SENATE.

TUESDAY, *January 23, 1906.*

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama;

H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Lafayette Division, No. 7, Brotherhood of Locomotive Engineers, of Lafayette, Ind., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of Colonel Willett Council, No. 58, of Rome, and a petition of William McKinley Council, No. 76, of Brooklyn, Junior Order United American Mechanics, in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented the petition of Elizabeth P. Clarke and sundry other citizens 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 was referred to the Committee on Privileges and Elections.

He also presented a petition of the Commercial Law League of America of Philadelphia, Pa., praying for the enactment of legislation to promote the efficiency of the consular service; which was ordered to lie on the table.

He also presented petitions of the Mount Pleasant Woman's Christian Temperance Union, of Schenectady; of the Woman's Christian Temperance Union of Pleasant Plains; of the Woman's Christian Temperance Union of Cohocton; of the Woman's Christian Temperance Union of Mount Vernon; of the Woman's Christian Temperance Union of Hulburton; of the Woman's Christian Temperance Union of Katonah; of the Woman's Christian Temperance Union of Pulaski, and of the congregation of the First Presbyterian Church of Wolcott, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which were referred to the Committee on Military Affairs.

Mr. MALLORY presented a petition of the Emerson Memorial Home, of Ocala, Fla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

Mr. GAMBLE presented a petition of the Woman's Christian Temperance Union of Mitchell, S. Dak., praying for an investigation of the charges made and filed against Hon REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. CLARK of Montana presented a petition of the Montana Bar Association, of the State of Montana, praying for the enactment of legislation providing for the creation of an additional judicial circuit court of appeals to embrace the States of Wyoming, Colorado, Utah, Montana, and Idaho and the Territories of New Mexico, Arizona, and the Indian Territory; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Miles City, Mont., praying for the enactment of legislation regulating the hours of interstate transit for live stock; which was referred to the Committee on Interstate Commerce.

Mr. CARTER presented a petition of the Montana Bar Association, of the State of Montana, praying for the enactment of legislation providing for the establishment of a tenth judicial circuit court of appeals in that State; which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the legislature of Nebraska, praying for the enactment of legislation to establish the true status of the Nebraska State Militia; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, *State of Nebraska:*

I, A. Galusha, secretary of state of the State of Nebraska, do hereby certify that the within is a full, true, and correct copy of the memorial and joint resolution (house roll No. 174) as passed by the legislature of 1905, and appears upon the records of this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska. Done at Lincoln this 28th day of October, in the year of our Lord one thousand nine hundred and five, of the independence of the United States the one hundred and thirtieth, and of this State the thirty-ninth.

[SEAL.]

A. GALUSHA, *Secretary of State,*
By FRED. W. MILLER, *Deputy.*

House roll 174—Memorial and joint resolution in relation to the Nebraska Territorial Militia.

Whereas the Fifty-seventh and Fifty-eighth Congress failed to pass any bill to establish the true status of the Nebraska Territorial Militia, who served ninety days in subduing the several raids and depredations of hostile Indians between 1862 and 1864 and were honorably discharged;

Whereas these volunteer soldiers were called and mustered into active service by our Territorial executive officers, appointed by the Federal Government, at a time when all its forces were engaged in the South suppressing the war of the rebellion;

Whereas the settlers of the border Territory, the overland mail, and the emigrants to the Rocky Mountain district were justly entitled to the fullest protection of the Government of the United States as against the unprovoked acts of marauding bands of Indians, its acknowledged wards: Be it

Resolved, That our Senators and Representatives in Congress be again requested to renew their best and earliest endeavors to procure the passage of an act similar to the one passed in February, 1895, giving the Missouri State Militia title to pension; and

Resolved, That the honorable secretary of the State of Nebraska be requested to forward a certified copy of this memorial to each of our Senators and Members of the Fifty-ninth Congress.

GEORGE L. ROUSE,
Speaker of the House of Representatives.

Attest:
JOHN WALL,
Chief Clerk of House of Representatives.

EDMUND G. MCGILTON,
President of the Senate.

Attest:
WM. M. WHEELER,
Secretary of Senate.

Approved April 1, 1905.

JOHN H. MICKEY, *Governor.*

STATE OF NEBRASKA, *ss:*

I, John Wall, chief clerk of the house of representatives, hereby certify that the within bill originated in the house and passed the legislature on the 30th day of March, 1905.

JOHN WALL,
Chief Clerk House of Representatives.

Secretary of state's office, Nebraska, received April 1, 1905.

Mr. BURKETT presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

Mr. SCOTT presented a petition of Chattahoochee Tribe, No. 35, of Winona, W. Va., and a petition of sundry citizens of Winona, W. Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Resolute Council, No 63, of Bayard; Center Point Council, No. 139, of Center Point, and of Wise Council, No. 185, of Wise, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to restrict immigration, and also for the revision of the laws governing naturalization; which were referred to the Committee on Immigration.

Mr. DEPEW presented a petition of the Merchants and Manufacturers' Board of Trade of New York City, N. Y., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a petition of the Indian Association of New York City, N. Y., and a petition of the National Indian Association, of New York City, N. Y., praying that an appropriation be made for the purchase of small holdings for the landless Indians of northern California; which were referred to the Committee on Indian Affairs.

He also presented petitions of Colonel Willett Council, of Rome; of Greenwich Council, No. 24, of Freeport; of Woodmere Council, No. 83, of Woodmere; of Central Council, No. 52, of Syracuse; of Brooklyn Council, No. 2, of Brooklyn; of Victory Council, No. 82, of Wappingers Falls; of General Warren Council, No. 46, of Brooklyn; of Atlantic Council, No. 24, of Long Island City, and of Richmond Council, No. 19, of Port Richmond, all of the Junior Order United American Mechanics; of Local Union No. 8856, of Middletown, and of Local Union No. 1586, of Mechanicsville, of the American Federation of Labor, and of Sherman Lodge, No. 143, Brotherhood of Railroad Trainmen, of East Syracuse, all in the State of New York, praying

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

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

He also presented a petition of the New Jersey Historical Society, of Paterson, N. J., praying for the enactment of legislation to establish a United States Historical Commission; which was referred to the Committee on the Library.

