply excited. Petitions for the repeal of the act flowed in from every quarter to the next legislature, and it was one of the first acts of the session of 1812 (Sess. 35, chap. 8) to abolish the law of the preceding year, without waiting to prepare another and better system in its stead.

One not familiar with the operation of the bankruptcy law would say, with apparent reason, "Why do not the creditors prevent fraudulent discharges by showing the facts to the court?" This is more easily said than done. Take my example of the New York jobber. There may be twenty creditors, averaging $500 each. If a fight to prevent discharge is made, some one or two of these must make it, at an expense of three or four hundred dollars. The others hang back, sharing in the benefit, but incurring no expense. If the effort is unsuccessful (and every presumption is in favor of the bankrupt), the opposing creditor loses his debt and several hundred dollars besides. The time, expense, and trouble of one man fighting for all is the main reason why discharges are not opposed. The law is made easy for the bankrupt and hard for the creditor as I will later show. The result is that the number of refusals to discharge is almost infinitesimal. The last report of the Attorney-General states that during his last fiscal year there were 13,784 bankruptcies. In these, discharges were granted in all but 77 cases.

The ordinary merchant, manufacturer, banker, and giver of credit throws up his hands when his debtor goes into bankruptcy. He knows there is no use of going to court. He has learned by experience that incurring expense is throwing good money after bad. Even where he has supposed his debtor worth dollar for dollar, he complacently proves his claim, refuses to expend a dollar on detective work or opposition, and patiently hopes for a dividend of from 3 per cent to 8 per cent in the course of a year or so. If it comes at all, it usually comes long after the debtor is discharged.

If, however, as sometimes happens, a peculiarly daring or philanthropic creditor opposes the bankruptcy by fighting the admission of doubtful claims, opposing shady preferences, and resisting an undeserved discharge of the debtor, and after overcoming the obstacles created by the law, meets with success, the remaining fund is usually hardly worth dividing. There are commissions and fees to the preliminary receiver and his attorney, to the referee, to the trustee and his attorney, to keepers, marshals, and others. The more the fighting the greater the fees. Allowances are largely left to the discretion of the court, and success on the part of the receiver or trustee as against the bankrupt is so rare that allowances are generous. Expenses are large and dividends are correspondingly small.

The operation of the present bankruptcy law is fast becoming a scandal, (1) because in ordinary cases the expenses eat up the dividends, and (2) because the law encourages fraud by offering an easy and gratuitous discharge from his debts to the bankrupt. I shall now proceed to point out some of the loopholes in the law which permit these evils:

(1) In ninety-nine cases out of a hundred a preliminary receiver is unnecessary. A preliminary injunction, prohibiting the bankrupt from transferring or interfering with his property, would hold it in statu quo until the first creditors' meeting and the election of trustee. The act contemplates that receivers shall be appointed only in extreme cases, but it also permits their appointment on ex parte application. Judges name receivers, whereas the creditors name the permanent trustees. There has been a growing tendency to appoint receivers, often without notice (which in itself is a great wrong), until now the practice is quite general. Judges like to favor their friends with receiverships. A receiver's commission and his lawyer's allowance make a double and unnecessary charge upon the estate, for the receiver's place is soon taken by the trustee, whose charges and those of his attorney must be paid anyway. To stop these appointments and substitute a preliminary injunction will make a substantial saving in the expense of ordinary small bankruptcies.

(2) Some limit should be placed upon the present ability of the courts to make allowances. Small estates are often eaten up by lawyers' expenses.

(3) The burden of proof should be on the bankrupt to show his honest failure, rather than on the creditor to prove his dishonesty. Every presumption under the law governing the granting of the discharge is in favor of the bankrupt. A creditor opposing his discharge must prove by legal evidence that the bankrupt has performed certain prohibited acts of fraud.

(4) People who keep no books or accounts should not receive the benefit of a discharge, except on terms, and the burden of explaining the lack of books of account or their disappearance should be on the bankrupt and not, as now, on the creditor to show that the bankrupt destroyed or failed to keep them with an intent to defraud.

(4) The law should prevent obtaining a discharge in bankruptcy oftener than once in six years. At present the six-year provision applies only to voluntary bankruptcies. It should apply to involuntary as well as voluntary proceedings, for many simply get some friend to file an involuntary petition instead of filing a voluntary petition themselves.

(5) In cases where the bankrupt fails to make out a perfectly clear and convincing failure to pay his debts due to causes beyond his ability to control his discharge should be granted only after a postponement of two, three, or four years, during which time he should be compelled to pay a percentage of his debts as a condition. This should apply to cases where the bankrupt contracted debts after he had reasonable ground for knowing that he could not repay, where his bankruptcy had been brought on by hazardous speculation or gambling, or where he had been guilty of fraud or fraudulent breach of trust.

The foregoing suggestions for amendments are based upon the position that it is a favor for the Government to discharge a

man from the obligation of his debts. The present law proceeds on the theory that it is the inherent right of the bankrupt to be discharged from his debts if he turns over his property to his creditors. The judges should be allowed to exercise a considerable degree of latitude, based to some extent upon the reports of the referees and according to the facts of each case. The present law compels the judges to give a discharge unless the creditors have successfully made legal proof on matters which most often are known only to the bankrupt and are concealed by him. No other country has or ever did have a bankruptcy law which gives a discharge to a petitioning bankrupt as a matter of right. It is undoubtedly the moral duty of a man to pay his debts, perform his obligations, and keep his promises, regardless of statutes of limitation and discharges in bankruptcy. When the law steps in, contrary to the moral rule, and withdraws the ability of the creditor to collect his debts, or, as in the bankruptcy law, wipes out the debt, it is certainly a matter of favor toward the insolvent and not a matter of right. Being a matter of favor, the bankrupt should certainly offer the proof to the court that will bring him fairly within the legal terms of a discharge, and the burden of doing this should not be placed upon the creditor. If the bankrupt does not of his own motive afford the clear proof that will convince the court that he deserves a discharge, the court, acting in behalf of the creditors, should have the power to withhold his discharge indefinitely, or to grant it conditionally on his paying some reasonable percentage of his indebtedness.

These are the reasons why the present bankruptcy law has already become a scandal. The ease of procuring a discharge is an invitation to the fraudulently disposed to commit larceny by legal means. The main reason for placing the bankruptcy provision in the Constitution, as shown by the debates at the time, was to insure a fair and uniform distribution of the insolvent's assets wherever located. The distribution feature is of minor importance both in the present law and in its operation. Its main feature is to give an easy discharge to the petitioning bankrupt. What should be a minor and incidental function of the law has become its chief purpose. If strict limitations were put upon the discharge of bankrupts from their debts there would be fewer bankruptcies and a high percentage of the discharges would be honest. There are great advantages in the Federal control of the distribution feature, because in whatever State creditors live and wherever the assets are the same rule and jurisdiction apply throughout the country. I do not believe that the reason why the bankruptcy law is becoming abhorrent to honest men is because the Federal Government is operating it. It is because of the easy discharge, which creates both fraud and mercantile dishonor. If doubtful bankrupts should be made to earn their discharges or go without them I believe that the business men of the country would almost unanimously bestow praise upon it instead of contumely, as at present.

Congress has no appreciation of the extent of popular dissatisfaction with the operation of the present bankruptcy law. I venture to say that as high a proportion as nineteen out of every twenty business men would say repeal it if it can not be amended somewhat as I have outlined. When I say "business men" I do not mean one or two thousand of the great merchants and bankers of the country. I mean the ordinary rank and file of small dealers, manufacturers, bankers, producers, and tradesmen. You may say, Why is it then that we do not hear more protest from the people? I will tell you why. The people I describe are not organized. They send no special delegates to Washington. The evils of the law are not operating on each person all the time. One merchant will lose $500 by a fraudulent bankruptcy, will abuse the law, but, in the hope that it will not happen again, he prefers to endure the possibility of further loss rather than to expend time and money in organizing against it. There are two classes of people who are actively interested in perpetuating the bankruptcy law, although I believe both of these classes would agree with me in favoring amendments somewhat along the lines I have mentioned. The first of these are the referees, receivers, trustees, marshals, and, to some extent, the judges, whose business or influence is increased.

The other class is composed of large wholesale firms who have their organizations, special men to attend to creditors, called "credit men," and who deal in nearly all the States of the country. They naturally dislike a return to the State control of insolvents, both because some of the States allow improper preferences and because local creditors can usually levy an attachment or execution before they can. In 1902 the so-called "Ray amendments" were added to the discharge sections of the law. One of these provides that the bankrupt shall not be discharged if he has obtained property on credit from any person upon a materially false statement in writing. This amendment was to the large merchants worth all of the other discharge provisions put together, because with their thorough organization and equipment they can take advantage of this provision by procuring a statement in writing. They do this largely to-day, and this practice is preventing many dishonest failures where these large firms would be concerned, but the ordinary small tradesman or producer has no system or forms requiring a written statement before giving credit. The result is that the most important one of the Ray amendments is useful only to a few of the largest wholesale firms of the country. In my opinion the foregoing reasons account to a large extent for the assiduity of the credit men's associations and the organized wholesale bodies in petitioning Congress for the maintenance of the bankruptcy law. Congress does not hear the preferences of the smaller dealers and manufacturers, who in the main are opposed to the law in its present form.

I believe in amendment, not repeal, but repeal is better than the continuation of fraud and dishonor permitted and encouraged by the present bankruptcy act.

This is the fourth bankruptcy law that Congress has placed upon the books since the adoption of the Constitution. Each prior law has run its brief course and been repealed. Did the founders of our Government intend that we should have a permanent bankruptcy law or not? I am one of those who believe that we should have a permanent bankruptcy law, and, what is more, I believe the fact that our bankruptcy laws are spasmodic is the main cause for the very poor bankruptcy laws that the country always gets. Then the fact that they are poor laws causes them to become unpopular, and unpopularity results in repeal. Congress has never passed a good bankruptcy law. It has always left the discharge so easy and gratuitous that the law has been an invitation for fraud. They have been passed after periods of depression, when the clamor of insolvents throughout the country for relief from their debts has been loud and insistent. The Federal Legislature has come to their assistance with a law framed almost for the sole purpose of relieving them from their debts. Safeguards that require common honesty, and that require the debtor, who receives the favor of a discharge, to bring himself of his own motive within the provisions of the law, are disregarded. The result is that every thirty or forty years we get an intolerable law, which the people soon dislike so much that they, as well as their representatives, are too impatient to submit it to rational amendment.

A good law, giving discharges only as a favor and to those who prove themselves honest, would be popular and therefore permanent. The best thing Congress could do would be to amend the present law so that it will be good law. Repeal means the recurrence after a decade or two of another bad law constructed when many of the people are impatient to be freed from accumulated debts. Repeal means the continued alternation of no law and bad law. I regret, as I believe all sincere friends of a good bankruptcy law regret, that this Congress is allowed to end without making radical amendments to the law upon this most important subject. I dedicate these remarks to the next Congress, in the hope that prompt amendment of the law will be made as nearly as may be in the manner that I have indicated, because only such action can forestall the rising demand for the entire repeal of the act.

To suppose that a bankruptcy law is intended as a huge sponge to wipe out debts is a grotesque misapprehension of the whole subject. To hold that there is no excuse for the bankruptcy act except in analogy to the year of jubilee is a short-sighted view of the purposes of the framers of the Constitution. The Constitution provides Federal control of interstate commerce. Concomitant with this it provides for a uniform system of bankruptcy throughout the United States. Permanence of Federal control is as much implied in the one as in the other. Federal control prevents multiplication of receivers, conflict between State laws, and should be much more economical in operation than if the sole control of insolvencies were left to the various States. Madison said in the Federalist, "The power of establishing uniform laws of bankruptcy is so intimately connected with the regulation of commerce and will prevent so many frauds when the parties or their properties may lie or be removed into different States that the expediency seems not likely to be drawn in question." Upon the next Congress lies the burden and duty of making rational and far-sighted amendments to the national bankruptcy act. Repeal will follow if this is not done. The experience of a century with spasmodic bankruptcy acts has been unsatisfactory. Let Congress turn over a new leaf and make a law that will adequately protect honest tradesmen, and it is my belief that such a law will be permanent and become a national blessing. [Loud applause.]

Mr. LIVINGSTON. I now yield to the gentleman from Arkansas.

Mr. LITTLE. Mr. Chairman, the great struggle of the future of this country, not one of armies and battle ships, but one between legitimate capital and the great body of our people on the one side and corporate monopoly and allied wealth on the other, which shall prevail?

During all the debates in this Congress upon the passage of the appropriation bills for the support of the Army and Navy of the United States we have heard many veiled suggestions of the probabilities of war with foreign nations in the near future, but upon close scrutiny we find behind these suggestions the desire on the part of many to depart from the history and traditions of our country and join in the brutal policy of force, which has ground to powder the great masses of the common people in other lands, and amid the glamor of armies and militarism it is sought to turn away the attention of our people from the evils existing in our internal affairs until corporate power and allied wealth shall have so entrenched themselves, so fastened themseves upon our institutions and industrial life, that they can control, if not defy, the representatives of the people and prevent judicial and executive action seeking to restrain them.

Mr. Chairman, it is apparent to anyone who has given thought and investigation to the subject that our whole commercial and industrial life, our trade, both domestic and foreign, is now seriously menaced by the modern combinations and trusts. So much so is this a fact that even now these monopolies put a limit to production, arbitrarily fix the price of their products, or, in other words, wholly eliminate competition. Those who sympathize with these combinations tell us that it is nothing more than the natural evolution of business and business methods, and that the natural laws of business and trade will work out the remedies that will free the business of the country from their domination. I agree that the natural laws of business and trade will work out their own remedies in most cases, if left free from interference by legislative favoritism, but when the laws of trade are set aside by statutes that destroy their free operation, then to restore normal conditions it is necessary, as far as possible, to restore freedom to the natural laws of trade and competition.

Mr. Chairman, I desire to refer to a number of these organizations and to suggest some remedies. Those of the greatest combinations in this country or in the world are the United States Steel Corporation, the Standard oil trust, and the beef trust, and if these can, by appropriate legislation and judicial action, be restrained and controlled, the road to success in the elimination of monopoly will be easy. The United States Steel Corporation is capitalized at $1,400,000,000 and controls, by the ownership of stock and otherwise, more than $300,000,000 additional properties. To show its immense power and monopoly over this industry, I state upon well-known facts that it has absorbed by purchase and otherwise the following independent steel and iron manufacturing plants and their constituent companies in different sections of the country, viz, The American Bridge Company, which was a consolidation of twenty-six separate organizations, controlling 90 per cent of the bridge tonnage in the United States; the American Sheet Steel Company, which was a union of twenty-six companies also; the American Steel and Wire Company composed of twenty-seven companies, controlling the whole industry in the United States; the American Steel Hoop Company; the American Tin Plate Company, which controlled 265 mills, doing 95 per cent of the business in the United States in 1898; the Carnegie Company, which controlled a great number of steel, ore, coal, steamship, and other companies; the Federal Steel Company, composed of many steel, ore, railroad, and other companies; the National Tube Company, composed of seventeen companies, doing 90 per cent of the tubular-goods trade; Shelby Steel Tube Company, and thirteen seamless-tube companies allied with the American Bicycle Company.

Besides these constituent companies the United States Steel Corporation has "harmonious and controlling relations" with the American Can Company, Cambria Steel Company, and Bethlehem Steel Company, and many others.

It now controls over 60 per cent of the entire output of the United States and about 75 per cent of the iron-producing fields in the United States. It now practically fixes the price, not only of its own products, but that of many of the independent manufacturing plants dependent upon it for their raw material. In many instances it fixes the price at which wholesale and retail merchants shall sell the goods furnished from it to their customers; and not only this, Mr. Chairman, it insults the justice and patience of the people of this country by selling its products cheaper to foreigners than to our own people. [Applause.] Protected by our laws, sheltered from the competition of foreign countries by our tariff laws, the beneficiary of special railroad rates, and yet it stands up and openly demands its tribute from our people.