He also presented a memorial of the Trades and Labor Federation of New Brunswick, N. J., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of sundry citizens of Bayonne, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Trenton, N. J., praying for the enactment of legislation to prohibit the use of Indian trust funds for sectarian schools; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 69) regulating the retent on contracts with the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. CRANE, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by himself on the 17th instant, proposing to appropriate $40,000 to enable the Government of the United States to take official part in the international exposition to be held at Milan, Italy, during the year 1906, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 3573) to protect the rights of women citizens of the United States to register and vote for Members of the House of Representatives; which was read twice by its title, and referred to the Select Committee on Woman Suffrage.

Mr. FRYE introduced a bill (S. 3574) for the relief of John H. Potter; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 3575) granting an increase of pension to Sargent R. Emerson;

A bill (S. 3576) granting an increase of pension to Charles M. Batchelder (with accompanying papers);

A bill (S. 3577) granting an increase of pension to Warren W. Conger; and

A bill (S. 3578) granting an increase of pension to Laura M. Farnham.

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

A bill (S. 3579) granting a pension to Daniel R. Cone; and

A bill (S. 3580) granting an increase of pension to George W. Peters.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3581) providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the United States Army transport *Crook*, in May, 1900; and

A bill (S. 3582) for the relief of Gattlieb Schlecht and Maurice D. Higgins and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch.

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

A bill (S. 3583) granting an increase of pension to Kate O'Donnell Wood;

A bill (S. 3584) granting an increase of pension to Peter Quermbeck;

A bill (S. 3585) granting a pension to Thomas Allen;

A bill (S. 3586) granting an increase of pension to Martha S. Campbell; and

A bill (S. 3587) granting an increase of pension to Eliza Orr (with an accompanying paper).

Mr. CLARK of Montana introduced a bill (S. 3588) granting an increase of pension to James Lebo; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3589) for the relief of Thomas H. Clay, administrator de bonis non of Benjamin Gratz, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 3590) for the relief of D. M. Snowden; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARKE of Arkansas introduced a bill (S. 3591) for the relief of the trustees of the Methodist Episcopal Church South, of Pine Bluff, Ark.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 3592) permitting the St. Louis, San Francisco and New Orleans Railroad Company (formerly the Arkansas and Choctaw Railway Company), the St. Louis and Oklahoma City Railroad Company, the St. Louis, Oklahoma and Southern Railway Company, and the Oklahoma City and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. RAYNER introduced a bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3594) granting a pension to Sebastian Brown; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3595) for the relief of the legal representatives of John N. Gatewood, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 3596) authorizing and directing the Secretary of the Navy to recommission and change the rank of Emmet C. Gudger; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LONG introduced a bill (S. 3597) granting an increase of pension to Nathan T. Reed; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 3598) granting an increase of pension to Charles D. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3599) granting an increase of pension to William Orr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 3600) granting an increase of pension to Henry A. Crandall; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3601) granting an increase of pension to Theodore M. Burge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3602) to prohibit the killing of wild birds and wild animals in the District of Columbia (with an accompanying paper); and

A bill (S. 3603) to incorporate the American Institute for Drug Proving.

Mr. LODGE introduced a bill (S. 3604) to purchase a painting of the several ships of the United States Navy, known as the "Squadron of Evolution," and entitled "Peace;" which was read twice by its title, and referred to the Committee on the Library.

Mr. WETMORE introduced a bill (S. 3605) granting an increase of pension to Albert Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 3606) granting an increase of pension to John T. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 3607) for the relief of the heirs of A. K. Tribble, deceased;

A bill (S. 3608) for the relief of the heirs of William H. Harvill, deceased;

A bill (S. 3609) for the relief of the heirs of John C. Bowden, deceased;

A bill (S. 3610) for the relief of the heirs of Blueford D. Smith, deceased;

A bill (S. 3611) for the relief of the heirs of William McConnell, deceased;

A bill (S. 3612) for the relief of the heirs of William Wilmoth, deceased;

A bill (S. 3613) for the relief of the heirs of James Peek, deceased;

A bill (S. 3614) for the relief of the heirs of John Fisher, deceased;

A bill (S. 3615) for the relief of the heirs of Joseph Summerlin, deceased;

A bill (S. 3616) for the relief of the heirs of Willis Miller, deceased; and

A bill (S. 3617) for the relief of the heirs of John M. King, deceased.

Mr. BACON introduced a bill (S. 3618) granting an increase of pension to Martha E. Wardlaw; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

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

A bill (S. 3619) to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the several acts amendatory thereto; and

A bill (S. 3620) to allow and regulate amendments in judicial proceedings in the courts of the United States.

Mr. CARTER introduced a bill (S. 3621) for the relief of William H. Crook; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3622) for the relief of the heirs of Warren S. Baxter, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FRYE introduced a joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. GAMBLE submitted the following amendments, intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed:

An amendment proposing to appropriate $30,000 to construct a girls' dormitory, kitchen, etc., at the Indian school at Crow Creek Agency, S. Dak.;

An amendment proposing to appropriate $25,000 to increase the capacity of Hope School, at Springfield, S. Dak.; and

An amendment relative to an investigation of the claims of Drifting Goose and certain other members of the Crow Creek band of Sioux Indians in South Dakota, for loss of property resulting from their removal from their homes in the James River Valley in South Dakota in 1864, and proposing to appropriate $1,053.05 therefor (with accompanying papers).

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF.

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

Resolved, That there be printed for the use of the Convention of American Instructors of the Deaf, in style similar to that of the last report of said convention and wrapped for mailing, 600 copies of the Report of the Seventeenth Meeting of the Convention of American Instructors of the Deaf, being Senate Document No. 105, Fifty-ninth Congress, first session.

HOUSE BILLS REFERRED.

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

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama;

H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

PURE-FOOD BILL.

The VICE-PRESIDENT. The Calendar is in order.

Mr. HEYBURN. I ask unanimous consent to call up the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. HEYBURN. I yield to the Senator from North Dakota [Mr. McCUMBER], who desires to submit some remarks.

Mr. McCUMBER. Mr. President, when I was last discussing this subject, the Senator from New Hampshire [Mr. GALLINGER], who I am sorry to see is not now present, referred to a certain publication in the National Druggist with reference to the action of the food commissioner of the State of Minnesota, and declared his hope that this bill was not so drawn that it would allow such offenses as had been committed in that State. He referred to the National Druggist as a magazine published, I would say, in the interest of patent medicines, etc., as a reputable publication. The Senator from Minnesota [Mr. NELSON] felt called upon to defend the action of the food commissioner of that State. I wish to say simply a word with reference to this publication and the influence it should have upon the Senate of the United States or the members of the Senate in the consideration of this most important bill.

I do not desire to challenge to any extent the good reputation of this particular publication. I prefer to leave every person to exercise his own judgment upon what is reputable and what is not reputable. It is apparent from the publication itself that it is the champion of wide-open adulterations and frauds in the matter of food and drug products; that it is the enemy of all good pure food and drug legislation; and, if I may judge from its advertisements, that it is a purveyor of all vile and fraudulent alleged remedies. One can not but be impressed with the truth of this if he will take up one by one the pages of advertising matter and then take up some of the investigations into those things, that are advertised as worthy of the consideraion of the public, found in the public documents of the State of Massachusetts. I will place side by side this journal and the declarations made by the chemists of the State of Massachusetts, appointed or chosen for that purpose, and will let the Senate itself decide, or anyone else who is interested in pure-food legislation, which is the most reputable.

But that we may understand fully another force which is at work to-day against this character of legislation and at the same time understand the animus of this publication against all pure-food legislation, I desire to call attention to page 204 of the number for July, 1905, and we will understand from this the object of a certain organization which is now in the city and whose efforts are to defeat the legislation which we are seeking to have enacted. On page 204 I find this heading: "How to fight pure-food legislation." It goes on to say:

About fifty representatives of food products met at the Waldorf Hotel in New York a week or two ago and formed a National Food Manufacturers' Association. The object of the association, as set forth in the call that was issued, is to obtain the cooperation of the various food and drug industries of the country "in an endeavor to secure a national food law at the next Congress, which law shall be one that will protect the public from unwholesome and adulterated foods and drugs, and at the same time conserve the rights and legitimate interests of the food and drug industries of the United States."

That is said to be the object of this organization.

The necessity for the organization was summed up by Mr. Thomas E. Lannen, of Chicago, who said:

"There will be a food law enacted at the next Congress. Of that there can be no doubt. What we must decide is, shall it be a food law of the manufacturers or of the food commissioners?"

Now, knowing the constituent elements of that association, reduced to simple English it means this: Will it be such legislation as the States themselves have seen fit to adopt in declaring that certain adulterated and misbranded goods shall not be sold within the borders of the State, or will it be such legislation as will enable the manufacturers of jellies and preserves and other such products to use aniline dyes, to use coal-tar products, in the preservation of their particular products, and also to substitute any other food product for the product which is advertised by them as the particular thing which they are selling? That to me, Mr. President, is what the real issue is in a nutshell.

Now, how is this to be accomplished? By certain amendments which this organization is to supply Members of Congress with from time to time and also by a separate bill if possible.

While the National Druggist agrees with them in much of what they are doing, so far as their attempt to prevent any legislation is concerned, it goes on to say:

In spite of all this, however, we believe that it is the part of wisdom to fight the proposed legislation on principle, to make no compro-

mise whatever with the scamps who are behind it, and to refuse to treat with them on any kind of terms.

Speaking then of this Congress, it says:

So far, their opposition has been effectual in forestalling such legislation altogether, and the grafters who have been endeavoring to obtain it will probably agree to any measure that may be proposed if it will secure the cooperation of those who have hitherto stood in the way and foiled their designs.

Again it says:

Therefore, as we have said, it seems to us that the wisest course is to oppose all laws which have for their aim the regulation of private enterprise, under whatever pretext they may be urged.

And again:

There is no demand whatever for such legislation from the general public, who are supposed to be suffering so much from impure and adulterated foods and drugs. Then why should Congress concern itself with an evil about which those whom it is supposed to affect so injuriously make no complaint?

Yet it is said that this is a reputable magazine, a magazine which declares that so long as the people submit to crime and injustice, no matter how apparent it may be, neither Congress nor any other legislative body should interfere with them in the slightest degree in perpetrating such injustice.

This journal also attacks all pure-food officials as criminal grafters. I call attention to the National Druggist of July, 1905, page 205.

I desire to call attention to the statement concerning Lea & Perrin, the Minnesota case, which is pronounced by Commissioner Slater, of that State, as "A chain of misstatements;" by the Commercial Bulletin of Minneapolis, "Wild and ranting," and by the American Grocer, "A fit of hysteria." The Lea & Perrin case was referred to by the Senator from New Hampshire. Here is a letter from Julius Hortvet, who is the chemist of the Minnesota State Commission, to Miss Lakey, who is secretary of a subcommittee of the Woman's Clubs of America, or the National Woman's Club Association; I do not remember the name of it. He says:

I have yours of the 8th inclosing circular and clipping.

That is the circular which is copied from the National Druggist.

The circular is, on the face of it, a bit of campaign literature gotten up by the antipure-food crowd. The whole thing is a misrepresentation. Our commissioner has not shut out Lea & Perrin's sauce. Our department has for several years consistently ruled against the use of salicylic acid in food products. We rule it out in catsups and other things; so to be fair and consistent, have applied the ruling to these sauces. This is the only so-called "Worcestershire sauce" I have found that contains salicylic acid. I had a conversation with the chemist who recommended salicylic acid to the manufacturers of the sauce in question, and he said neither he nor they had any preference and their feelings were not hurt on account of our action. They were perfectly willing to fall in line with the others and use benzoate of soda. They say that they are obliged to use some kind of preservative. We do not permit salicylic acid under any circumstances, even when its presence is announced on the label.

The so-called "steel-cut" coffee you ask about has never been analyzed in this laboratory. In order to show whether it is adulterated there would be required a large amount of special work on coffee—work that has not been carried on extensively as yet. I am planning some analyses of coffees, and maybe in course of a year or so can give my opinion on the question you ask. I am pleased to clear up these doubtful points whenever I can.

Very truly, yours, JULIUS HORTVET.

I have a further letter here which I will not stop to read from the company of Lea & Perrin, in which they thank the food commissioner of the State of Minnesota for getting them out of a rut in the matter of the use of these preservatives, and in which they say that instead of the use of these preservatives they now sterilize the bottles, and that they are using no preservative whatever, not even the benzoate that is spoken of here.

Mr. LODGE. If I may interrupt the Senator, I wish to ask for information if that is an English product?