Let me quote from the testimony given before the Merchant Marine Commission only last year:

Mr. Edward S. Cramp, of the Cramp Shipbuilding Company, in May 1904, stated to the Commission that foreign shipbuilders were then paying only about $25 per ton for materials that cost the American shipbuilder $40 per ton, a handicap against him of $15 per ton.

Mr. James C. Wallace, of the American Shipbuilding Company, told the Commission at Cleveland, Ohio, June 28, 1904, that the United States Steel Corporation was selling great quantities of steel to foreign shipbuilders, delivered at Belfast, at $24 per ton, while the price charged at its Pittsburg mills was $32 per ton.

Mr. George W. Dickie, superintendent of the Union Iron Works, the largest shipbuilding plant on the Pacific coast, stated to the Commission at San Francisco that he was in a Scottish shipyard in 1900 when they were building a vessel almost exactly like the one he was building in his yards, and he saw there materials unloaded from a ship from New York, furnished by Carnegie & Co., at about $13 a ton less than he was paying for the same material from the same mill. A large number of others testified to the same effect.

THE COST OF PRODUCTION HERE LESS THAN IN ENGLAND.

Mr. Schwab said, in a letter to Mr. H. C. Frick in 1899, that steel rails were made here for less than $12 per ton, while the cost to produce them in England was $19. He said that similar differences in cost existed as to other steel products.

Mr. Chairman, this testimony might be continued indefinitely, but the time allotted me forbids further reference at this time; but this is enough to show conclusively that this corporation is robbing the American people and placing a tribute of from 30 to 40 per cent upon every industry that is compelled to use steel and iron in the articles, machinery, and implements they produce, as well as the purchasers of their finished products.

Mr. HUMPHREYS of Mississippi. Can the gentleman state what were the average rates in the Dingley tariff bill on the products of the United States Steel Company?

Mr. LITTLE. The rate on steel rails, for instance, is $7.80 per ton, and estimating the rates generally on an ad valorem basis, they run all the way from 30 to 100 per cent. This tax, I will also say to the gentleman, bears heavily upon the products that are used by our farmers.

The gardener pays it on his hoe and rake, the farmer pays it on his plow and trace chains, barbed wire, and nails, and all his farming implements and machinery. The honest, strong-armed blacksmith pays it on the iron and nails used by him. The poor washerwoman pays it on her zinc tubs, washboards, and smoothing irons. The good housewife pays it on her sewing machine. The coal miner pays it on his drill, pick, shovel, and hammer. The railroad builders pay it on the steel rails laid upon their railroads, and, in fact, every industrial enterprise must pay this levy of tribute, not to the Government, but to the beneficiaries of this heartless and exacting monopoly.

Mr. Chairman, I desire to show the difference between the prices of a number of the products when sold to foreign countries and when sold to our own people at the factory doors. I give the following quotations from the export price list of the United States Steel Corporation:

Articles.	Domestic price.	Foreign price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes per dozen	8.25	7.20
Kettles	1.40	.85
Wire nails per 100 pounds	2.25	1.35
Table knives per gross	15.00	12.00
Horseshoe nails per pound	.17	.14
Barbed wire per 100 pounds	3.00	2.00
Rivets do	10.00	5.55
Typewriters	100.00	60.00
Sewing machines:		
Fine	27.50	20.75
Medium	22.00	17.50
Cheap	18.00	12.00

And let me add that it has been demonstrated by the best and most conservative statistician, that for the two years ending December 31, 1903, we paid to this colossal combination in tariff protection the prodigious sum of $162,345,000—this sum more than its goods were worth. Why? Not for protection against foreign competition, for it can produce its products cheaper than any country on earth. Not to enable it to sell more cheaply to its domestic or home customers, for it always sells its goods

cheaper by far to foreigners and foreign countries than it will to our own people at the factory doors. Not to enable it to pay higher wages to its workingmen, as constantly contended, for they must make $2 for the trust to get $1 for themselves, and while they have maintained high and exorbitant prices for their goods, they have reduced the wages of the men who do their work within the last year from 25 to 30 per cent, and at the same time appropriated $1,000,000 as a fund to destroy organized labor. [Applause.] Then I repeat, Mr. Chairman, why is it that this trust should be longer sheltered by the present exorbitant tariff laws, unless it has your party chained to its merciless chariot wheels, compelling you to become the defender of this outrageous, rapacious monopoly.

Mr. Chairman, I had the honor to introduce into this House the following resolution, to wit:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to investigate the conditions of the iron and steel industry of the United States for the purpose of ascertaining the following facts: Is the United States Steel Corporation and its associated and constituent companies engaged in commerce between the States and Territories or with foreign countries? And if so engaged, to what extent the iron and steel industries in the United States, including the output and prices of its products, are controlled by said corporation and its associated and constituent companies.

To what extent said corporation and its associates control the output and prices of the finished products made by independent companies dependent upon it for their raw material.

To what extent, if at all, does said company or its associates sell its products cheaper to its export trade than it does to its domestic customers.

And whether said conditions have resulted in whole or in part from any contract, combination, or agreement in the nature of a trust or conspiracy in restraint of commerce between the States and Territories or with foreign countries, and that he report his findings according to law.

This resolution has been adopted by this House and is now in full force, and if the investigation provided for is made full and complete, as I hope it will be, I have no doubt the crimes of this corporation against the people of this country will so arouse the public conscience and indignation of the people that speedy and effective measures will be had to take its felonious hands out of the pockets of the people. [Loud applause.]

The Standard Oil trust, no less powerful or exacting, has, by reason of protection against foreign competition, and more especially on account of being the beneficiary of special railroad rates in the transportation of its products, been able to drive practically all competitors from the field and dictate the price to be paid to the sellers of the crude oils as well as the prices to be paid to it by the consumers of refined oils. In fact, it acknowledges no master, and enforces its decrees against the people in defiance of the statutes of the United States and levies its bounties upon every household in all the land.

The third is the beef trust. This combination of packing houses has done more to arouse the public to a real sense of the dangers of monopoly in recent years than either of the others. It has, with a high hand and a recklessness unparalleled and a heartlessness inconceivable, secured control of the meat markets of the United States, controlling through its combinations the prices of the sheep, hogs, and cattle of the farmer and stockman, and paying only prices fixed absolutely by it, those prices being below the cost of production; and at the same time selling its meats higher than has ever been known in the history of the Republic, it has discouraged and bankrupted the great stock industry of the country. It has brought want and hunger to the homes of thousands of our poorer people. It has fattened like a vulture upon the substance of the producers and the consumers.

SOME OF THE REMEDIES.

In the first place, Mr. Chairman, I desire to say that I firmly believe that many of the trusts and combines that exist in this country to-day had their birth and owe their existence to the protection from foreign competition afforded by our high protective tariff laws, but it is not now my purpose to discuss that subject at any length. As one remedy against the trusts, I would, wherever it was found that the tariff afforded a shelter for a trust, as in the case of the United States Steel Corporation, remove the tariff entirely or reduce it to a very low rate, and this would discourage if not wholly destroy the trusts so sheltered and protected by compelling them to meet foreign competition. [Applause.] This seems to be a matter of such plain justice, so fundamentally right, that I can not conceive why it should not receive the support of honest and fair-minded protectionists, and, in fact, of all people who are opposed to the monopolistic plunder of the people. This action would do much toward breaking up the steel trust and similarly protected combinations.

RAILROAD RATE REGULATION.

Mr. Chairman, no one power has contributed more toward building up and maintaining many of the largest and most powerful combinations in this country than has the great transportation companies. By favoritism, special rates, secret rebates, private car arrangement, and terminal facilities, the railroads have enabled them to destroy their competitors in business and become the masters of our commerce. But for this advantage and these discriminations, the Standard Oil trust, the beef trust, and many other like combinations could never have reached their present power over our commerce. While the railroads have done so much toward the development of the country, their power for good or for evil is too great to go unrestrained. They are not private, but quasi-public corporations chargeable with a public interest and subject to the control of Congress when engaged in interstate commerce.

This is so well settled that it needs no further discussion or argument. I therefore believe that no more important legislation is now pressing upon the attention of Congress than that to increase the powers of the Interstate Commerce Commission. It means much to the country, to our commerce, and to our people. It involves our commercial success and permanent welfare. It means securing equal privileges for all shippers and for all communities. To accomplish this end I would give the Commission power, upon complaint, to fix a reasonable rate and enforce it. The rate so fixed to stand until reversed by a court of competent jurisdiction. I would extend the power of regulation so as to embrace all the means of transportation, including private cars and terminal and warehouse facilities. I would make the power thus conferred strong enough to secure for all persons employing such carriers equal privileges and facilities at fair and reasonable rates of compensation.

ENFORCING THE CRIMINAL STATUTES.

Mr. Chairman, there is nothing more effective in restraining criminals than enforcing against them the penalties of the law. And there is nothing that so much strengthens public confidence in our courts as the enforcement of the law against the strong and wealthy criminals with the same, if not greater, severity than against the weak and unfortunate criminals of the country. Mr. Chairman, I would go still further in this reform. I would make the taxing laws of the United States not a protection and shelter to monopoly, but a menace to their existence. I would do this by securing the adoption of an amendment to the Constitution of the United States authorizing the levying of an income tax, and I would make it sufficiently high on these enormous and dangerous aggregations of allied capital to make them unprofitable and compel their dissolution, and failing to secure such an amendment, I would place an excise tax on their gross earnings and make it a burden upon their existence. [Applause.] Either of these methods would secure, with the aid of a tariff for revenue only, ample revenues for the support of the Government. Neither of these methods would be revolutionary or hurtful to legitimate enterprises and capital, and would place a part of the burdens of the Government upon the wealth of the country, where it justly belongs.

An income tax is the fairest method to raise money for the support of a government ever conceived by man. It shifts the burden from the shoulders of the poorer people and places it upon the shoulders of the rich, where, by every principle of right and justice, it belongs.

Mr. Chairman, an injunction has been issued and made perpetual restraining the beef trust from carrying on its unlawful transactions, and that judgment stands approved by the Supreme Court of the United States. But one thing now remains to make that decree effectual, and that is the prosecution of the president and directors of the companies forming this combination under the criminal clause of the Sherman antitrust law. The American people are waiting with intense interest the action of the President of the United States and the Department of Justice in this matter. The beef trust has been adjudged a criminal in its wanton and oppressive violation of the laws. Shall the fruits of this great victory be abandoned, or shall the perpetrators of this crime against the whole people be punished?

The ordinary felon who commits a crime against an individual or community is readily condemned to a felon's cell. Shall these criminals representing great wealth and power escape? This is the test. Can they paralyze the strong arm of the law, or shall they be compelled to adorn the stripes of a felon? Put them in the penitentiary and you will stampede and disband the hordes of criminal conspirators who are plundering the people and defying the law. The voters of the United States have trusted President Roosevelt. Shall they be disappointed? Mr. Chairman, let these three governmental functions or powers be exercised bravely and honestly against the unlawful trusts and conspirators without fear or favor, and they can no longer thrive upon booty wrung from honest labor and legitimate enterprise. But, Mr. Chairman, the failure to exercise these and other constitutional powers for the protection of the people is

but an invitation to them to invoke more radical if not more revolutionary remedies.

You scout the idea of government ownership of railroads and other public utilities, yet by your indifference to existing conditions you invite it. You abhor socialism, yet by your failure to afford relief against these evils you encourage it. You stand for the high tariff rates of the Dingley law, and by your failure to modify it in the interest of the people and against monopoly you invite its overthrow. The Democrats demand, the people of the United States demand, and the President has recommended the passage of such freight-rate legislation as will secure just and fair treatment by the railroads to all shippers. These demands and recommendations have been considered by the passage through this House of a weak and only partially effective measure, and it, weak as it is, sleeps the sleep of death at the other end of this Capitol. Mr. Chairman, in the name of the people I represent I protest against further delay. In the name of constitutional and orderly government I earnestly protest.

If this Congress or the succeeding one would pass an effective freight-rate law, pass a law removing the tariff where a shelter to monopoly, and if the executive and judicial officers of the Government would enforce the penalties of the law against monopolies and monopolistic conspiracies, your party would not only serve your country and deserve the praise of all good people, but you would forever dispose of the questions of Government ownership and socialism as a potentiality in American politics. [Applause.]

Mr. Chairman, I feel more and more every day of my life the great wrong of visiting the extortions practiced by these pampered trusts upon the industrious farmer and laboring people of the country, who must win their bread not only without the aid of but in spite of our tariff laws. We must, Mr. Chairman, look to our farm products as our greatest source of wealth and prosperity. From the returns of our export trade in agricultural products we are gathering to our shores the gold of the world. The total value of all the farm products produced in the year 1904, as stated by the Secretary of Agriculture, was the inconceivable sum of $5,000,000,000.

All the gold mines in the world since Columbus discovered America have not produced a greater value of gold than the farmers of this country have produced in wealth in the last two years. This product for 1904 is three and a half times the value of all minerals produced in this country for the same period, including iron, gold, and silver. Last year we exported to foreign markets of agricultural products alone $859,170,582, and in the last fifteen years we have had a balance of trade in farm products of $5,202,551,016—enough to have made every farmer in the land independent and happy if they had been permitted to keep their own. This would give every man, woman, and child $600 each, estimated on a population of 80,000,000, and if distributed to the farmers alone, would have made them wealthy and independent. But, Mr. Chairman, the producers of this wealth, the truest, bravest, and best rural citizenship in any country in the world, have for thirty years been hewers of wood and drawers of water for the tariff barons of this country. [Applause.]

They have made rich the manufacturing sections of the country, paying them bounties levied under the forms of a protective tariff and receiving no benefits therefrom, and at the same time selling their products in open competition with the world. But now a new danger menaces them—the trusts. No longer is the Government the tax gatherer, but sheltered and protected by prohibitive tariffs these combinations add the 40 to 100 per cent tariff to the price of their goods, which the consumer must pay.

Mr. LLOYD. Is it not true that the trusts lower the price of things which they produce and sell to the people?

Mr. LITTLE. I thank the gentleman for the suggestion. It is my belief that that is not the fact, because the trusts have raised the price of that which the people have to buy and have reduced the price of that which the people have to sell.

Mr. Chairman, in ancient Rome the prætorian guards sold to the highest bidder the power to tax the people. This has been considered the culmination of governmental infamy; but to-day, under our system of tariff laws, the trusts are given, by the law, the power to tax the people, and when in the name of the farmer, the artisan, the laborer, and business man, we plead for relief from these burdens and protest against this riotious plundering of our people, we meet derision in a Republican Congress. Can it be that the power to tax the people of the United States has been sold to the highest bidder to secure campaign funds with which to debauch the voter and perpetuate the power of organized plunder? Mr. Chairman, we learn from sacred history that "the stone which the builders rejected became the chief support in the building;" and, mark my words for it, the day is rapidly approaching when the South will be the chief support in the structure of this mighty Republic. [Loud applause.]

Notwithstanding the fact that her fair land was desolated by four years of desperate war and her people oppressed and plundered by six years of more desolating reconstruction, leaving her people foot-sore and weary, with the greatest race problem that ever haunted the dreams of any other people; and the further fact that from that time until now she has borne the burden of a taxation that has transferred her wealth from the pockets of her own people to the protected industries of the East; yet through all these trials, oppression, and discrimination her people have never faltered. [Applause.] With strong arms and stronger hearts they have ever pressed onward, determined to settle and settle right the great problems resting upon her people. True, her growth and progress through these years has been slow, but it has been without sacrificing her honor or destroying her high ideals of good citizenship and just government.

Mr. Chairman, notwithstanding this terrible history, the South stands to-day in the front ranks of progress, the best in her climatic conditions, the richest in her natural resources, the grandest in her citizenship, and the happiest in her sunny homes of any people of any like area of territory in this or any other country in the world. And with her glorious history to inspire her, and her devotion to constitutional government to direct her steps, under the controlling destiny of God she will yet be the guiding hand that will direct this Government to a perpetual destiny, securing the blessings of just government to all the people, whether rich or poor, until the end of time. [Loud applause.]