Mr. McCUMBER. It is wholly American.

Mr. LODGE. It is wholly American?

Mr. McCUMBER. It is wholly American, although they do use the name "Worcester" in connection with it, and the label bears the mark of Worcester and New York. There has been some suggestion made by the Agricultural Department that they properly should use a name which would signify that it is wholly an American product.

I do not think it is necessary to cover that matter any further, Mr. President. I know how influential the Senator from New Hampshire is in what he may say upon this floor in reference to the effect of certain drugs. His long experience not only as a physician but as a legislator entitles him to a great deal of credit in whatever view he may take on a question of this kind. I desire, however, simply to say to the Senator that we are living to-day in an artificial age, and therefore we demand an artificial support for the conditions with which humanity is suffering.

The Senator himself, of course, says that he sees no particular dangers from the food products that are generally in use; and yet, Mr. President, one can not look over the United States, viewing the great army of physicians, viewing the hundreds of thousands of drug dispensaries, viewing the great number of advertisements in every magazine and in every paper in the United States, declaring the wonderful medicinal qualities of an innumerable character and kind of cure-alls, without becoming convinced that the health of the people themselves is a material thing that should be looked after by legislators.

Mr. President, we are coming more and more to understand that our health depends more upon the character of food we consume than upon the medicines that are given to allay and destroy diseases. We are coming more and more to understand that a proper diet, varied to meet the conditions of each individual, is not only the greatest panacea for, but also the greatest preventive against the evils with which humanity seems to be afflicted.

If that be true, I insist that there is a moral duty resting upon the Government to insure, so far as it is possible to do it, the health and comfort of every citizen constituting the public. How may it do this? It can not prescribe a dietary course for every individual. It can not declare what this person or that person shall consume. But, Mr. President, what it can do, and what it morally ought to do, is this: It ought to protect the individual against all character of imposition and fraud, so that entering into the markets he may purchase those things without fear which he knows to be conducive to his health and comfort, and above all that he may avoid those things which he knows to be detrimental.

But, Mr. President, at this age no man can possibly prepare his own food or his own drugs. He is therefore at the mercy of his fellow-men. His life is threatened at every point by the greed and the avarice of the manufacturers of drugs and many kinds of food products.

Mr. President, has food adulteration and drug adulteration reached such proportions in the United States that it demands national consideration and a national attempt to eradicate it? The very fact that nearly every State in the Union has passed pure-food laws, the very fact that their commissioners are working night and day to check the great evil of misbranded and adulterated articles of food which are pouring over the border lines of the States, and the fact that organizations are formed everywhere in the United States to check this great evil, seem to be proof conclusive not only of its existence but also of its danger.

Mr. President, several years ago the Secretary of Agriculture desired to make an estimate of the proportion of adulterated and misbranded foods that were sold in the United States. He called to his aid the food commissioners of the several States having food laws; and, in addition to his own investigation, he showed as a result that about 30 per cent in value of all the food products in the United States were either adulterated or misbranded. In order to be conservative, he cut that in two; he brought it down to 15 per cent, and even at those figures the amount of adulterated and misbranded articles which went into commerce every year was $1,175,000,000. To-day it is safely estimated that it is more than $3,000,000,000 per annum. Just think of it! The American people pay out every year for fraudulent and for adulterated articles of food a sum sufficient to pay the entire expenses of the civil war; they pay out enough every year, Mr. President, to pay the national debt three times over, and all for those adulterated and misbranded articles.

Now, if we will bear in mind that from 50 to 60 per cent of our food products consists of flour, potatoes, fresh vegetables, eggs, and a little fresh meat, we will see that of all the remaining many hundreds of articles of food the greater proportion of them are either adulterated or misbranded articles.

I referred heretofore, Mr. President, to the report of the commissioner of food of my own State. He made an examination of hams and other meats, which were imported into the State, and found that every ham or rib—which had been imported—which was examined contained from 25 to 45 grains of boracic acid. I have stated before that when given for medicinal purposes from five to ten grains of that drug constitute a daily dose. He examined the potted chicken and potted turkey put up in cans and shipped into the several States, and he could not find a single can in the entire State which contained the slightest amount of either chicken or turkey. As I have said before, it may be that calf neck and pig jaw are just as good; that they are just as wholesome as chicken or turkey; but what I insist upon is that it is not what the purchaser thinks he is buying, and that he is entitled to have for his good dollar good meats that he thinks he is purchasing, and not counterfeits. That is all that those who stand by this proposed pure-food law insist shall be done.

Let me give another case, one which I cited before, and it brings us back to this question of food. Perhaps one of the

most common of all the dangerous diseases in this country is diabetes. We know that physicians prescribe for this ailment a diet—a diet of gluten flour. A physician prescribes that for his patient. The patient goes to any of the stores in the city of Washington or in any of the great cities and calls for gluten flour. He gets a package of 5 or 10 pounds, which is marked "gluten flour." He takes that, and he follows out the prescription of his physician. In a short time he dies. The physician does not understand why his prescription has not had better results. He examines the contents of this package which is marked "gluten flour," and finds that there is no gluten flour whatever in it. Is this true? Doctor Bigelow went around the city of Washington a short time ago and called at thirteen different stores to purchase thirteen packages of gluten flour, and out of the entire thirteen but two or three contained gluten flour at all. All the remainder were frauds.

If I take the reports of Massachusetts—as good a State as that is, and where they attempt to enforce their laws, as I have shown here already this morning—I find that there is scarcely a drug in the market that is not adulterated, scarcely a can of fruit or a can of preserves or canned goods of any kind where a large proportion of them is not adulterated. Mr. President, it seems to me that this is sufficiently serious to challenge the attention of the American people.

Now, let me give an illustration of why we need national legislation. To do that I borrow from a statement made by one of the pure-food commissioners, or, rather, the secretary of the State of Kentucky. He states that in March, 1901, while standing in front of a grocery store in Morgansville, Ky., a woman and her little child came in with a basket and purchased a number of articles of food for their table, consisting of lard, of sirup, of jelly, of sausages. The price amounted to $1.80. She gave the grocer all she had—$1.57—and went away indebted to him 23 cents. Mr. Allen immediately purchased a quantity of each of those articles and analyzed them. He found the sirup was 70 per cent glucose, that the jelly contained nearly everything but fruit juice and was colored with coal-tar dye, the sausage contained an antiseptic, and the lard consisted of beef stearin and cotton-seed oil mixed. Had she gone into the market and bought those articles for what they were, at the very highest retail prices they would not have cost her over 90 cents, and she would have gone away with 67 cents in her pocket, instead of being indebted to the grocer 23 cents; and this, Mr. President, independent of the fraud that was perpetrated upon her, independent of the coal-tar dyes, which her children were compelled unconsciously to consume.

I know our opponents say, "You have got pure-food laws in about two-thirds of the States and you have got commissioners to enforce them; why, then, do they not exterminate these evils?" That can be easily explained by taking the very case which has been mentioned. The lard which was purchased from the retailer in Kentucky was manufactured in St. Louis, the jelly was manufactured in Indiana, the sirup was manufactured in Ohio, the sausage was manufactured in Chicago. Every one of these articles was manufactured in a State outside of the State of their consumption. So, if you got after any man in the State of Kentucky, you would get after the innocent retailer. So it is the manufacturer that must be reached.

I have already explained that in the construction of the interstate-commerce law it has been declared that the term "commerce" not only covers an article in its transit from one State to another, but it protects and shields that article until it is sold in original packages in the State of its consumption; and then if you can find it you can punish the innocent retail dealer for selling it, even if he was innocent of knowledge of its impurity.

It will be seen, therefore, Mr. President, that the root of the evil is planted in that territory over which the State has no control and over which Congress has complete control—that is, the jurisdiction over interstate commerce.

There is another reason which I desire to urge here, and that is the very moral reason that was suggested by the Senator from New Hampshire [Mr. GALLINGER] the other day. I want to say, Mr. President, that you can not for years surround a people with crime and deceit and imposition on every side without in time unconsciously affecting the moral character of the people. Constant association with crime and deceit soon dulls our senses to offenses of that character. Mr. President, for that reason alone I think it becomes a moral duty for the nation itself to take hold of this question. Why? Does it not create an absolute disrespect for all law when we severely punish a person for a breach of what is right in one respect while on the other hand we do not attempt in the slightest degree to punish persons guilty of other offenses? What right, Mr. President, has the Government to send me to the penitentiary for five or ten years for trading, we will say, a silver dollar which is one-half lead to a vender of sirup who gives me "pure maple sirup" which consists almost entirely of glucose, with a little of what is called "maple flavoring?" If I should be punished, Mr. President, by imprisonment of ten years for passing a dollar which was 50 per cent good, then I would ask in reason why a man should not be punished twice the length of time for giving me something which was absolutely a fraud from beginning to end?

The American people have submitted to this. They generally submit to fraud and imposition for a great while before they awake to it. They have been so used to being defrauded in what they purchase in drugs and foods that they for years have thought there was no possible remedy, and they would take it as a matter of course, but they are waking up to the imposition. The fact that the reputable magazines in the country and the reputable newspapers in the country are insisting upon some character of action seems to me to be the strongest proof that the people have made up their minds that they will no longer submit to this imposition.

Mr. President, that is all I desire to say to-day upon the general features of the bill. We desire to get a bill through here that every Senator can feel will bring about the very best results with the least possible injury to any person or to any business; but if we stand back and say that we will not pass a bill that interferes with fraudulent businesses of any kind, then we shall never in the world get any bill through.

As to the association to which I have referred, I can not but feel that while it sails under a banner which proclaims its desire to get a good pure-food law through Congress, the real intent and purpose, or at least the effect of its action, would be to prevent pure-food legislation of any character whatever. I can cite one example, and that is an amendment which says that they shall file the ingredients of the composition which they sell to the public with the Secretary of Commerce and Labor, and that the secrecy of that shall be entirely inviolate. Therefore they can call their goods anything they may have a mind to, under a trade name, and that would prevent any State official from in any way interfering with them in the first instance and preventing their sale in the State. Under an amendment of that kind they can simply use all the coal-tar dyes they desire; they can take a little timothy seed, they can take a pail of glucose, they can color it to represent the strawberry color, give it a little flavoring, throw in timothy seed to give it a little appearance of strawberry, a little clover seed if they want to make raspberry jelly out of it, and if they file the composition with the Secretary of Commerce and Labor no one can question their right to import that into any State.

This bill seeks not, Mr. President, to interfere with any legitimate business, but it does seek to protect the public, and we sincerely hope that if there is a prospect now of bringing this matter to a vote before the Senate action may be taken, and that the careful and conscientious attention of every Senator who desires to get a good pure-food law through Congress may be directed to that end.

Mr. HEYBURN. Some days ago, Mr. President, I gave notice that I would at an early day ask that a time be fixed to vote upon this bill. This morning I ask unanimous consent that the bill may be taken up for the consideration of the amendments of the bill, and that that consideration shall continue on the 2d day of February until the bill is disposed of.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the bill before the Senate, together with the amendments then pending, may be voted upon on the 2d day of February next. Is there objection?

Mr. LODGE. I have no desire personally to make any objection to fixing a time that is agreeable to other Senators; but the Senator from Maine [Mr. HALE], who is detained at home by illness, before he left asked me to say that he was very much interested in this bill, and that he hoped no time would be fixed until he could have an opportunity to come back and further examine and discuss the bill. I personally have no objection to fixing a time to vote, but, in his absence, I hope the Senator will not ask that a day be fixed now, and that he will communicate with the Senator from Maine before he does ask it.

Mr. HEYBURN. Mr. President, I had not observed, when I asked for unanimous consent, that the Senator from Maine was not present. I think it might be said that I had an understanding with the Senator from Maine that I would not ask in his absence that a time be fixed for a vote on the bill. I will withhold the request for unanimous consent at this time.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Does the Senator desire to speak on the pending bill?

Mr. SPOONER. I do not desire to speak on the bill, but un-

less the Senator desires to proceed with its discussion, I thought I would venture to address the Senate briefly on another subject.

Mr. HEYBURN. If the Senator will indulge me a few moments, then I will yield.

Mr. SPOONER. I can as well speak on this bill as on any other.

Mr. HEYBURN. The bill is before the Senate, and I do not want to have it laid aside for a few moments yet.

Mr. President, as the consideration of this bill proceeds new objections are raised from day to day by different Senators—of course in good faith—which it seems wise to consider without waiting for the final discussion upon the bill.