Mr. LIVINGSTON. I now yield to the gentleman from Missouri.

Mr. LLOYD. Mr. Chairman, in these days of adversity for the Democratic party its political antagonists are disposed to subject it to ridicule. Especially is this true of the great State of Missouri, generally known as the "mysterious stranger." [Laughter.] After numerous defeats many individuals are ready to say of this party that it is ready to fall to pieces.

Its funeral dirge has been sung more than once, but it can be safely asserted that it is not ready for final interment. It is yet a vigorous and forceful factor in the politics of the country. It has been condemned to eternal oblivion by some of those most concerned to compass its destruction, but it still lives. Its ranks are somewhat decimated, and its final victory a matter of hope and not of immediate accomplishment, but it will yet triumph.

Political parties are necessary for the good of the country, and it may be safely said by those not in sympathy with Democracy that its activity is to be desired. Overwhelming victory has nearly always been a curse to the party obtaining it. At the present time Democrats are humiliated, but the Republican condition is nothing like so good as it would be if the next Congress were more evenly divided and if the electoral vote recently cast had been more nearly equal.

Heretofore much has been done by the politician to arouse the sectional spirit and to reach the prejudices of men rather than their judgment. Much has been done which misrepresented the situation and deceived the public as to the real conditions. The Republican party, in its campaign book of 1904, by making a partial statement of history, leads to an erroneous conclusion. It is stated, among other things, that—

> The prosperity of the country under protection, as compared with its condition under Democratic control and free trade, is illustrated by the fact that during all the seventy years of our Government down to 1860, with almost continuous Democratic control and low tariff, the national wealth had only grown to $16,000,000,000. In the single decade, from 1860 to 1870, under protection, it nearly doubled, the total in 1870 being thirty billions, and in the forty years from 1860 to 1900 it grew from sixteen billions to ninety billions of dollars.

Think of the progress of this Republic in seventy years. Only sixteen billions of wealth in 1860; but what was it in 1790? Those who make this statement of Democratic adversity have overlooked, it would seem, the impoverished condition of the Government when it began its important mission as a Republic. According to the census the accumulated wealth in 1790 only amounted to $620,000,000, and with this slight beginning the most astounding progress in the history of the world was made up to 1860. The per cent of increase was 10 per cent greater during the decades prior to 1860 than it was in the decades which followed. Every lover of liberty imbibed with the American spirit is certainly proud of the successes of the struggling young Republic. For the first seven decades of its existence, who would detract from its splendor?

Who would minimize its achievements, and where among historic records can be found a greater achievement in so short a

time? In wealth it increased more than twenty-five fold, while in the forty years that followed 1860 it increased less than 500 per cent. If these facts are to be the test and the accumulated wealth the basis, then Democracy far outshines the Republican party in the comparison. [Applause on the Democratic side.]

The same authority calls attention to the fact that the per capita wealth in 1860 was $514, and that in 1900 it had increased to $1,236. It fails to tell you, however, that the census shows that in 1850 that the per capita wealth was only $307, and that there was a much larger increase per capita in that decade than there was in the decades which have followed 1860. The per capita wealth in 1790 was $160. The increase to 1860 was 220 per cent, while in the forty years which followed there was only an increase of 115 per cent.

The same campaign book gives as the authority for Republican greatness and Democratic inferiority this statement:

In 1860, when the Republican party assumed control, the total money in circulation was but four hundred and thirty-five millions. By 1880 it had increased to nine hundred and seventy-three millions, or more than doubled, and to-day it is practically six times as much as when the Republican party took control.

Mr. LITTLE. I will ask the gentleman if the record does not show that up to 1861 the people owned the wealth, and that at this time the great bulk of the wealth of the country is in the hands of the trusts and monopolies?

Mr. LLOYD. I think in the latter part of this address the gentleman will find a complete answer to that question, showing where the wealth is to-day.

One would suppose from this statement that there had been no increase in the money circulation before the Republican party was intrusted with the affairs of Government. I have been unable to ascertain a correct statement of the amount in 1790, but in 1800 the total amount of money in circulation was only twenty-six and one-half millions or $5 per capita, but in 1860 it had increased to the enormous sum of four hundred and thirty-five millions or $13.85 per capita, an increase in that time in circulation of over 1,600 per cent, while in 1904, or after forty-four years of Republican ascendency the increase was only 525 per cent. If money in circulation is to determine which party has the greater right to preferment, history plainly shows that Democracy has established its right to ascendency.

In the campaign book referred to is this statement:

Under almost continuous Democracy and low tariff up to 1860 the manufacturing interests of the United States employed less than one and one-third million people and paid them in wages but $379,000,000. In 1900, under protection, the number employed was five and three-fourth millions and the sum paid to them in wages was 2,735 millions, or more than seven and one half times as much as in 1860.

The census does not give the value of manufactures until 1850, but at that time their value was $1,000,000, and between 1850 and 1860 they increased 88 per cent. If there had been the same per cent of increase in each decade up to 1900 it would make the aggregate $22,000,000,000 instead of thirteen billions as existed at that time. The increase in wages between 1850 and 1860 was 15 per cent. This increase in each decade would have caused the wages of the laborers of the country to be far greater than now received. So that in the comparison made between Democracy and Republicanism in the interests especially protected under the Republican system, manufactures would have lived and thrived, and there would probably have been a much greater output than at the present time.

There is another class to which Republican orators are, while on the stump, especially concerned to talk, and seem to do so with the greatest assurance. That is the agriculturalists.

The same Republican authority asserts that "in 1860, after seventy years of almost continuous Democratic rule and low tariff, the farms of the country were valued at less than $8,000,000,000, and in 1900 they were valued at over $20,000,000,000."

But it fails to tell you that in 1850, ten years preceding, the farms were valued at less than $4,000,000,000, almost as great in increase in that decade as in the forty years that followed. Another significant fact is that the farms in 1850 were worth on an average $2,750, and that in 1860 they had increased in value to $4,000, but that in 1900 they had decreased to $3,600. If the same per cent of increase had continued from 1860 to 1900, as in the decade preceding, the average farm would have been worth $15,000, or more than four times what it was worth in 1900.

No farmer can fairly read the history of the times and not be surprised at the greater opportunities which he enjoyed under Democratic rule. In 1860 the farmer had one-half of the wealth of the country, but in 1900 he possessed only a little over one-fifth of its wealth. Republicans say to the farmer that Republican success means his prosperity, but that Democratic victory means his financial ruin. Why not be fair enough to tell him that under low tariff and Democratic rule, prior to 1860, that the farmer was more prosperous than he has been since?

But not content with this deception of the farmer, it is said in the handbook referred to that the total value of animals on farms, which in the seventy years up to 1860 had only reached $1,000,000,000, was in 1903 over $3,000,000,000, but it conceals the truth that in the decade preceding 1860 this character of property doubled in value, while in the forty-three years which followed it only tripled itself.

It has recently been stated on the floor of this House that the best test of prosperity is the deposits in the banks of the country. In 1820, the first year in which accurate statistics are given, the total deposits were one and one-half million dollars, while in 1860 they had increased to more than four hundred millions. The increase from 1850 to 1860 was 260 per cent.

In 1900 the deposits in all kinds of banks aggregated $7,906,000,000. But if there had been the same per cent of increase during the decades from 1860 to 1900 as from 1850 to 1860 there would have been deposited in the banks over $16,000,000,000, or more than twice as much as was actually deposited in them at that time. By this test of development the money accumulated in the low-tariff period was far greater in per cent than in the Republican period which has followed. Partisan bias may lead the people to belittle Democracy, but measured by the yardstick of achievement it will easily hold its own with the Republican party.

Mr. OLMSTED. I did not observe in the statistics which the gentleman gave that he made any comparison of the bank deposits during the four years of the last Democratic Administration and the past four years, and a large part of the present time.

Mr. LLOYD. I am simply carrying out what was suggested in the campaign book of the Republican party of 1904, which makes a comparison showing that the Democratic party is responsible for what took place prior to 1861 and that the Republican party claims credit for all success that has succeeded since that time.

Mr. OLMSTED. We claim some part of it that has occurred since 1896, at which time wheat was selling at 50 cents a bushel, while it is now selling at $1.21 a bushel.

Mr. LITTLE. That grew out of Harrison's bankrupt government.

Mr. LLOYD. It also seems to be patent that the gentleman from Pennsylvania has not even read the handbook to which I have referred. [Laughter and applause on the Democratic side.]

Mr. OLMSTED. I did not read it through the same glasses as the gentleman.

Mr. LLOYD. If your attention has not been called to it, you will be surprised to learn of the relative standing of the United States in the commerce of the world under Democratic administration and under the rule of the Republican party. In 1830 the United States had one-nineteenth part of the commerce of the world. In 1860 its imports and exports had so greatly increased that it had one-eleventh of the world's trade, but the most astounding fact is that in 1904 it held exactly the same position it did in 1860. It had only one-eleventh part of the commerce of the world.

In these days when we hear so much of world commerce it would be well, it seems to me, to stop and inquire how it was that under Democratic Administration the commerce so greatly increased and that under the Administration of the present dominant party it has had no comparative increase.

Under Democratic control our Republic took special pride in its merchant marine. In every part of the world was found the glorious emblem of American freedom floating at the masthead of an American vessel, but to-day you can hardly find such a flag even in the greatest ports of foreign countries. In 1830 the United States carried in its own vessels $63,000,000 of foreign trade, and in 1860 the merchant marine had so greatly enlarged that the Stars and Stripes floated over $280,000,000 of such commerce. When the Republican party was placed in power 70 per cent of our foreign trade was carried in American vessels, but that trade has dwindled away until now only 7 per cent is carried in American ships. No wonder Republican leaders are wincing under this condition, because they are aware that this is something for which they are wholly responsible.

I have shown by almost every method of comparison that the record of the Democratic party is superior to the Republican party in what it has achieved in national progress. [Loud applause on the Democratic side.] I have plainly shown that the truth half told is misleading, and that the full record shows the superiority of Democracy.

The Republican party laid down the gauge of comparison and charged the Democracy with the responsibilities of seventy years of ascendency. It cheerfully admits the statement and gladly

joins in the investigation. What a proud record in that period. How fraught with bright prospects. It was one continuous march toward achievement. How grandly it advanced to the tune of progress. What a marvel in the family of nations. How nobly our fathers builded. How completely they met the demands of the hour. Poverty stricken, they came from the ashes of desolation to the enjoyment of happy homes. With the energy and spirit produced by a righteous cause they emblazoned the principles laid down by the Declaration of Independence and the Constitution in the laws and policies of government. With the utmost confidence in the people, the Democratic party labored for equal opportunity and insisted upon equal protection to all classes. [Loud applause.]

After forty-four years of almost continuous Republican ascendency and a progress only surpassed prior to 1860 we come to view the country to-day.

I rejoice in its prosperity. I am convinced that whether the Democratic party or the Republican party has, for the time being, the ascendency, there will be progress. The bright light of human freedom enkindled upon the hearthstones of the Republic will continue to burn more brightly as the days go by. [Applause.] As patriots, Democrats or Republicans, how eagerly should we meet the obligations upon us here. Shall it be met with partisan rancor or blinded prejudice or upon the broad plane of our country's good? We are expected to contend for party policy and advocate party principles, but in doing so, we are not to be forgetful of the truth that "he serves his party best who serves his country best." [Applause.]

Now, a word to my Democratic colleagues. In the humiliation of party defeat, apparently discredited by the people of the country, chagrined by our great losses at the polls in the recent election, I beg you to buckle on your armor for another contest, with an abiding faith in the justice of our cause, with a true devotion to the principles of free government.

Catch the spirit of the heroes of the past, take courage in former achievement, and demonstrate to the world that no Democrat need be ashamed of his party's history. Do not try to agree with the Republican adversary, but show him the error of his way. Do not wait to be attacked, but make of the party an aggressive force and overcome the idea that it is a party of negation. Stand up for its principles; contend for the faith of the party of Jefferson and Jackson; restore, if you may, the lost confidence, that in the next battle of the ballots our cause may triumph, and better policies may be adopted; that the people may be placed on the throne of favor rather han special interests; that the burdens of the oppressed may be lightened; that monopoly and greed may be made to stay their tyrant hand; that the spirit of 1776 may be fully restored, and that the starry emblem may be made to float over homes better protected and rights more fully secured. [Loud applause.]

Mr. LIVINGSTON. I yield to the gentleman from Arkansas.

SHALL CONGRESS REGULATE PRIVATE FREIGHT CARS AND PROTECT THE PUBLIC FROM OPPRESSION BY THE BEEF TRUST?

Mr. ROBINSON of Arkansas. Mr. Chairman, many important questions have been considered by this Congress, and some affirmative legislation has been enacted. However, the gravest issues which have confronted us have been avoided and are still undetermined. With a threatened deficit of $80,000,000, according to the estimate of the distinguished gentleman from Maine [Mr. LITTLEFIELD], and the tariff rates established under the Dingley bill so high as to amount to a prohibition of importation of many articles, with the President appealing to Congress for a revision of the tariff, the Congress will adjourn in a few days without having even considered the question of the tariff.

When we consider the fact that on account of the deficit in the Treasury the Congress has refused to permit the public-buildings bill to be enacted, and that other meritorious and necessary legislation has been refused on the theory that the Government is too poor to accomplish it, the fact that Congress has refused to attempt to so readjust the tariff as to procure sufficient revenues to meet the expenses of the Government is astonishing. Too poor to provide for public buildings, but rich enough to build two enormous engines of death which are absolutely unnecessary at this time. Two new battle ships, to cost many millions of dollars, and the nation at peace with all the world, and pretending to believe in the principles of international arbitration!

Millions for battle ships, but nothing for public buildings. Rich enough to prepare for war, but too poor to advance the public convenience and comfort in peace. Millions for destruction, but nothing for construction. Is the military spirit to dominate the affairs of the Republic? Have we, in providing for the construction of these battle ships when they are not needed, indorsed the doctrine that, although many efforts of the Government to improve its administrative methods by enlarging and increasing its public buildings must be suspended for lack of means, yet the preparation for war, which is not imminent, but, on the contrary, exceedingly improbable, must go on?

THE ESTABLISHMENT AND MAINTENANCE OF PUBLIC BUILDINGS BY THE GOVERNMENT,

as the distinguished gentleman from Mississippi [Mr. WILLIAMS] recently stated here, is an investment from which the Government will be relieved of the cost of renting buildings in which to carry on its business, and, it may be added, greatly facilitate the administration of its affairs.

For my part, while, if necessary, I would spare no means to provide for the nation's defense and the maintenance of the honor of our flag, I am unwilling to lend approval to the doctrine that great military establishments are necessary or essential to the nation's progress and prosperity, and by no vote or voice of mine will such a doctrine be maintained.

But the majority has not only created a deficit in the Treasury and refused to revise the tariff so that it may be supplied by increased revenues on imported goods; they have not only refused to provide for the internal improvement of the country and wasted the public revenues in increasing the military power of the Government, but when the people of the United States demanded legislation on the subject of transportation, demanded that the powers of the Interstate Commerce Commission be so increased as to enable them to fix reasonable rates and to prevent discriminations in such matters, when the President gave his approval to the public demand, it seemed for a time that some substantial legislation on the subject would be speedily enacted.

But the hope was vain. The demand of the American people was refused. The request of the President was denied.

THE TOWNSEND-ESCH BILL

was born in great pain, but died with ease as from opium. [Laughter and applause on the Democratic side.] Many bills to increase the power of the Interstate Commerce Commission were introduced and extended hearings had before the Committee on Interstate and Foreign Commerce, to which they were referred, and two measures were reported, one by the majority, called the "Townsend-Esch bill," and the other called the "Davey bill." Every Member of the House knew before the debates began that no power could control the action of the House in the matter save the caucus of the majority, which decided just exactly what course should be pursued. Several days were spent in debating the measure when it was universally known that the majority bill, imperfect though it was, would pass without amendment, because under the rule no amendment could be offered. Only one substitute could be considered, and that was not subject to amendment.

The leader of the minority sought an opportunity to amend this substitute by inserting, among other provisions, the bill introduced by myself relating to the regulation of private freight cars. This privilege was denied, and after days of fruitless discussion, fruitless because under the rules it was impossible to accomplish anything by the debate, the House passed the Townsend-Esch bill and hurried it over to the Senate with a great flourish. What became of the measure there? It went to sleep in a committee; fell into a sleep that, so far as this Congress is concerned, will "know no waking." Its existence was brief. The other measures relating to the subject and kindred issues were stillborn. They never came out of the committee.

The Townsend-Esch bill had many meritorious features. It was defective in some respects. It contained no direct provision relating to private freight cars, and in the opinion of many eminent lawyers in Congress and elsewhere did not embrace them, and could not fairly be made to do so by any reasonable construction.

However this may be, I introduced on the 31st day of January, 1905, a bill which was intended to cover a supposed defect in the Elkins law passed in 1903 and in the Townsend-Esch bill. It was approved by the gentleman from Mississippi, who desired its provisions incorporated in the substitute offered for the Townsend-Esch bill, but, as I have already said, he was not permitted to do this.

I do not expect this bill to pass or even receive consideration at this session of Congress. I do not expect any kindred bill will be passed or considered, but if by calling the attention of Congress to the merits of the proposition and the necessity for legislation on the subject I can assist in some degree in finally causing full consideration of the question I shall feel amply rewarded.

The language of the bill is as follows:

A bill (H. R. 18595) declaring all persons or associations of persons, joint stock companies, corporations, or assocations of such companies or corporations, owning or operating or owning and operating private freight cars used in interstate commerce to be common carriers and subject to the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto.

Be it enacted, etc., That every person and every association of persons, and all joint stock companies and corporations, or associations of such companies or corporations, owning or operating or owning and operating any private freight car, refrigerator car, or any car or device for the transportation of freight of any kind, or for the preservation and transportation of any freight whatever, used in interstate commerce, be, and the same are hereby, made and declared to be common carriers and subject to all of the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof and supplemental thereto, in so far as the same may be applicable.

PRIVATE FREIGHT CARS

have become important factors in the transportation of freight in the United States. They have monopolized certain classes of business, and under a management which has been characterized by great skill and amazing intelligence they have made their monopoly extend to the very commodities carried; and by reason of favors and discriminations claimed and received from the railroads they have fixed the price of many products—food products consumed by the American people in their daily life. If this statement be true, the situation is appalling. It calls for earnest action somewhere by some one. The Government creates these corporations. Their very existence, their right to do business depends upon governmental authority conferred either by some State or the nation. Why should the creature be permitted to oppress the creator? Is it not oppression when by unlawful or, at best, questionable means a corporation can fix the price of almost every product consumed by the people of the country?

The warning has been heard in Congress, and it has been often repeated elsewhere, that for the Government to seek to regulate the rates charged by transportation companies and to control private companies operating cars would be a step in the direction of Government ownership.

GOVERNMENT OWNERSHIP OF RAILROADS

will never be brought about by a fair, just, and reasonable regulation of them by the Government. But if the Government long continues to refuse relief to the people from the oppressions of the great combinations that have for years been seeking to extend their power to the detriment of the public, the people may in time find it necessary to own them in order to prevent them from oppressing the very power that created them. This is no new sentiment. It was boldly asserted in a speech by the gentleman from Iowa [Mr. HEPBURN] on this floor a few days ago. If they would avoid Government ownership, if they would escape control by the Government, let their operators see that their business is conducted with a fair regard for the rights of the humble citizen as well as these great combinations.

Let them observe the laws of their very being—fairness and justice to all, favors to none that are denied to others. In the language of the President, they must be open to all on equal terms.

THE BEEF TRUST

has been heard of throughout our country. It is generally known that this great combination of wealth, brains, and ingenuity has monopolized the meat markets of the country, but it is not so generally known that it is also monopolizing the market for every food product consumed by the American people in ordinary life. Neither is it generally known that the chief means through which the beef trust has acquired this unparalleled power over the fortunes and lives of the American people is the so-called "private freight car." These cars consist of many kinds and devices. They make possible the shipment from end to end of the country in wholesome condition the perishable products of stock yard, farm, and slaughterhouse. Their manifest superiority over common freight cars has enabled the various companies owning and operating them to monopolize the carrying trade in all meats, fruits, and vegetables.

During the last few years a single combination has gathered its forces, bought out or crushed out its competitors, until today it enjoys 75 per cent of the business transacted in this line. It is said that there are about 55,000 refrigerator cars now in use in the United States, and that the beef trust, a combination of several great packing concerns, embracing Armour, Swift, Morris, and Hammond concerns, operate about 42,000.

Mr. Russell, in Everybody's Magazine, tells an interesting story of the formation, purposes, power, and methods of this great trust. He maintains, after careful investigation, that the beef trust is the most powerful combination that ever existed. Standard Oil, Wall street, and all the varied forms of corporate power, he says, tremble before the beef trust. I quote literally a portion of his language on the subject:

The meat, fruit, and dairy products on which the American people live grow more costly every year. At the same time the farmer and the cattle raiser complain they are receiving less for their products than ever before. Why? Everybody's Magazine commissioned Charles E. Russell, one of the ablest and strongest of our great newspaper writers, to make a thorough investigation and to ascertain exactly the cause of this anomalous condition. The result of his investigations is set forth in the series of articles of which this is the first. He reveals a monster monopoly greater and greedier even than "Standard Oil," with its tentacles fixed in the natural food supply of the American people, racking producer and racking consumer, and standing resolutely between, gathering toll from each. It is the beef trust, remorseless, tireless, insatiable, defying the law of the land and even Wall street itself, terrorizing great railways, exacting tribute from more commodities than all other trusts and monopolies together, and planning to control the price of every eatable thing grown in our country, and to control it for its own profit. To-day it fixes the price of all meats, fruits, fertilizers, and dairy products; within certain limits it can make the price of wheat, corn, and oats what it pleases. To-morrow it may be able to control the price of every loaf of bread. The growth and development of this terrible monopoly which threatens to reduce to semiserfdom the farmers of the West and to make its owners the richest men in the world is a story of extraordinary interest, the details of which may well astonish the American people. (Editor of Everybody's Magazine.)

In the free Republic of the United States of America is a power greater than the Government, greater than the courts or judges, greater than legislatures, superior to and independent of all authority of State or nation.

It is a greater power than in the history of men has been exercised by king, emperor, or irresponsible oligarchy. In a democracy it has established a practical empire more important than Tamburlaine's and ruled with a sway as certain. In a country of law, it exists and proceeds in defiance of law. In a country historically proud of its institutions it establishes unchecked a condition that refutes and nullifies the significance of those institutions. We have grown familiar in this country with many phases of the mania of money getting, and the evil it may work to mankind at large; we have seen none so strange and alarming as this of which I write. Names change, details change; but when the facts of these actual conditions are laid bare it will puzzle a thoughtful man to say wherein the rule of the great power now to be described differs in any essential from the rule of a feudal tyrant in the darkness of the middle ages.

Three times a day this power comes to the table of every household in America, rich or poor, great or small, known or unknown; it comes there and extorts its tribute. It crosses the ocean and makes its presence felt in multitudes of homes that would not know how to give it a name. It controls prices and regulates traffic in a thousand markets. It changes conditions and builds up and pulls down industries; it makes men poor or rich as it will; it controls or establishes or obliterates vast enterprises across the civilized circuit. Its lightest word affects men on the plains of Argentina or the by-streets of London.

Of some of the most important industries of this country it has an absolute, ironclad infrangible monopoly; of others it has a control that for practical purposes of profit is not less complete. It fixes at its own will the price of every pound of fresh, salted, smoked, or preserved meat prepared and sold in the United States. It fixes the price of every ham, every pound of bacon, every pound of lard, every can of prepared soup. It has an absolute monopoly of our enormous meat exports, dressed and preserved. It has an absolute monopoly of the American trade in fertilizers, hides, bristles, horn, and bone products. It owns or controls or dominates every slaughterhouse except a few that have inconsiderable local or special trades. It owns steam and electric railroads; it owns the entire trolly-car service in several cities, and is acquiring the like property elsewhere. It owns factories, shops, stock yards, mills, land and land companies, plants, warehouses, politicians, legislators, and Congressmen.

It defies Wall street and all that therein is. It terrorizes great railroad corporations long used to terrorizing others. It takes toll from big and little, it gouges millions from railroad companies, and cent pieces from obscure shippers. To-day it is compelling a lordly railroad to dismiss its general manager, to-morrow it is blacklisting and ruining some little commission merchant. It is remorseless, tireless, greedy, insatiable, and it plans achievements so much greater than any so far recorded in the history of commerce that the imagination flags in trying to follow its future possibilities.

It fixes, for its own profit, the prices the farmer of the West shall receive for his cattle and hogs, and the prices the butcher of the East shall charge for his meat.

It fixes the price that the grower of California shall receive for his fruit, and the price the laborer of New York shall pay for his breakfast.

It lays hands upon the melon grower of Colorado and the cotton grower of Georgia, and compels each to share with it the scanty proceeds of his toil.

It can affect the cost of living in Aberdeen and Geneva as easily as in Chicago and New York.

It has in the last three years increased, for its own benefit, the expenses of every household in America. It controls or influences the prices of one-half the food consumed by the nation. It has its share in the proceeds of more commodities of daily consumption than all other trusts, combinations, and monopolies together, and the prices of these it seeks to augment for its own profit.

It can make within certain limits, the price of wheat, of corn, of oats, what it pleases; it will shortly be able to control the price of every loaf of bread.

Its operations have impoverished or ruined farmers and stockmen, destroyed millions of investments, caused banks to break and men to commit suicide, precipitated strikes, and annihilated industries.

So great is the terror it inspires in some quarters that citizens under the constitutional guaranties of freedom do not dare, even in the privacy of their offices or homes, to speak a word that this power would not approve of, and multimillionaires, railroad magnates, and captains of industry quail before it.

Can it be possible that this statement is true? Has a combination of persons and corporations created by law become more powerful than the law itself and oppressive of the people who created that law? Have they been permitted to defy the law and to levy tribute upon the food that supplies every table in the land? Is this combination using the railroads to override the

Constitution, the laws of the country, the rights of the people, the justice of their cause in open defiance of law? Twenty-five million dollars in rebates! Who pays these rebates? Indirectly the small shippers and the consumers of bread and meat. Monstrous beyond the power of human expression! I thought when I first read this article that it was an exaggeration of the power and abuse of the private car system, an overstatement of a great evil. But I find another significant statement taken from the hearings before the committees of Congress. It also appears in a speech delivered in this body by Hon. JOHN DOUGHERTY, of Missouri, on February 9.

ANNUAL "NET PROFITS" OF ROADS "$1,000,000,000."

At a hearing by the committee on January 25, Representative HAUGEN, of Iowa, declared that the common carriers had abused their power and carried it to a point so as to absorb about $1,000,000,000 in net profits every year. He said that while the real value of all railroad property was less than ten billions, the railroads absorbed as net profits one-third of the total increase in wealth of the United States. "Only about one out of thirty-two employees in gainful occupations in the United States," he said, "is employed in the transportation service. The net profits from one day's labor in transportation is equal to one-half the earnings of twenty-two in other occupations. Not that the employees in transportation get larger pay than those engaged in other occupations, but I am speaking of profits to the owners and operators of the various enterprises. The profit of $1 invested in railways is equal to one-half of every $9 invested otherwise. The value of all farm property, according to the census, is more than twenty and one-half millions; 5,700,000 farmers, or more than half of all the people, live on the farms. Some ten millions are engaged in agricultural pursuits. The railroads employ one for every eight employed on the farms, yet the railroads' gross receipts are equal to two-thirds of those from the farms."

ENORMOUS PROFIT OF PRIVATE CAR LINES.

At a hearing before the Senate Committee on Interstate Commerce on January 30, as to the profits of private car lines, E. M. Ferguson, of Duluth, Minn., who is urging the abolition of the monopoly, appeared before the committee, and said the Interstate Commerce Commission had reported that the rental of the cars paid as mileage by the railroads would be sufficient alone to replace the cars in three years, or a return of 33⅓ per cent per annum gross on the cost of construction.

In reply to a question by Senator ELKINS Mr. Ferguson gave as his opinion that the net return from each car for each day in use was about $6. Mr. ELKINS said he estimated it at about $1 a day a car for 12,000 to 14,000 cars, which the Armour Company alone operated, and the cars earned therefore $12,000 to $14,000 every day in the year.

"They could sell their products at net cost, could they not," he inquired, "and yet make a profit on their business from the receipts of their cars?"

"Certainly," replied Mr. Ferguson. "I have carried out your calculation, and find that if they only run these cars on an average of one hundred days in the year the Armour Company would clear $7,200,000 by the operation."

At a hearing before the Interstate Commerce Committee of the House of Representatives on January 9 George F. Mead, vice-president of the National League of Commission Merchants, and also a member of the Boston Fruit Growers' Exchange, complained of the inroads made into his business by the private car lines. He said these lines had grown to such an extent that Armour & Co., who controlled them, practically dictated prices of all perishable food products in this country. He declared that Armour & Co. were operating without license, and he could not see why "they had the right to prey upon our business and hold us up by the throat and demand whatever they see fit. These private car companies," he continued, "can break men, firms, and even States by their traffic rates."

Mr. Russell estimates that the total rebates which will be paid by the railroads of the country to the beef trust during the present year will aggregate $25,000,000. It is this discrimination that has enabled the trust to monopolize the transportation of food stuffs and to secure control of the prices of everything we consume as food. Thus year by year, and day by day, this power is growing, until it threatens the liberty of the citizens.

Mr. BAKER. Will the gentleman yield for a question?

Mr. ROBINSON of Arkansas. Certainly.

Mr. BAKER. You say it is estimated that the rebates to the beef trust amount to $25,000,000 this year. Have you any idea what they were last year?

Mr. ROBINSON of Arkansas. I have no detailed information.

Mr. BAKER. You imagine they were large?

Mr. ROBINSON of Arkansas. I know they were large, but I have no definite information as to the amount.

Mr. BAKER. Do you believe the amount was depleted by any contribution to any campaign fund?

Mr. ROBINSON of Arkansas. I am not sure on that subject. I have an idea that it was not.

Mr. BAKER. Not depleted?

Mr. ROBINSON of Arkansas. Not depleted. What man can be free and subject to such a power? How can the security of American institutions be preserved if the men who toil in the fields and in the factories, the men who bear the burdens of our country, who fight its battles and win its victories in war, who cause its progress in peace, must pay tribute to a power that can fix the price of the food they eat?

THE DUTY OF CONGRESS

is plain. It should not delay unnecessarily action in a matter of vital importance to the welfare of the public. It is bad enough to hear it said that in this commercial age the price of the machinery we use, and the clothes we waer, are all controlled by combinations which are unlawful in their operations. But when it becomes true that the food we eat is served to us at the will of a power which acts only for profit, it is time for some such action to be taken as will restrict this power. The question is, Shall we remain inactive while the public suffers from a continuing injury of this character?

Shall we hesitate to contend with a factor so powerful as the beef trust? Or shall we exercise the power given us by the Constitution—discharge our duty and restrain by proper legislation this mad commercial combination that is deriding laws and rights and constitutions as if they were playthings? If it can not be restrained; if it will not conform to righteous laws; if it continue to oppress and grind the poor, then it can be destroyed as an outlaw. Every age has its issues. The great issue at this time is how shall personal liberty be secured against the encroachments of combined wealth and power? How shall the foundations of American institutions stand when washed against by the maddened sea of commercial rapacity? [Applause.]

Sir, the issue is a great one. It is contending against a mighty foe to oppose one's self to such a power. It is only the insignificance of the individual who attacks such a combination that can protect him from its wrath. Many a good man will be trodden under foot and feel his political life crushed out in the coming fight. But brave men to the front and cowards to the rear. The fight is beginning. The people are right, and their cause is ust. It will prevail. [Loud applause.]