It has been suggested that this proposed legislation partook too much of the paternal in character and that it was not necessarily one of the functions of Congress to determine what may be designated as the small details of the public interest as it affects private individuals. I believe that one of the primary and most sacred duties of a legislative body governing and making laws for a country such as ours is the consideration of private interests relating to the welfare of the individual. Of course, it seems to be more of a legislative function upon casual glance to deal with international affairs, with great financial problems, with high-sounding legislative terms, but we are here primarily, Mr. President, for the individual people.

The word "government" is continually misapplied. The people are the government. The people govern themselves. Sometimes Congress conceives the idea that Congressmen govern the people; sometimes the Executive would seem, from the acts of the Executives—and I do not refer especially to the present head of the executive department of the Government—but, I repeat, sometimes the executive department of the Government would seem to consider that it governed the people. Sometimes it might appear that the other coordinate branch of the Government, the judiciary, thought it governed the people. Neither of these coordinate branches of the Government governs the people. They are only the voice that speaks and the hand that writes the law. It is the people, speaking through these branches of the Government, that govern the people themselves, and when the voice of the people is raised in behalf of a measure of legislation, we can not, as the authorized representatives of the people, ignore that voice.

Now, I appeal to Senators, has there ever been in the history of this country a more universal demand for action upon the part of Congress than the demand that has gone up from one end of the country to the other in regard to legislation upon the pure-food question? It affects the people more than the river and harbor bill; it affects the people more than the public-land question; it affects the people more than the relations between this country and some foreign country, because, unless the people are safeguarded in their individual rights, they care but little for the questions which are sometimes considered to be of larger importance. So I feel this morning like invoking that earnest, prompt consideration and determination of this question which befits the dealing with a question so near to the people as is this.

Mr. President, I have not gone into details as to the specific articles that are foisted upon the public because of the want of protection at the hands of the National Government. The Senator from North Dakota [Mr. McCUMBER] has given a very excellent exposition of the evils that this legislation is sought to remedy. I class the man who foists a bogus or an adulterated drug or medicine upon the market with the man who poisons the spring out of which the unknown public drinks. He does not know who his victim is going to be when he does it. He manufactures it for individual gain and selfishness; but when the physician, standing at the bedside of the sick, diagnosing the case, knowing from his education in the science of medicine that a certin drug will bring relief, writes a prescription, with instructions that that certain drug be procured, contemplating it in its purity, measuring its effect because of his knowledge of it in a pure state, and that prescription is taken to the drug store, and, instead of being compounded of the drugs that the physician had in mind when he wrote the prescription, it is compounded of a substitute, either an absolute fraud or a deleterious composition that will produce exactly the opposite result from that contemplated by the physician when he wrote the prescription, what is the effect? The medicine is taken to the bedside of the helpless sick. It is administered by the nurse in the hope that it may accomplish the result which the physician had in mind; but, on the contrary, because of the fact that it is a fraudulent substitute for the real panacea for the ill, the patient dies. Can you imagine a condition of affairs crying louder for a remedy than that?

Aside from the question of fraud from a financial standpoint, aside from the question of substituting a medicine that, perhaps, does not cost one-tenth what the real substance would cost, aside from the fraud that is based upon the gain in price between the real and the bogus article, the effect upon human life is as serious a question as could be presented in the consideration of a public measure asking for relief through legislation at the hands of Congress. Is that too small a question for Congress to deal with?

Only last Sunday I picked up one of the great journals of this country that ranks among the very best, and I found a very excellent little editorial commending pure-food legislation, commending the regulation and restraint of these bogus articles, and then in the same paper I counted sixty-two patent-medicine advertisements, and advertisements of the worst frauds that could be imagined. I appeal to the newspaper fraternity of the country to assist us in a real and substantial manner in settling this question.

The Post-Office Department could exclude from the mails these papers that carry upon their pages the tempting inducements to those who have real or imaginary ills to invest their money in these poisonous, deleterious, and fraudulent substances. That is one way to reach them.

Congress alone can make effective the laws of the several States prohibiting the manufacture or sale of this class of articles. The States are helpless under the law. Under the Constitution, as it has been construed by the Supreme Court of the United States, these goods may go from one State to another in unbroken packages, and it is not until the package is broken that the jurisdiction of the State attaches. The State laws are helpless. There is a cry from every State in the Union—I think I may say that I have within my possession a demand from nearly every State in the Union—that the Congress of the United States should supplement their legislation and afford relief against the impositions that come from one State to another.

Seldom are these forbidden articles sold in the State of their manufacture. Seldom do they bring themselves within the law of the State which would regulate them. What higher duty can Congress perform than that of assisting the State governments in their local self-government in a matter which affects the people so closely?

This principle of self-government to which I have referred begins in the home. It begins with the individual, and it rises through the home and the local community and the various political governments until it reaches here, and we are the last arbiter and should be the first to afford relief.

Mr. President, I do not intend unduly to abbreviate the consideration of this measure. So long as any Senator desires to speak upon it, I am more than content that it should rest in the consideration of this body; but when the hour arrives that it is evident that no Senator desires to speak further upon it, which is evidence that they have no further consideration to add to the wisdom of this body in disposing of it, I do hope the Senate will promptly take a vote upon it, and say to the people that we have time to attend to their wants, we are here to aid not only the individuals but the States, representing the individuals, which can legislate for themselves only within a limited scope. I hope the Senate will act promptly upon this matter, and I say now that at a very early day I shall again ask the Senate to fix a time for the final consideration and determination of this question.

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. SPOONER. Mr. President, I take the floor upon this bill, not, however, to discuss it, but to present as briefly as I may my views upon another important subject. I am impelled to do this by recent debate here, more or less critical, of the conduct of our foreign relations by the President, and under circumstances which, with great deference, I can not regard as constituting in any degree wise precedent.

Matters which are being considered by the Senate as an executive body have been debated in open legislative session. Fifteen years of service here has fully confirmed in me the impression, early formed after my advent in this body, that the consideration of treaties and all questions involving our foreign relations are best, save in very exceptional cases, conducted behind closed doors. This, of course, Mr. President, not because there is anything said or done which Senators would wish withheld from our own people, but because it is inevitable that in the perfect frankness which should characterize debate involving our foreign relations many things must be said, and are always said, which, in the public interest, ought not to be said in the hearing of other nations. I am clearly of the conviction, having regard to the peculiar relations created by the Constitution between the Senate and the Executive in respect to the

exercise of the treaty-making power, that it is not a healthy precedent to establish, or one much to be followed, that involves public discussion of current foreign relations, including treaties. If indulged at all it ought to be done by a vote of the body since otherwise some feel justified in discussing phases which others feel not at liberty to debate.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. SPOONER. I do.