Mr. LIVINGSTON. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS. Mr. Chairman, House bill 6278, amending the Revised Statutes of the United States so as to provide that national banks may make loans of money on real estate as security, and limiting the amount of such loans, was unanimously reported by the Committee on Banking and Currency, and it is to the consideration of this bill that I desire to address my remarks.

The present system of national banking was enacted into law in 1864—forty-one years ago—and under the terms of the act no national banking association can make loans on real estate as security.

The Congress that enacted that law so restricting the security on which national banks could make loans by excluding real estate as collateral no doubt had in view the history of the old banking system prior to the civil war. Those banks were permitted to loan money on real estate security without proper safeguards as to amounts and value of such security and without the protection of rigid inspection. Hence many of these banks suffered losses thereby. But. Mr. Chairman, a half century makes a great difference. The banking business of that day and time was most crude and suffered by reason of lack of experience and judgment on the part of the officials of such institutions; frequently sustained reverses from unwise competition and from lack of any system of inspection by State or Federal Government. That state of affairs does not obtain to-day.

The system of banking has in this day and time advanced as other affairs of business, and has reached that high state of perfection in management and safety that marks the wonderful growth and progress of American effort and intelligence in all other lines, commercial, agricultural, and professional. Now, Mr. Chairman, as banking and all other domestic affairs of this country have grown, so has it been with our real estate or landed interests. Yes, half a century ago the lands of our country were also in a condition of crudeness. Not so now. Then we had wild lands covered with unexplored forests and unsettled, the value of which was unknown, unstable, and fluctuating. Where we had forests then we now have growing towns, great cities, and the most magnificent agricultural sections so remarkable for diversity, in the West splendid grain and food sections, while in the South valuable lands so adapted to the growth of cotton, producing three-fourths or all the cotton consumed by the world, and upon which product the world is entirely dependent.

Mr. Chairman, since the inauguration of the national banking system there have been many amendments and changes in the act, but, strange to say, nothing has ever been done to make our valuable real estate interests, our most stable property and the very basic foundation on which our marvelous wealth and splendid growth are builded, available as security for loans from national banks, though this important question has been favored and urged by many able men in both branches of Congress. It is for this class of collateral, too long outlawed as security by national banking associations, that I plead.

This bill, as reported by the committee, and which I am advocating, is extremely conservative. First, it provides that any

national banking association may loan 25 per cent of its capital on real estate as security. It is observed that no portion of a bank's surplus or profits under the provisions of this bill can be reckoned as capital, the amount of such loans being restricted to the capital of the bank exclusively. This certainly is a most conservative limit when it is remembered that under the existing law banks are permitted to lend 10 per cent of their capital to an individual, firm, or corporation. In the second place, the bill is further safeguarded by a provision that loans on real estate as security shall be restricted to 50 per cent of the actual market value of the land, exclusive of all improvements situated thereon, and, in the third place, that the real estate on which loans are made shall be situated in the State, Territory, or district where the association making the loan is located.

Mr. Chairman, the committee desired and has shown its purpose to present this bill to the House as a most conservative measure, thoroughly safeguarded and sound as to the amount that could be loaned, the value of the property offered as security, and the restriction of the banks in such operation to the particular localities in which such associations are located. This last provision is especially safe, for surely all competent bank officers would have an intelligent knowledge of the location, value, and stability of the landed interests of their respective localities.

Now, Mr. Chairman, I am not speaking in advocacy of or in opposition to national banks; I am not discussing the merits or demerits of the system; but the system being upon us, confronting as we do a condition and not a theory, we must treat them in such a way as to make them serve the greatest number of people consistent with safe banking principles. National banks by legislative power and privilege delegated them have advantages over State banks, trust companies, and savings banks. They enjoy a peculiar prestige and confidence by reason of their close identity with the National Government, sometimes being termed in consequence of that relationship "Government banks." Then many of these banks occupy the fortunate position of being depositories of the Government funds, thereby securing large deposits of money without interest. This is no small advantage.

While the average deposits of Government funds at this time in the designated depositories is $100,000,000, it is a fact that for the past six years the average deposits in such banks have been $150,000,000. These enormous deposits are left with the banks without interest. Another striking advantage possessed by national-banking associations is the privilege given them of issuing bank notes, or what is commonly termed "bank money," based on Government bonds deposited by the bank issuing such currency with the Treasury of the United States to an amount equal to the par value of the bonds so deposited. While the price of these bonds fluctuates, they have been for the past twelve months at a rather small premium, and national banks have been enabled by reason of the present low price of these bonds to issue notes or money on them, and realize by the operation about 1 per cent.

Now, Mr. Chairman, if these national banks shall continue to have these legislative advantages and are here to stay, then, for my part, I shall insist that they be made adapted to all sections of the United States, and that real estate as security for loans shall share like privileges with all other forms of collateral.

Mr. Chairman, opposition to national banks being permitted to loan money on real estate comes from two sources. First, some national bankers, and many bank theorists and experts, who view the banking business from the purely commercial standpoint as illustrated in the operations of the large city reserve banks, argue, and if it is not their only it is surely their main objection, that loans secured by real estate can not be so promptly collected or realized upon by the banks as other forms of commercial paper in times of depression and panic.

While I have the profoundest respect for this class of opposition, I expect to show by statistics and comparisons with other banks that do loan money on real estate security such fears proceed out of the imagination rather than from practical consideration. The other source of opposition comes from national bank advocates, and I am pleased to say there are only a few of this school, who say that they do not care to see this bill become a law because they can now by sharp practices evade the law. The attitude of such opponents of this bill is most aptly illustrated by, and can be dismissed with, the experience of our present distinguished Speaker of this House, recently related, when several members of the Banking and Currency Committee were urging before him the necessity of the passage of this bill, and it was suggested that some opposition to the measure came from certain national bankers who argued that they could "whip the devil around the stump" and make as many loans on real estate as they desired; hence they saw no need of such a change in the existing law.

Said the Speaker: "That argument reminds me of a case I had when I was a young attorney practicing law in the West. An old-fashion country bank, fitted up with high counters and glass railing, with money lying on the counter, after the fashion of that time, was robbed by two professional bank robbers in the daytime in the presence of the cashier. One robber escaped, but the other was caught, and I was retained to defend him. My client was acquitted, and after the trial, being somewhat in doubt about his innocence, I asked him to tell me if he robbed the bank, and how he effected his purpose under such seeming impossible conditions. Being assured that he could not be further harmed by a confession, he said: 'Yes; my pal and I robbed the bank in this way: While I talked with the cashier of the bank, disclosing a plan to him by which he could swell the profits of the bank by evading the law a little, the cashier became so deeply interested that my partner was enabled, unobserved, to take several packages of money from the counter.' We have learned by experience that when we want to get the absorbing attention of a banker we had to interest him in a plan to increase the earnings of his bank, even if it involved an evasion or a violation of the law."

I do not wish to be misunderstood nor to misrepresent national-bank officials. Some oppose this bill honestly, many favor it honestly. Like all propositions of this magnitude, where we have not the benefit of the experience of a trial, there will naturally be different classes of thinkers. Several years ago, in talking with my distinguished friend from Minnesota [Mr. McCLEARY], I found he had deeply interested himself in this question and stated to me that some time prior to our conversation he had addressed letters to all the national banking associations of the United States asking their opinion of the principle of national banks making loans on real estate. And, if I remember correctly his statement, he said that he had received about 2,000 replies, and of that number about 1,500 favored the proposition. While I am speaking of the natural difference of opinion that exists on this question I desire to insert in my remarks letters from high authorities who have in hand the management and control of the extensive financial and banking affairs of the Government, Hon. Leslie M. Shaw, Secretary of the Treasury, and Hon. William B. Ridgely, Comptroller of the Currency:

TREASURY DEPARTMENT,
Washington, February 2, 1904.

MY DEAR SIR: Your letter of the 1st instant is received. I do not wish to take the position of opposing real-estate loans by national banks. Much can be said on both sides of the question. If I were speaking for the banks, I would recommend it. If I were speaking in the interest of real estate in new or sparsely settled communities, I would favor it. If I were speaking for commercial interests, I would oppose it. I think I can do no better than to inclose a copy of a letter on the subject by the Comptroller, and my letter submitting the same to the Committee on Finance.

Yours, very truly,

L. M. SHAW.

Hon. E. B. LEWIS,
House of Representatives.

WASHINGTON, *January 21, 1904.*

The SECRETARY OF THE TREASURY.

SIR: I have to acknowledge receipt, through you, of a letter from Mr. Arthur B. Shelton, clerk to the Senate Committee on Finance, in regard to Senate bill 2219, authorizing national banking associations to make loans on real estate security in certain cases.

I have discussed this bill somewhat with Senator NELSON, who introduced it, and agree with him that the efficiency and usefulness of national banks would be greatly increased if they were allowed to make a limited number of loans on farm lands. The point on which I found it most difficult to form an opinion is how these loans should be limited in amount and how the banks authorized to make them should be classified, so that loans of this character could be made without danger to the banks or their customers.

I think the amount of real estate loans which any bank should be permitted to make should rather be a percentage of its total loans than of its capital and surplus, and would favor making this not over 15 per cent of its total loans.

In regard to the classification of banks, I do not think it would be fair, as the bill provides, to set a population limit of 20,000 inhabitants. There is no more reason why a bank in a town of 18,000 inhabitants should be allowed to make these loans than one in a town of 21,000 inhabitants. If any class of banks make such loans, it would seem that all should be allowed to do so whose deposits are not made up of the reserves of other banks, and that it would be a better provision to allow all national banks not in central reserve cities or reserve cities to make this class of loans.

The provisions of the bill limiting the class of real estate security on which loans should be made seem to me to be fair and safe, but I think the bill would be improved if it provided that in estimating the cash value of the real estate nothing should be added for buildings or similar improvements or prospective value for other uses than farming.

The greatest danger I see in a law of this kind is that it might be perverted so as to allow national banks to make loans on city and suburban property or real estate which has been "boomed" in value, and every possible restriction should be made against the use of this power in that way.

Respectfully,

WM. B. RIDGELY, *Comptroller.*

WASHINGTON, *January 23, 1904.*

MY DEAR SIR: Replying to your letter of the 14th instant, I inclose a letter from the Comptroller of the Currency relative to Senate bill No. 2219.

Personally I am not entirely clear that the proposed bill would be wise. It would be in many places helpful to national banks if they were permitted to do a general savings-bank business, but if permitted to invest in securities that in times of panic possess no commercial value, they ought to have the right, granted by nearly all States to savings banks, to require ninety days' notice for the withdrawal of funds. In practice, the bill authorizes a bank with $25,000 capital to invest $8,000 in unmerchantable assets. I mean by this assets that in times of panic can neither be sold or used as security for accommodation with correspondents in central reserve cities. In other words, it authorizes investment in unsalable and unavailable securities during times of financial stress. This amount, plus the value of the real estate, buildings, and offices, would leave little margin for an institution doing a general banking business. The bill would undoubtedly be helpful to banks, but I have some doubt about its being of assistance to commercial interests generally. I certainly see no reason why the privilege, if granted to any, should be restricted to banks in small cities. Taking my own State as an illustration, why should the banks of Boone, Mason City, and Council Bluffs be granted privileges that are withheld from the banks of Des Moines, Davenport, Dubuque, and Sioux City?

Yours, very truly,

L. M. SHAW.

COMMITTEE ON FINANCE, UNITED STATES SENATE.

It will be seen from this correspondence that the Secretary of the Treasury rather opposes while the Comptroller favors the principle on some proper and wise plan.

Mr. Chairman, State banks—I mean by that term to cover such institutions as obtain their charters from the States in which they operate—whether called State or savings banks, trust or loan companies, are permitted by most, if not all, the States to make loans on real estate security, and in many of the States no limit is fixed to the amount of loans to be made on such security. Now, I propose to give a comparative statement of the failures in the United States for the past two years between the State banks that are permitted by law and do make loans on real estate as security and national banking associations that are denied the privilege of loaning money on real estate, and in considering these statistics it must be borne in mind that national banks are under one system, while State banks are governed by as many laws as there are States in which they are operated, and that national banks are subjected to a very much more frequent and rigid inspection than State institutions.

In 1904, of 6,923 State banks, 37 failed.

In 1904, of 5,331 national banks, 26 failed.

In 1903, about same number State banks as above year, 6 failed.

In 1903, about same number of national banks as above year, 13 failed.

I am sure that anyone who will examine that comparative statement will be strengthened in his confidence of the correctness of the proposition that national banks should be permitted to loan money on real estate.

Notwithstanding what I have said of the profitable advantages that national banks have and enjoy over State institutions, I desire to show their comparative growth in the past.

	Number.		
	1879.	1899.	Gain.
National banks	2,055	3,590	1,535
State banks	814	4,215	3,401

From that statement it will be seen that in this period of twenty years there were 1,866 more State banks than national banks organized. The explanation is plain. While national banks are favored of the Government and are more profitable, they are not nearly so adapted to the needs and conditions of the sections of the country where State banks flourish most. And in their peculiar adaptability to the sections and the service of the people lies their superior popularity.

In 1900 Congress added to the popularity and usefulness of national banks when it reduced the minimum capital of such institutions from $50,000 to $25,000 for the benefit of small towns, and, while I have not the comparative growth of this class of banks since that time, I am sure the small national banks have increased in number rapidly. Given the power to loan money on real estate there can be but one presumption, and that is that eventually national would largely supersede State banking institutions, because of the advantages delegated to the former by the Government.

It is absurd to say that real estate security loans can not be as promptly collected as loans made on other securities, such as notes, bonds, etc. All the States have good, sound laws pertaining to foreclosures and collection of realty bonds and mortgages. My own State of Georgia, and other States as well, has rapid process of foreclosure of realty mortgages.

At this point I desire to read an extract from a treatise on banking by Prof. George E. Barnett, instructor in economics in the Johns Hopkins University, 1902.

It would be of interest to know for what length of time loans on real estate security are usually made by the banks. No statistical data bearing on this point can be obtained, but there is reason for believing that a large part of such loans are for a year or more. There is a great need in agricultural sections for loans to cover the time of production. At present the banker is largely debarred from entering this field by the cost of examining titles and drawing mortgages. The expense is so great, considering the length of time the loan is to run, that credit is usually obtained from the merchant. Especially is this true in the South, where a large part of agricultural credit is thus furnished. This is the legitimate field of the banker, and if a system of real estate registration should be generally adopted by which the mortgaging of real estate would be safe and inexpensive, there can be no doubt that the banks would permit such credit, both to their own and the farmer's advantage. In a considerable part of real estate loans the mortgage is only a collateral security. The bank looks primarily to the personal credit of the individual, but is further protected by an assignment of a mortgage. In many communities real estate mortgages are an important form of investment, and just as in other sections bonds and stocks are pledged as security for a loan, so here mortgages are thus used.

However profitable to the bank or economically beneficial to the community loaning on real estate may be, the final test which such a policy must meet is its effect on the safety of the bank. It would be difficult to find anywhere in the literature of State banks any opinion to the effect that such loans, to a moderate amount, tend to cause insolvency. On the contrary, the opposite view is frequently expressed. Whatever the theory may be on the subject, as a matter of practice no complaint is made against real estate loans.

I desire to read another extract from Professor Barnett's admirable work on banking, embodying an interesting statement from the report of the Kansas bank examiner.

It seems likely that as such States as Kansas and Nebraska become less dependent on external credit for the development of their agricultural resources they will find their needs better met by banks which can loan on real estate. There are signs that this movement is in progress. In his report for 1899–1900 the Kansas bank commissioner says: "Believing there is no better security than a first mortgage on good Kansas land, where reasonable judgment is exercised with respect to the amount of the loan, I have been disposed to favor this class of loans and have urged our banks to carry a reasonable amount of same * * * the amount of real-estate loans held by our banks is gradually increasing, being $300,000 greater at this time than at the date of my last report." The time is not, perhaps, far distant when the large State banks will dominate the banking business in such States as fully as it does in Georgia or in Missouri.