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

Mr. SPOONER. Certainly.

Mr. NEWLANDS. It is whether he does not think it advisable to open the discussion of this question in the Senate? Does he not think it involves something beyond mere treaty relations with the Government of Santo Domingo; that it involves the possible consideration of a new policy on the part of the United States, affecting our relations not only with Santo Domingo, but with all the Caribbean States, Central American and South American Republics? And inasmuch as that departure is threatened, would it not be wise for us to take the entire country into our confidence and discuss it with the aid of a discussion upon the outside by newspapers and periodicals?

Mr. SPOONER. That is a considerable "question." There are phases of the subject, and the larger phases of it, too, having reference to what the Senator is pleased to call the "new policy," which I fancy would be best first discussed in the frankness of executive session. I am conscious of views adverse to that policy, if I understand to what the Senator refers, which I would very much prefer, in the first instance, to utter in executive session; and on general principles, I reiterate, after more experience in this body than the Senator has had, but not so much as he doubtless will have, my conviction that the methods of the fathers in the treatment by the Senate of our foreign relations, all things considered, is a wise one and the one best conserving the public interest of the United States.

Of course one may miss the inspiration of the larger audience, but the debates of the executive session get to be very earnest; they are very frank, they are intensely patriotic, they exhibit great research and industry, and are, in my judgment, the most interesting if not the most valuable of all discussions in the Senate.

I have heard speeches here by Senators now present, and by Senators now gone from here, some of whom are dead, which for learning, eloquence, and patriotic solicitude and forethought for the interest of the United States in foreign relations of delicacy and grave importance, are not to be surpassed, and would have received enduring admiration could they, in harmony with the interest of the people, have been given to the world. By common consent they could not, and so they live only in the memories of those who heard them.

The distinguished and patriotic Senator from Georgia [Mr. BACON], whose friendship I greatly value, thought it wise and proper to introduce a resolution in the legislative session of the Senate calling upon the President for certain information, including the instructions given to the delegates or representatives accredited to the conference now being held at Algeciras relative to Morocco, in order that the Senate might, sitting in judgment upon the executive conduct of our foreign relations, determine whether they were being conducted in accordance with the traditions of our country or were being conducted in violation of them.

I regretted the introduction of the resolution. I justify the wisdom of the Senate in closing the doors upon its discussion. But notwithstanding, another resolution, general in its terms, dealing with the traditional policy of the United States, which no man in the United States would willingly see disregarded or departed from, opened the way for the full discussion of the subject.

Mr. President, with great respect for those who differ from me, I deprecate the course which has been pursued. I believe that it is not a proper course to be pursued by the Senate in respect of our foreign relations, save in extraordinary circumstances, if at all. The Senate has nothing whatever to do with the *negotiation* of treaties or the conduct of our foreign intercourse and relations save the exercise of the one constitutional function of advice and consent which the Constitution requires as a precedent condition to the making of a treaty. Except as to the participation in the treaty-making power the Senate, under the Constitution, has obviously neither responsibilities nor power.

From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And, Mr. President, he does not exercise that constitutional power, nor can he be made to do it, under the tutelage or guardianship of the Senate or of the House or of the Senate and House combined.

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

Mr. SPOONER. Certainly.

Mr. TILLMAN. What interpretation does the Senator put upon the word "advice" in the Constitution? Can you give advice after a thing has been done?

Mr. SPOONER. Yes; you can give advice——

Mr. TILLMAN. As to whether or not a thing has been properly done, but you can not give advice after it has been done.

Mr. SPOONER. I will proceed to answer the question, if I am able.

The words "advice and consent of the Senate" are used in the Constitution with reference to the Senate's participation in the making of a treaty and are well translated by the word "ratification" popularly used in this connection. The President negotiates the treaty, to begin with. He may employ such agencies as he chooses to negotiate the proposed treaty. He may employ the ambassador, if there be one, or a minister or a chargé d'affaires, or he may use a person in private life whom he thinks by his skill or knowledge of the language or people of the country with which he is about to deal is best fitted to negotiate the treaty. He may issue to the agent chosen by him—and neither Congress nor the Senate has any concern as to whom he chooses—such instructions as seem to him wise. He may vary them from day to day. That is his concern. The Senate has no right to demand that he shall unfold to the world or to it, even in executive session, his instructions or the prospect or progress of the negotiation. I said "right." I use that word advisedly in order to illustrate what all men who have studied the subject are willing to concede—that under the Constitution the absolute power of negotiation is in the President and the means of negotiation subject wholly to his will and his judgment.

When he shall have negotiated and sent his proposed treaty to the Senate the jurisdiction of this body attaches and its power begins. It may advise and consent, or it may refuse. And in the exercise of this function it is as independent of the Executive as he is independent of it in the matter of negotiation.

I do not deny the power of the Senate either in legislative session or in executive session—that is a question of propriety—to pass a resolution expressive of its opinion as to matters of foreign policy. But if it is passed by the Senate or by the House or by both Houses it is beyond any possible question purely advisory, and not in the slightest degree binding in law or conscience upon the President. It is easy to conceive of circumstances in which to pass in legislative session a resolution like that first introduced by my distinguished and learned friend, the Senator from Georgia [Mr. BACON], asking the President, if in his opinion not incompatible with the public good, to transmit the correspondence in a pendng negotiation to the Senate, might be productive of mischief. I think the Morocco case is perhaps one which could be productive of mischief in this, that the President's declination, which would be within his power, upon the ground that the public good required that the correspondence should not be sent to the Senate, might give rise to an inference in other countries that something with reference to one or more of the parties was being concealed from them.