Now, discussing the question of the banks realizing on real estate securities, let us suppose a bank had a Government bond running thirty years to secure a loan. The bank could not force the collection of that bond until maturity, but would be forced to go into the market and sell that bond and so realize on it. Why could not the bank go out and sell the valuable real estate secured note? The reply from those opposed to the measure would be that the Government bond is of national character, and is listed on the various stock exchanges at a certain valuation, while the other security is not. That is true, but I must remind you that a very small per cent of the stock of commercial enterprises are listed on the various exchanges, and that the merit or real value of most of the enterprises on which banks lend money must necessarily be determined by the local value of such enterprises.

Suppose money is wanted on local railroad, bank, or industrial stocks in Ohio or Texas. Would not their value be determined and based on the local estimation of their worth? Certainly so. If I were confining my remarks to loans on Government bonds and those securities only listed on the New York Stock Exchange, then I could hardly make a strong appeal for real estate as security; but I am speaking for all sections of our common country, from the Atlantic to the Pacific, and from the Canada line to the Gulf.

While this bill is broad, extending the same powers to every national bank, I am frank to say that its provisions are more advantageous to some sections of the country than others. I do not believe it would be good policy for the reserve banks of New York City to make loans on real estate, because they carry the balances of many of the out-of-town banks and it is wise for them to confine themselves to call and short loans; but this would not be true of banks in Michigan, the Dakotas, or Georgia. These States and most of the others have no demand for call loans, but do for real estate secured loans.

Now, as to the comparative soundness and fluctuating values of real estate and the average bonds and stocks, such as are listed on the New York Stock Exchange for the past two years, I will say that while the real estate of the country has been steady, stable, and firm, we have seen the most violent fluctuations on listed bonds and stocks, many of such securities fluctuating from 25 to 100 per cent during this period. Now, national banks can loan money on or own the latter securities under the law, and I notice from their statements that some of the large banks have invested nearly double their own capital and surplus in these securities. I do not complain of this, for

those banks are strong and safe; but I do contend that it is a perfect absurdity, when such a condition of affairs exists, for opponents of the measure to argue that it is not good banking to loan 25 per cent of the capital of a bank on real estate as security.

I want to read a beautiful tribute paid to the vast landed interests of our country some months ago by Secretary Wilson, of the Department of Agriculture, in an interview which he gave out:

"Why don't they take up their mortgages," said I. "Not long ago it was said that the whole United States west of the Missouri was practically owned by the savings banks of New England."

"That is not so now," replied Secretary Wilson. "Those mortgages have been paid long ago, and vast sums have been spent in improving the farms. There are mortgages still, it is true, but they have been given by the sons of the farmers, who are now buying farms of their own."

FARM LANDS AS AN INVESTMENT.

"Do you consider farm lands a good investment, Mr. Secretary?"

"I do, at the present prices," was the reply. "Investments differ according to localities, but any farm that will now produce enough to carry itself, that is, to pay its taxes and a low rate of interest, is a good purchase. Our public lands have been largely taken up. We are rapidly increasing in population, and the domestic market steadily grows. We are now the greatest manufacturing nation on the globe, and the domestic market of the future is beyond conception. As to the foreign market, it will always take what we can not use ourselves. We are farming better every day, and the business of farming will be more profitable as time goes on. We have some of the best food lands on the globe, and are just beginning to appreciate what they will produce."

THIRTY-THREE DOLLARS EVERY SECOND.

"Have you any idea," said Secretary Wilson, as he turned to his desk, picked up a pencil, and made some figures on a slip of paper, "have you any idea of the money Uncle Sam's farmer capitalists bring into this country every year? The steel trust, the shipbuilding trust, and all the other trusts are peanut stands in comparison with it. I don't mean what our farmers sell at home, but what they sell abroad. The amount is so enormous you can not comprehend it.

"In the decade ending 1900 it was more than $7,000,000,000, or on the average more than $700,000,000 a year. In 1901 our farm exports amounted to more than $900,000,000, or almost $3,000,000 for every working day of the year. That means $125,000 an hour, $2,000 a minute, or $33 per second. Every time the watch ticked on every one of the days throughout that working year $33 worth of our goods were dropped into the lap of Europe and three $10-gold pieces started on their way back to the United States.

"That was in 1901," Secretary Wilson continued. "Last year our exports were almost as large, and so it is going on year after year. You may talk about your great combinations of capital, your gigantic monopolies, and enormous trusts, but, after all, Uncle Sam's most profitable asset is the American farmer."

Mr. Chairman, it is true that the landed interest of this country is the solid foundation on which our prosperity rests, and I believe the time is ripe when Congress should wisely consider the advisability of enacting legislation that will permit national banking associations, when properly safeguarded, to make loans on real estate security. [Applause.]

Mr. LIVINGSTON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has three minutes.

Mr. LIVINGSTON. I would like to have seven minutes from the other side, so that I might yield ten minutes to the gentleman from New York [Mr. BAKER].

The CHAIRMAN. The Chair will recognize the gentleman from New York for ten minutes.

Mr. BAKER. Mr. Chairman, in the limited time allotted me it will be impossible for me to begin to cover the matter that I would like to cover, and I will therefore first ask that I be given unanimous consent to insert in the RECORD some editorials and letters which I have here and to which I wish to make reference.

The CHAIRMAN. The gentleman asks unanimous consent to insert certain editorials and letters in the RECORD. Is there objection?

There was no objection.

Mr. BAKER. Mr. Chairman, when a week ago the distinguished gentleman from Ohio, General GROSVENOR, one of the leaders of this House, in discussing the resolution which I introduced that day condemning the President for his cablegram of condolence on the killing of Grand Duke Sergius while ignoring the St. Petersburg massacre of January 22, said that outside of a "certain" organization in the United States the gentleman from New York, meaning myself, "would not get a single vote to condemn the President for having done exactly what civilization recognizes as his duty," the question immediately arose in my mind as to what organization was the gentleman referring. I had my suspicion; I had a very strong suspicion that I could identify the organization hinted at by the gentleman from Ohio. Two days later I was confirmed in that suspicion. I have here a report of a meeting held in New York of the organization evidently referred to by the gentleman from Ohio, which on the very next evening after I introduced my resolution gave a dinner in New York, at which we are told there were 300 members present. This banquet not merely indorsed the sentiments I gave expression to then on this floor, and which the gentleman from Ohio took occasion to condemn, but it is sad to relate the toastmaster used language that was simply shocking—or it would have been to the gentleman from Ohio had he heard it.

Mr. Chairman and gentlemen, I would like to call attention of the House to the name of this organization. It is an organization very well known in the United States; its patron saint is certainly widely known, and I have a suspicion that the distinguished leader of this House, the gentleman from New York [Mr. PAYNE], is either a member of this organization or he is an honorary member of it. I have a strong suspicion that the gentleman from Pennsylvania [Mr. OLMSTED] either belongs to the organization or else he also is an honorary member of it.

Mr. OLMSTED. To what organization does the gentleman allude?

Mr. BAKER. That's what I am coming to. It is a celebrated organization and has a most distinguished patron saint. This organization, at its banquet on February 21, unanimously indorsed the sentiments expressed in the resolution of the "gentleman from New York" (myself) which I had introduced here the day before. Let me first call attention to the language of the toastmaster of this organization. He says:

I wish at the outset to cite the action taken by President Roosevelt when he sent a message of condolence to the Czar of Russia, expressing sympathy on the assassination of the Grand Duke Sergius.

* * * * * * *

I maintain that the President did not sound the heart of the American people when he sent that message to the Czar of Russia.

Mark the language, Mr. Chairman, "The President did not sound the heart of the American people." That sounds strangely like the language of my resolution of the day before, for the House will remember, no doubt, my language:

That, in refusing to express the horror of the people of this country at that fearful crime—

The massacre in St. Petersburg on January 22—

while now asserting that "both the American Government and people" view the killing of Grand Duke Sergius with abhorrence, the President has not and does not voice the real sentiments of the people of the United States.

That, of course, is bad enough. It was bad enough for the toastmaster of the organization to say that, but listen to this:

I would, I assure you, take my chance under similar circumstances, in handling a bomb, and throwing that bomb at the right moment, and all talk of sympathy being extended to a ruler under the conditions attending the unpleasant incidents of last week do not meet with my approval.

Surely, Mr. Chairman, that's pretty strong meat to serve even at a public banquet. What the gentleman from Ohio would have done had he been present I do not know. Perhaps he would have undertaken to castigate that toastmaster as he undertook to castigate the "gentleman from New York" on February 20. But, Mr. Chairman, bold and intrepid as the gentleman is, even he might have shrank from the task for reasons which will appear later, when I read the balance of this report.

Now, the gentleman who, as toastmaster at that banquet, used that language as reported in the New York Times of February 22 was Mr. Kudlich, and he is president of the Roosevelt National League. Think of it! Think of the National Roosevelt League being cited by the gentleman from Ohio as the only organization in the country which would condemn the President for his Grand Duke Sergius cablegram, or rather which would approve of the "gentleman from New York" (myself), and thereby incidentally condemn the gentleman at the other end of Pennsylvania avenue. [Laughter.] Is not this a most extraordinary proceeding? Was it not due to this House that the gentleman from Ohio should have named that organization then and not have kept the House in ignorance of who this lone, solitary organization was which approved of my resolution? [Laughter.] Probably he knew that organization was going to have this dinner the next night. Probably he had received advance information as to what ex-Magistrate Kudlich was going to say. If so, and he merely took the indirect method of castigating me as a means of warning them against any such action, does he think it was right to place scores of thousands of political, economic, social, and religious organizations under suspicion of being the "certain organization" he referred to?

Mr. Chairman, is not the gentleman from Ohio open to condemnation on another ground? Six days has elapsed since that banquet was held, and yet the gentleman from Ohio has taken no steps, so far as I have heard, to remove the suspicion cast upon thousands of organizations throughout the country by his use of the indefinite term "a certain organization."

The paper goes on to say that the speaker was interrupted frequently by the 300 members present. The report says: "The

speaker, Mr. Kudlich, was able to proceed but slowly with his remarks." Because of opposition and condemnation? Oh, no; for we are told it was by reason of his "being constantly interrupted by the shouts and applause of the 300 Roosevelt League diners!" [Laughter.] Think of it, going back upon their patron saint! [Laughter.] Think of this organization so false to the great man in the White House that they cheered and applauded the toastmaster who said that "were I living under conditions similar to those in Russia, I would sacrifice my life, if necessary," and that "I would, I assure you, take my chance, under similar circumstances, in handling a bomb and throwing that bomb at the right moment." No wonder the gentleman from Ohio was careful not to name that organization. Why, if he had done so a resolution would have been introduced into this House from the Democratic side condemning the National Roosevelt League for this act of disloyalty to its patron saint. [Laughter.]

Just look at these headlines:

[The New York Times, February 22, 1905.]

PRESIDENT'S MESSAGE TO CZAR DENOUNCED—ROOSEVELT LEAGUE CHEERS SPEAKER WHO CONDEMNS IT—ARRAIGNMENT BY KUDLICH—EX-MAGISTRATE REPUDIATES CABLED CONDOLENCE ON SERGUIS'S DEATH, AND DEFENDS BOMB THROWING.

At the dinner of the National Roosevelt League of New York to Congressman RICHARD BARTHOLDT, of Missouri, national president of the league, at the Café Boulevard, last night, ex-Magistrate Herman C. Kudlich, acting as toastmaster, caused a furore when, in introducting Congressman BARTHOLDT, the friend and confidant of President Roosevelt, he said President Roosevelt, in sending a message of condolence to the Czar of Russia on the assassination of Grand Duke Serguis, did not voice the sentiment of the American people or of any faction of the American people or any special individual among the American people.

Mr. Chairman, I have here also an editorial from the Boston Evening Record, a Republican newspaper, and what do you suppose this supporter of the Administration says?

Mr. OLMSTED. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. BAKER. Certainly.

Mr. OLMSTED. Mr. Chairman, there was so much noise on our side of the House that I did not quite hear the gentleman's observation. [Laughter.] Do I understand that he referred to me as having been present at some dinner where somebody threw a bomb? [Laughter.]

Mr. BAKER. Not at all. I merely said I had a suspicion that the gentleman from Pennsylvania [Mr. OLMSTED] was either a member of the National Roosevelt League, or at least was an honorary member of that distinguished organization.

Mr. OLMSTED. Mr. Chairman, I want to say that I was never at any dinner where they threw a bomb [laughter and applause] and never applauded anybody who spoke of having thrown a bomb or of throwing a bomb. [Applause.]

Mr. BAKER. Oh, I did not say the gentleman applauded. The Chair will bear me out that I made no such remark. I said I had a suspicion that in common with the distinguished gentleman from Ohio [Mr. GROSVENOR], a leader of this House—who it will be remembered during the last session constituted himself the especial champion of the President, on one occasion occupying 26 pages of the RECORD to exploit his virtues—the gentleman from Pennsylvania [Mr. OLMSTED] was either a member or an honorary member of this Roosevelt League.

Mr. OLMSTED. I don't belong to it at all.

Mr. BAKER. And if not, he was almost certain to be a member of some other Roosevelt League. Now, what does this editorial say? I read:

[Boston Evening Record, February 21, 1905.]

Congressman BAKER, of Brooklyn, hits it exactly when he says that the American people, as a whole, were certainly quite as much shocked and horrified at the slaughter of workmen in Palace square at St. Petersburg as they were at the assassination of Sergius. If the nation is to express officially grief for one murder it ought to do so for the other.

Just think of it! A Republican paper applauding the action of the "gentleman from New York." Think of a Republican paper who does such a thing having a representative in that gallery. Why does not the head of the press committee see that the representative of that traitorous paper is precluded from participation in the proceedings of this House? Why does not the Associated Press send a notice to the chairman of the press committee to notify all the members to come around and vote to expel the representative of the Boston Evening Record for condoning and praising the act of the gentleman from New York in introducing that resolution?

Mr. Chairman, I might continue at length. I have a number of other editorials on this subject which I shall not inflict upon the House, but I merely wish to inflict one letter received by me from the son of one of the most distinguished preachers of his day in the United States. I refer to the son of the Rev. Dr. John Hall, recognized, I believe, in his day, as the leading Presbyterian divine in this country. His son wrote to me as follows:

WASHINGTON'S BIRTHDAY, 1905.

MY DEAR MR. BAKER: I was delighted to see the accounts of your repudiation of President Roosevelt's message of sympathy to the Czar. President Roosevelt has no authority to speak for the people in such a matter. He is an executive officer whose business it is to execute the will of the people, not to substitute his ideas for their feelings and voices.

I presume you saw the inclosed from the New York Times of to-day, but send it in case you did not.

With warmest congratulations on your courage and leadership,

I am, yours,

BOLTON HALL.

Mr. Chairman, with the exception of that letter from Mr. Hall and this one from William Lloyd Garrison, every one of the letters I have here (and they are but a few taken at random), comes from entire strangers to me; many of them, it will be noted, do not even know my first name.

Mr. Chairman, there is no word that is so gratifying to a Member of this House as that word "leadership," and nothing so flattering as to be told that one has become a "leader." It's the dream of every Member of this House, except, of course, "the gentleman from New York," who knows that to always openly express one's thoughts is to make "leadership" impossible. [Applause and laughter.]

[The Johnstown Democrat, Friday, February 24, 1905.]

BAKER HIT THEM HARD.

Here is the resolution which excited something akin to a riot in the House the other day when Mr. BAKER, of New York, arose to offer it, and which before its presentation had led Representative CHARLES H. GROSVENOR, of Ohio, to threaten the Brooklyn man with expulsion if he insisted upon bringing it before that body:

"*Resolved*, That while this House views with horror the deliberate destruction of human life at all times and under all circumstances, yet it declares that, reprehensible as was the murder of the Grand Duke Sergius, it was no more wanton than the massacre perpetrated by the Russian Government January 22, when thousands of unarmed men, women, and children were butchered in cold blood; and that it regards the murder of those helpless, unoffending men, women, and children as one of the most dastardly crimes ever perpetrated; that in refusing to express the horror of the people of this country at that fearful crime, while now asserting that 'both the American Government and people' view the killing of Grand Duke Sergius with abhorrence, the President has not and does not voice the real sentiments of the people of the United States."

Every possible effort was made to howl Mr. BAKER down and to discredit, as well as to misrepresent, the position he had taken It was even sought by such men as MADDOX, of Georgia, to have it appear that Mr. BAKER was undertaking to commit this country to open approval of the assassination of Sergius, although his resolution distinctly declared the murder reprehensible and any deliberate destruction of human life something to be viewed with horror at all times and under all circumstances; and after it was all over GROSVENOR and his friends tried to crawl out of an awkward position by circulating the story that the threat of expulsion made earlier in the day was a mere joke.

It was no joke, however, when the Republican majority, joined by a minority that resents Mr. BAKER's honesty and his fearless assaults upon Congressional false pretense, spent an enormous energy in turning the legislative Hall into a veritable bedlam. Mr. BAKER found it impossible to make himself heard. Republican Members filled the Chamber with catcalls and with shouts and objurgations and taunts. They pounded upon their desks till the latter were all but broken. And the Speaker made no effort whatever to protect Mr. BAKER in his rights as a Member of the House.

Yet there is not the slightest room to doubt that the resolution offered by Mr. BAKER expresses the real sentiment of the American people. That sentiment was not represented in the message of condolence sent to the Czar by Theodore Roosevelt in the name of this people. Mr. Roosevelt went beyond truth in that message; and had he taken the trouble to read the American press or to break through his secret-service guard and get in touch with the masses outside he would have discovered that in this country there was no real horror over the killing of the grand duke; that it was regarded generally as an act of war and not as a common murder, and that public sympathy, instead of being with the autocracy of Russia, is overwhelmingly on the side of the Russian people who are struggling as best they know how against a brutal oppression that has been attended by countless crimes, each one of them more infamous than that which resulted in the death of a grand duke who had been at the head of the autocratic régime.

[Brooklyn Daily Times, Tuesday, February 21, 1905.]

MR. BAKER, OF BROOKLYN.

Almost is the Brooklyn Times persuaded to regret that Saturday of next week—Saturday, March 4—will see the extinction of the Hon. ROBERT BAKER as one of the spokesmen of Brooklyn in the House of Representatives. For Mr. BAKER is unique. He has the courage of his convictions, and he has any number of convictions. Nor can it be said that any one of his convictions is discreditable to his moral nature. He means well, does Mr. BAKER, and his instincts are all right. The trouble is with his methods. They are the methods of an egotist, and it is a common opinion that the victim of a self-centered, overweening egotism is very liable to degenerate into a fool.

It was in nowise discreditable to Mr. BAKER that his sensitive conscience would not permit him to accept even the impersonal compliment of a free pass from a railroad company, lest thereby he might lay himself under some obligation to the railroad company and feel constrained to condone any scheme of thievery which it might spring upon Congress. It was his way of declining the proffered courtesy that made all the trouble. So also it is nothing to his discredit that in the Russian troubles his sympathies are all with the people and against their oppressors. It is his sublime disregard of international usages and courtesies that excites derision. When Mr. BAKER wakes up to the fact that he is not the only honest man and patriotic American in the country, he will be a more useful citizen than he can possibly be in his present frame of mind.

BOSTON, MASS., *February 24, 1905.*

MY DEAR MR. BAKER: Thank you for your copy of the resolution on the murder of the Grand Duke Sergius. It is excellent and just, none the less so because it made the heathen rage.

Sincerely, yours, WM. LLOYD GARRISON.

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823 CASS STREET, MILWAUKEE, WIS., *February 23, 1905.*

Congressman BAKER, *Washington, D. C.*

DEAR SIR: I honor you for the stand you took in the House of Representatives on that slavish condolence with the head of a murderous Government. It could have fittingly rebuked by a stern and manly silence the assassins who govern the unhappy people of Russia. But these slaves to usage who govern this poor Republic think more of some trumpery official etiquette than of the honor and self-respect of a great people. And so it has gone forth to the peoples of the earth that this Republic has condoled with the Czar and condones his ruthless slaughter of his helpless people. I am ashamed, sir, bitterly, deeply ashamed.

Yours, with sincere respect, HENRY J. WEEKS.

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4 SEMINARY AVENUE, *Chester, Pa., March 2.*

Hon. Mr. BAKER,
Representative from New York.

MY DEAR SIR: The inclosed clipping is my apology for writing you. My knowledge of the affair is limited to this clipping plus a knowledge of the too common custom of our President's hobnobbing with tyrants, as if they belonged to the same ilk.

Permit me to say that your resolution expresses what I am not hesitant to say is my own feeling and, I think, the feeling of nine-tenths of Americans. When a Member of the House says no one would vote for it unless he was a member of a "certain organization," he allows us to name the organization, and I should name it the "decent man's organization," and to say that the man whose heart is not in sympathy with your resolution is outside that organization.

We do denounce assassination, but the circumstances forbid us to do it in any connection which may honor the man who was killed. He deserved it all.

ALVAH S. HOBART.

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50 EAST EIGHTY-SIXTH STREET, *February 22, 1905.*

Representative BAKER,
Washington, D. C.

MY DEAR SIR: You have been so unfairly abused in the press that I am impelled to write you that to many with whom I come in contact, the stands you have taken are splendid ones and unassailable. Also I wish to express to you my admiration for your courage.

Very truly,

BRYSON BURROUGHS.

SUSSEX, WIS., *February 20, 1905.*

Hon. Mr. BAKER,
Washington, D. C.

DEAR SIR: In the name and in behalf of the people in this community (that is, the majority), I wish to thank you for offering that resolution criticising the President for his telegram of condolence to the Czar expressing horror at the assassination of Duke Sergius, especially when he ignored the massacre of thousands of innocent poor working people of Russia. Honorable sir, your resolution may be defeated in the House, but in the minds of liberty-loving people (and I believe most Americans are of that class) you have an overwhelming majority. Stand firm.

Yours, very respectfully, G. KENNETH MACINIS.

I am a Prohibitionist-Republican.

PHILADELPHIA, PA.

Hon. Mr. BAKER.

DEAR SIR: If not too late, I wish to thank you for your criticism of the condolence about Duke Sergius. I quite agree with you in this case.

DAVID H. WRIGHT.

GREENVILLE, TENN., *February 23, 1905.*

Thousands will mentally yield their encomium of your utterances and bearing in this and previous instances, but their plaudits don't reach you through the public press, yet your assurance may be complete and full that such earnest approvals are felt.

Truly and most respectfully, your fellow-citizen,

ROBERT M. MCKEE.

ODEN, MICH., *February 21, 1905.*

Congressman BAKER.

DEAR SIR: Please accept our congratulations for the resolutions offered by you in this Congress in regard to the Russian affair.

Yours, in sympathy,

W. H. MILLER.
V. POWELL.
F. C. HIRT.

BROOKLINE, MASS., *February 21, 1905.*

DEAR SIR: No one to whom I have spoken about the assassination of Grand Duke Sergius but has reluctantly admitted that the so-called "crime" was in reality a just punishment.

I voted the Republican ticket last autumn. I might possibly be called an aristocrat by some public orators. I am a great admirer and supporter of President Roosevelt in general; but I must say that I can see little excuse for condolence on the part of the official United States because of the just assassination of a tyrant and reactionary, simply for the reason that the tyrant happens to be an uncle of the ruler of a friendly state. Congressman GROSVENOR's attempt to make it appear that Sergius was a sort of a cabinet minister, and that, therefore, his death was a proper subject for official condolence on the part of the United States is ridiculous.

I thank you personally for the stand you have taken.

JOHN FOGG TWOMBLY.

This letter, Mr. Chairman, is from a United States Army captain. He requests that I do not divulge his name (and the reasons must be obvious), and I therefore have cut off the signature.

FEBRUARY 23, 1905.

Hon. ROBERT BAKER, M. C.,
The House of Representatives, Washington, D. C.

DEAR AND HONORED SIR: I desire to thank you with all my heart for your brave and manly speech upon the President's message of condolence to the Czar anent the killing of that wholesale murderer and detestable scoundrel, the late Grand Duke Sergius.

You are right, sir, the citizens of the United States are neither shocked nor horrified by the violent and unlawful killing of one rabid dog, however much they may deplore the method used in an act of retributive justice and popular self-defense, for our people know that his assassination was the inevitable result of and natural protest against his own awful, and otherwise unpunishable, crime of the 22d of January. I have interviewed a great many professional and business men of all parties and faiths on this subject, and every one of them expressed satisfaction that Russia had been rid of one of the worst and cruelest of her reactionary scoundrels. One prominent man said: "It served him right. I wish they could destroy every member of the bureaucracy."

There is no question of condoning assassination; no American of right mind believes in that method in a free or law-abiding country, because we have the right of the ballot, the constitutional right to bear arms, and the right and power of armed revolution against tyranny and oppression, none of which rights or powers are held by the unhappy Russian people, whose only available weapon against murder and outrage seems to be the bomb. Heaven knows they need our pity!

We apotheosize Judith for slaying Holofernes to free her people, and yet her act was planned and deliberate murder.

Our nation shuddered with horror over the ruthless killing by a ducal butcher of the innocent, unarmed multitudes in front of the palace of a royal accessory to the most cowardly kind of assassination; but, like you, I deny that America was shocked or horrified by the death of an individual, and that individual a man abhorred for his dastardly crime by an outraged world. A mad wolf, a vicious, dangerous, bloodthirsty brute, has been destroyed without due process of law, being himself above and beyond the law, and, therefore, amenable only to the highest of all laws—that of imperative necessity, which knows no law.

I believe that the New York Times, in an editorial to-day, voices the honest and courageous sentiment of the American people. It says:

"No one can question the unselfish devotion and the heroic courage of the Russian who deliberately staked his own life on the success of his attempt to rid his country of that peculiarly savage and stupid tyrant the Grand Duke Sergius, but practically we do not think that he is likely to be justified by the consequences of his act."

"Who would not be that youth? What pity is it
That we can die but once to save our country."

Poor, generous, devoted patriot! Right or wrong, justifiable or unjustifiable, I honor him for the splendor of his self-sacrifice, for "Greater love hath no man than this who giveth his life for his friends."

I long to see the government of my dear country brave enough, just enough, generous enough to voice the angry protest of a free people against the tyranny, oppression, or injustice of any sovereign, however powerful, and honest enough to preserve the silence of scorn when some titled miscreant meets his well-deserved fate.

Unfortunately my official position does not permit me to give the publicity to my opinions I long to, and I must ask you to preserve my confidence, and should you use the subject-matter of this letter be so good as to suppress my name and quote it simply as the opinion of an American who honors a man not afraid to tell the truth.

As citizen and soldier I again thank you, and, with a hearty handclasp, I am,

Yours, faithfully and cordially.

CHICAGO, ILL., *February 21, 1905.*

Honorable BAKER,
Representative from New York, Washington, D. C.

DEAR SIR: You are all right. It is true that the American nation is not sorry for Sergius, of Russia. We pity eventually his widow, who is said to be a good woman; but we surely pity much more the victims of Russian oppression.

Let us do something substantial to help the Russians.

Yours, sincerely,

A. BRODBECK, Ph. D., M. A. L., LL. B.,
Professor, Dearborn College, Chicago, Ill.

ASHLAND, KY., *February 22, 1905.*

Congressman BAKER,
Washington, D. C.

HONORABLE SIR: Permit me to express my personal pleasure in the position you have taken relative to the President's message of condolence on the death of Duke Sergius.

The President has made an error—a serious one, too. Should the House expel you, the people will not lose time in sending you back.

I am not a Democrat. I have no political feelings that prompt this letter. In a way, I think the President one of the country's best Presidents—a great and good man.

The House may not vote with you on your sentiments, but ninety-nine out of every hundred of the American people will, and they are not anarchists either.

Most truly, yours, G. H. REIBOLD.

MEMPHIS, TENN., *February 23, 1905.*

Representative BAKER, *of New York,*
Washington, D. C.

DEAR SIR: Referring to your remarks and position on death of Russian Duke Sergius, beg to say I have not heard a single man express himself but to say he got his just deserts. Of course, death is a horrible thing at any time or place, but how else can the defenseless poor hope for relief or reform but in rebellion and death to tyrants. Petitions and soft words have no effect on such. The American people are opposed to the Russian form of government, and the Presi-

dent's message of condolence was a mistake, because taken by the Czar as favoring his measures and opposed to the people.

This was not a time for ordinary expressions of sympathy and politeness.

Very truly, yours, T. M. GALBREATH.

DETROIT, MICH., *February 21, 1905.*

Mr. BAKER,
Representative of New York, House of Congress.
Washington, D. C.

DEAR SIR: Permit me to thank you for the manly, truly American words and sentiment you spoke in the House of Representatives in relation of condemning the message sent by our President to the Russian Government.

It was really refreshing to read your words, which are the sentiments of the people of the United States, and ought to be of the people of the whole world; but it seems few men on the floor of the House of Representatives have the moral courage to say so.

Pardon me for not knowing your full name, as it was not given in the paper.

Very respectfully, yours,

GEO. B. SIHLER, *Professor of Music.*

NEW YORK, *February 22, 1905.*

Hon. ROBERT BAKER,
Representative of the "People."

DEAR SIR: Thanks and congratulations for your patriotic outburst in favor of liberty and justice for poor oppressed Russia. Everybody knows that you were right. For a quarter of a century "the concert of Europe" has helped each individual nation along in its war of conquest upon weaker peoples and the oppression of its own subjects.

No wonder that your shout for liberty is a note of discord in such a body. I have most joyfully inserted the report of that incident in my Cyclopedia of Extracts (100 vols.), which is the first record of anything that transpired during the present session of Congress. I have no room for the general political humdrum.

Very respectfully, yours,

GEORGE HENRY HEFFNER,
1354 Fifth avenue, New York City.

MOLINE, ILL., *February 21, 1905.*

Congressman BAKER,
Washington, D. C.

HONORABLE SIR: I notice in the evening paper the splendid work you did in showing up the inconsistency of our President and Members of Congress in regard to the message of condolence sent to the Czar.

It is certainly true that one human life is as sacred as another, even though one is that of a workingman and the other that of a grand duke.

I desire to express my sincere admiration of your act, and venture the opinion that there are millions of Americans who feel as I do.

Very truly, yours,

L. H. DOYLE.

BUFFALO, *February 21, 1905.*

Hon. ROBERT BAKER, M. C.,
Washington, D. C.

DEAR SIR: On Monday morning, January 23, 1905, I read the terrible tale of the slaughter of upward of a thousand Russian citizens at St. Petersburg, which occurred the day before—Sunday. I think it proper to publicly deplore assassination, but the truth half concealed is a falsehood until fully revealed; hence the sentiments of our people have not been voiced except through the resolution you gave the House yesterday.

Well did you exclaim "Expel!" "Expel!" Yet none dared to beard the lion in his den. Dear sir, in my humble capacity I hail you as the undaunted champion of personal and national liberty, ever remembering that "the price of liberty is eternal vigilance."

Yours, truly,

A. A. FRANKLIN.

WATERBURY, CONN., *February 22, 1905.*

Mr. BAKER.

DEAR SIR: Allow me to thank you for the stand you have taken in regard to President Roosevelt's message of condolence to the Czar of Russia.

I am glad that one American has dared to stand up against autocracy. The idea of condolence from the American people by one man (be he a President) when three-quarters of the people are in favor of freedom for Russia.

Yours, respectfully, A. E. BABIN.

DETROIT, *February 21, 1905.*

MY DEAR MR. BAKER: I have just read of your action in the House regarding the President's message of condolence and the Russian revolution, and I want to let you know that the spirit of reaction is not so strong as the plutocrats in Congress imagine. But you must expect condemnation from the condemnable. Rulers and tyrants everywhere have a fellow-feeling, and why should they not grate their teeth when brave men here and there stand on their feet and defy them? Of course, where the people are permitted to raise their voice freely in protest against wrong and in advocacy of their interests there can be no approval of assassination as a means of propaganda and protest, but where the suffering are made to suffer in silence, where to think aloud, to speak in whispers, to print even extremely mild and conservative complaints of cruel treatment by the cohorts of the government is to meet the dungeon, the bullet, and death, then those who protest against any means of protest and redress are as guilty of damnable tyranny as the immediate perpetrators of it. Sergius was a brutal tyrant, and of course his timely taking off will be deplored by all sympathizers with tyranny. I glory in your conduct, which makes the House not altogether vile and reactionary. Your expulsion would be the most glorious thing that could occur to you, and history would build monuments to your judgment and heroism over the forgotten graves of your cowardly and scandalous colleagues.

Cordially yours,

JOSEPH A. LABADIE,
74 Buchanan street.

Mr. LIVINGSTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to. Accordingly the committee rose, and the Speaker pro tempore, Mr. OLMSTED, having resumed the chair, Mr. MANN, 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. 19150, the general deficiency bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3478) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. QUARLES, Mr. SCOTT, and Mr. BLACKBURN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. LONG, and Mr. CLARK of Montana as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18468) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 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. 19036. An act for the relief of Bert E. Barnes;

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;"

H. R. 17473. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1906;

H. R. 18285. An act fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama;

H. R. 6984. An act for the relief of Kate R. Sharretts and Edward A. 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.; and

H. R. 17869. An act relating to the Monroe and Lake Providence Railroad Company.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOWELL of Utah for three days, on account of business.

ADJOURNMENT.

Mr. LIVINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 7 o'clock and 48 minutes p. m.) the House adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, with a copy of a communication from the Commissioner of Indian Affairs, a response to the inquiry of the House as to the use of Indian funds for the support of sectarian schools—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. HAMILTON, from the Committee on the Territories, to which was referred the bill of the Senate (S. 7012) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," reported the same without amendment, accompanied by a report (No. 4870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAPRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 17863) to further prescribe the duties of the secretary of the district of Alaska, and for other purposes, reported the same without amendment, accompanied by a report (No. 4871); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19050) to authorize the county of Ouachita to construct a bridge across Ouachita River, Arkansas, reported the same with amendment, accompanied by a report (No. 4872); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19140) to authorize Trigg County, Ky., to bridge the Cumberland River at or near Canton, Trigg County, Ky., reported the same with amendment, accompanied by a report (No. 4873); which said bill and report were referred to the House Calendar.

Mr. CHARLES B. LANDIS, from the Committee on Printing, to which was referred the House joint resolution (H. J. Res. 210) for the printing of a compilation of all Federal and State forest laws, reported the same with amendment, accompanied by a report (No. 4875); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19097) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 4876); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19098) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 4877); 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. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7230) granting an increase of pension to Benton Cantwell, reported the same without amendment, accompanied by a report (No. 4869); 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. JENKINS: A bill (H. R. 19162) to amend the act of February 14, 1885, relative to the retirement of enlisted men of the United States Army and Marine Corps—to the Committee on Military Affairs.

Also, a bill (H. R. 19163) to pay the Marine Corps the same as the Ordnance and Engineer Corps—to the Committee on Naval Affairs.

By Mr. SHIRAS: A bill (H. R. 19164) to protect certain migratory fish in the public waters of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 19165) to protect the food fishes in certain public waters of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRANGER: A joint resolution (H. J. Res. 224) authorizing the Secretary of the Treasury to sell to the city of Providence, R. I., certain land—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Texas: A concurrent resolution (H. C. Res. 81) directing the printing and binding of the exercises had in Congress appropriate to the reception and acceptance from the State of Texas of the statues of Sam Houston and Stephen F. Austin—to the Committee on Printing.

By Mr. HOGG: Memorial from the legislative assembly of the State of Colorado, concerning the admission of the Territories of Arizona and New Mexico—to the Committee on the Territories.

Also, memorial from the legislative assembly of the State of Colorado, concerning the public land laws—to the Committee on the Public Lands.

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. GOLDFOGLE: A bill (H. R. 19166) granting a pension to Simon Blank—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 19167) granting a pension to Timothy B. Sprague—to the Committee on Pensions.

By Mr. KEHOE: A bill (H. R. 19168) granting an increase of pension to George Faukell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19169) granting a pension to John Elkins—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 19170) granting an increase of pension to John Gurney—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19171) granting a pension to Alexander Sinclair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19172) granting an increase of pension to James Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19173) granting an increase of pension to George W. Copley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19174) granting an increase of pension to Samuel J. Nickles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19175) granting an increase of pension to Alexander H. Brown—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 19176) granting an increase of pension to James F. Young—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 19177) for the relief of the persons who sustained damage by the explosion of detonating fuses at Frankford Arsenal, Philadelphia, Pa., on February 5, 1903—to the Committee on Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, a paper to accompany bill for relief of Benjamin R. Trull (presented by Mr. GUDGER), heretofore wrongly referred, was rereferred to the Committee on Military Affairs.

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. ADAMS of Pennsylvania: Petition of citizens of Corydon and Corry, Pa., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Vicksburg Battlefield Commission and Committee of Pennsylvania, against abolition of the Commission for ten years—to the Committee on Military Affairs.

By Mr. BIRDSALL: Petition of citizens of Black Hawk County, Iowa, against repeal of the Grout oleomargarine law—to the Committee on Agriculture.

Also, petition of citizens of Butler County, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BRANDEGEE: Petition of Ekonk (Conn.) Grange, favoring railway legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL: Resolution of the legislature of Kansas, favoring bill H. R. 4072—to the Committee on the Judiciary.

Also, petition of citizens of Oxford, Clyde, and Kansas City, Kans., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CASSEL: Petition of Camp No. 28, Patriotic Order Sons of America, of Adamstown, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Petition of Filipino Progress Association, favoring legislation for prohibition of opium selling in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. CURTIS: Petition of citizens of Mitchell County, Kansas City, Thayer, Yates Center, and Elk City, Kans., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DARRAGH: Petition of J. R. Hurst and 60 others, asking for parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wise Grange, No. 1054, of Coleman, Mich., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Coral Grange, No. 791, Michigan, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Montcalm County Farmers' Club, of Montcalm County, Mich., for a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of N. E. Hull and 34 others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of the Western New York Horticultural Society, for extermination of gypsy moth—to the Committee on Agriculture.

Also, petition of the Vicksburg Battlefield Commission and Committee of Pennsylvania, against abolition of Commission before 1910—to the Committee on Military Affairs.

By Mr. FOSS: Petition of citizens of Cottage Home, Oakland, Streator, Springfield, and Galesburg, Ill., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER of Michigan: Petition of citizens of Potterville, Detroit, Maple Grove, Battlecreek, Allegan, St. Louis, Oakland County, Bancroft, Hillsdale, and Chesaning, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Battlecreek, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. GILLETT of Massachusetts: Petition of Merrick Lodge, No. 563, Brotherhood of Locomotive Firemen, for bill H. R. 7041—to the Committee on the Judiciary.

By Mr. GROSVENOR: Petition of citizens of Broughton, Charloe, Lorain County, and Clark, Ohio, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HEDGE: Petition of citizens of Brighton, Bonaparte, and Burlington, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Washington, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Wapello and Jefferson County, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Santa Fe Subdivision, No. 391, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of citizens of Monmouth and Clatsop County, Oreg., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HEPBURN: Petition of citizens of Cincinnati, Guthrie Center, and Decatur County, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOGG: Petition of citizens of Canyon City and Paonia, Colo., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOWELL of New Jersey: Petition of Essex County Trades Council, of Newark, N. J., against reduction of the tariff on cigars from the Philippines—to the Committee on Ways and Means.

By Mr. JACKSON of Ohio: Petition of W. H. Gibson Post, Grand Army of the Republic, Department of Ohio, favoring bill H. R. 7751—to the Committee on Invalid Pensions.

Also, petition of citizens of Delaware, Coshocton, Huron, and Erie counties, and Dowling, Ohio, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES of Washington: Petition of the Columbia Pomona Grange, No. 1, representing the organized farmers of Clarke and Skamania counties—to the Committee on Agriculture.

By Mr. KEHOE: Paper to accompany bill for relief of James Jackson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph E. Pugh—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John A. Curry—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of M. T. Mobley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mrs. A. H. Maddox—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martha J. Suit—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary Goodpaster—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Crawford—to the Committee on Invalid Pensions.

By Mr. KYLE: Petition of citizens of Hamilton, Lagrange, St. Clairsville, Washington County, Cygnet, and Newark, Ohio, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LACEY: Petition of citizens of Wilton, Atalissa, Keokuk County, Durant, Croton, Guthrie County, Davis County, and Jasper County, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LIVERNASH: Resolution of the legislature of California, for the relief of the superintendent of the United States mint at San Francisco—to the Committee on Appropriations.

Also, petition of the Board of Trade of San Francisco, Cal., for a new revenue tug for San Francisco—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Richmond District Improvement Association, of San Francisco, favoring equitable railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of San Francisco Subdivision, No. 137, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY: Petition of citizens of College View and Tekamah, Nebr., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MANN: Petition of local union No. 10, American Federation of Musicians, favoring bill H. R. 18424—to the Committee on Naval Affairs.

By Mr. MARSHALL: Petition of citizens of Mohall, New Home, Grand Forks County, and Hazen, N. Dak., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. NEVIN: Petition of citizens of Oxford, Ohio, favoring bill H. R. 4072—to the Committee on the Judiciary.

By Mr. OLMSTED: Petition of Washington Camp No. 674, of Shippensburg, Pa.; Camp No. 614, of Pillow, Pa.; Camp No. 248, of Ono, Pa.; Camp of Elizabethville, Pa., and Camp No. 228, of Newmanstown, Pa., Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Petition of citizens of Martinsville, Barbers Mill, Ligonier, and Indianapolis, Ind., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. RODEY: Petition of citizens of Rodey, N. Mex., against establishment of a leper colony in the Territory of New Mexico—to the Committee on the Territories.

Also, petition of citizens of Farmington and Albuquerque, N. Mex., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of people of Santa Fe, en masse, protesting against passage of bill establishing a leper colony in New Mexico, Indian, or any other Territory—to the Committee on the Territories.

By Mr. RYAN: Petition of the Exempt Volunteer Firemen's Association, of Buffalo, against the Morrell bill—to the Committee on the Judiciary.

Also, petition of the Western New York Horticultural Association, for extermination of the gypsy month—to the Committee on Agriculture.

Also, petition of the Firemen's Benevolent Association of Buffalo, N. Y., against the Morrill bill—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of citizens of Wilburton, Ind. T., asking for creation of a United States district court at Wilburton, Ind. T.—to the Committee on the Territories.

By Mr. STEVENS of Minnesota: Petition of E. W. Winter Subdivision, No. 516, Brotherhood of Locomotive Engineers, against engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Paul Subdivision, No. 150, Brotherhood of Locomotive Engineers, against engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: Petition of citizens of McHenry County and Valley City, N. Dak., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Red River Valley Subdivision, No. 470, Brotherhood of Locomotive Engineers, against employment of engineers without three years' experience as firemen—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Manufacturing Perfumers' Association, favoring bill H. R. 15983—to the Committee on the Post-Office and Post-Roads.

By Mr. WILEY of Alabama: Petition of citizens of Baldwin County, Ala., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. YOUNG: Petition of citizens of the Twelfth Congressional district of Michigan, against repeal of the Grout oleomargarine law—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *March 1, 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.

PHILIPPINE TARIFF BILL.

Mr. LODGE. I ask unanimous consent to call up at this time and dispose of the bill (H. R. 18965) to revise and amend the tariff laws of the Philippine Islands, and for other purposes. The bill has been read; there in only one amendment from the committee, and there is no opposition to it.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Philippine tariff bill be considered now. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending question is on the amendment reported from the Committee on the Philippines, which will be stated.

The SECRETARY. On page 43, line 20, after the word "drug," 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.

The amendment was agreed to.

Mr. HANSBROUGH. Mr. President, I do not think that I will allow this opportunity to pass without attempting, at least, to rectify what I consider to be a great wrong perpetrated by the Treasury Department with respect to the tariff upon wheat. We have before this body a revenue measure sent here by the House of Representatives. No one will claim that this bill could have originated in the Senate. If it had been originated here and had been sent to the House the House would have sent it back with a resolution demanding that their constitutional prerogatives should be preserved. I propose the following amendment to the bill.

The PRESIDENT pro tempore. The amendment of the Senator from North Dakota will be stated.

Mr. HANSBROUGH. I hope the Senator from Massachusetts will see his way clear to accept it.

The SECRETARY. Add to the bill the following:

That the decision of the Secretary of the Treasury dated February 4, 1905, and numbered 26025, under which the payment of rebates is authorized upon exportations of flour made in part from imported wheat, upon which duties have been paid, and in part from domestic wheat, under the provisions of section 30 of the act of July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," is hereby revoked.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] By the sound, the "noes" have it.

Mr. HANSBROUGH. I desire to take the sense of the Senate in regard to the amendment.

Mr. LODGE. The committee agreed that no amendment besides the one reported should be placed on this bill, and the amendment offered by the Senator from North Dakota has no relation to the bill. This is a Commission bill, drawn up by the Commission of the Philippine Islands. It has been most carefully considered, and it is a bill of immense importance. It can not go into effect without the approval of Congress. I shall be very sorry to see anything placed in the bill that would endanger its passage. I have no opposition to the Senator's amendment, as he knows.

The PRESIDENT pro tempore. Does the Senator from North Dakota demand the yeas and nays?

Mr. HANSBROUGH. Mr. President, just a word. I do not agree to the claim made by the Senator from Massachusetts that because the committee determined that no amendment should go on the bill the Senate is not allowed to amend the bill. I do not think that this amendment is going to interfere in the least particle with the passage of the bill. Certainly the amendment is in order. The Senate has passed upon this question by a unanimous vote and put a similar amendment upon an appropriation bill, the history of which we all understand. I think the best way out of it is to allow the amendment to go on the bill.

The PRESIDENT pro tempore. The amendment is rejected.

Mr. HANSBROUGH. I should like to have the yeas and nays on agreeing to the amendment.

The PRESIDENT pro tempore. Is there a second to the demand for the yeas and nays?

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The yeas and nays are refused, and amendment is rejected.

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

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

The bill was read the third time, and passed.

Mr. LODGE. I ask leave to print in the RECORD the statement of the Secretary of War in regard to the bill which has just been passed.

The PRESIDENT pro tempore. Without objection, leave is granted.

The matter referred to is as follows:

STATEMENT OF HON. WILLIAM H. TAFT, SECRETARY OF WAR.

The CHAIRMAN. I suggest, Mr. Secretary, that it might be well to make a brief statement to the committee as to what this bill is.

Secretary TAFT. The bill makes comparatively very few changes in the rates. The legislation recommended is necessary for two reasons chiefly: First, to enable us to handle the opium business and its importation. Under the present law opium can come into the islands upon the payment of $3 a kilo, and there is no power in the Commission to forbid its importation, because there is no power in the Commission to change the customs laws; and they authorize the importation of opium at $3 a kilo.

Senator STONE. How much is it now?

Secretary TAFT. Three dollars a kilo.

Senator STONE. At this time?

Secretary TAFT. At this time. The present bill increase the duty to $4, and then gives to the Commission the right to forbid its importation, and monopolize its importation, or to take any steps with respect to its importation which shall suppress the evils of the drug.

About a year ago, or a year and a half ago, the Commission became convinced that it was necessary to take some steps to secure the restriction of the use of opium. Under the Spanish régime the law provided that no Filipino should use opium, and that any Filipino found using opium, or any person selling opium to a Filipino, should be punished. It provided, however, for what was called farming a