Mr. President, I do not stop at this moment to cite authorities in support of the proposition, that so far as the conduct of our foreign relations is concerned, excluding only the Senate's participation in the making of treaties, the President has the absolute and uncontrolled and uncontrollable authority. Under the confederation there was felt to be great weakness in a system that made the Congress the organ of communication with foreign governments; but when the Constitution was formed, it being almost everywhere else in the world a purely executive function, it was lodged with the President. He was given the power, with all other Executive functions, "to receive ambassadors and other public ministers." His exercise of that function can not, under the Constitution, be controlled by any other body in the Government. That is a tremendous power given by the Constitution to the President—the power to receive or reject an ambassador or a public minister or any one of the representatives known to international law as it existed when the Constitution was adopted. That involves not simply the mere recognition of governments or administrations, but it involves sometimes the recognition of a new nation. It involves passing upon the question of independence. It involves decision as to the various changes which occur in the adminis-

tration or government of nations—one administration or faction in power to-day, another next week, another a month later. The President decides. He was given the power to appoint "ambassadors, other public ministers, and consuls," which has been held to include diplomatic agents then known to international law and international intercourse. Those offices are not created by the Congress. The Congress controls the purse, and may not see fit to appropriate compensation for those appointed by the President, but it has been well held and is irrefutable that under the Constitution the offices are created by that instrument, and he is given his own absolute will as to when he will appoint and whom he will appoint——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Except as to confirmation by the Senate.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. The Senator from Wisconsin having modified his statement to that extent, I will not allude to that point; but I should like to ask him, he having given us such a luminous exposition of the Constitution, what is the relation between the President and the Foreign Relations Committee of the Senate? Do those men never advise?

Mr. SPOONER. Is the Senator serious in putting to me that question?

Mr. TILLMAN. I am.

Mr. SPOONER. I will give it a serious answer.

The relation of members of the Foreign Relations Committee to the executive department of the Government in its relation to foreign relations is precisely the relation which the Senator from South Carolina and his colleagues sustain to the executive department in its relation to foreign relations. The Committee on Foreign Relations, like the other committees of this body, is not an independent entity. Its members are Senators who are designated by the body to study and report upon certain subjects, and the committee therefore is but the servant of the Senate, as all other committees are. A member of the Foreign Relations Committee, as a Senator, in his relation to the Senate and executive department is only a Senator, just as those who are not on that committee are Senators.

Of course it will sometimes happen that members of the Foreign Relations Committee, charged by the Senate with that particular subject, will obtain information as servants of the Senate, in order to bring it to the attention of the Senate, which other Senators might not seek; but that is all.

Mr. BEVERIDGE. It is a matter of expediency.

Mr. SPOONER. It is not a matter of expediency. It is a matter of industry, and a wise attempt at least to discharge the duty which the Senate has committed to them.

Mr. BEVERIDGE. They are not compelled to do it by the Constitution.

Mr. SPOONER. Oh, no.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LODGE. I merely wish to remind him of a fact with which he no doubt is very familiar, that in the Administration of Mr. Madison the Senate deputed a committee to see him in regard to the appointment of a minister to Sweden, I think, and he replied that he could recognize no committee of the Senate, that his relations were exclusively with the Senate. I have no doubt the Senator intended to recall that, but as he stated the exact relations as he understood them, it seemed to bear on that point.

Mr. SPOONER. I did not recall it; I am obliged to the Senator for recalling it; but I think I covered it——

Mr. LODGE. You did, entirely.

Mr. SPOONER. By saying that members of a committee have no relations to any Department of the Government, simply being servants of the Senate, which has the relation to the Departments of the Government.

Mr. TILLMAN. If the Senator will permit me, I will explain why I asked the question.

Mr. SPOONER. Certainly.

Mr. TILLMAN. The other day I submitted some observations on the Santo Domingo business. In them I brought out a statement from the New York Sun, which is in the RECORD of the 17th, that the present arrangement which is being carried out in Santo Domingo had the approval of the Senator from Wisconsin and the Senator from Massachusetts, both of whom are members of the Committee on Foreign Relations, or rather that those Senators, having objected previously, acquiesced in it; in other words, that they advised with the President and surrendered their own convictions as to the inadvisability of his action there. The statement goes on to say that——

Mr. SPOONER. I have that here. The Senator need not worry himself about that.

Mr. TILLMAN. The Senator is not worrying himself about anything; but I was just trying to get the Senator to give us, if he will be so kind, the relationship between the Foreign Relations Committee and the President. He says they have nothing whatever to do with it, and yet the members of this committee of the Administration party are caught in the act of having something to do with it in advising and objecting and all that kind of thing, unless the Senator denies the statement. If he denies it, I am done with it.

Mr. SPOONER. I think the Senator will be done with it——

Mr. TILLMAN. I will be done with it anyway.

Mr. SPOONER. Because I will deal with that.

Mr. TILLMAN. Will the Senator pardon me for a little common-sense observation there?

Mr. SPOONER. I may wish to judge for myself as to the common sense of it.

Mr. TILLMAN. I claim it is common sense. I do not ask the Senator's indorsement of it as being common sense. I assert that it is common sense.

Mr. SPOONER. I must indorse it on that assertion.

Mr. TILLMAN. Very well. Granting the Senator's contention to be correct, and knowing, as the Senator must acknowledge, that a treaty or any agreement made by the President must be submitted to the Senate for ratification, and it is first referred to the Committee on Foreign Relations, and that committee's attitude will almost certainly decide its fate, I ask the Senator whether, as a matter of common sense, any President would not prefer to have the advice of his Senatorial friends—advice, the constitutional word advice—and has not the Senator given that advice in his relationship of leader in the Senate and a member of the Foreign Relations Committee and a personal friend of the President?

Mr. SPOONER. Is the Senator through?

Mr. TILLMAN. Yes; I am through for the time being.

Mr. SPOONER. I was about to say that being held down by constitutional obligations and by the rule of courtesy which prevails in the Senate, I feel bound to say that the Senator's question is a common-sense question——

Mr. TILLMAN. For which I am very deeply grateful.

Mr. SPOONER. Only as a matter of politeness.

Mr. TILLMAN. Then the Senator convicts himself of insincerity.

Mr. SPOONER. I do not.

The VICE-PRESIDENT. The Chair calls the attention of Senators to the fact that in speaking they must address the Chair. The Senator from Wisconsin will proceed.

Mr. SPOONER. Now, if the Senator from South Carolina will possess his soul in patience, I wish to hurry through.

Mr. TILLMAN. Do not be in too big a hurry lest we lose something nice.

Mr. SPOONER. I will in time reach the phase of the subject to which the Senator has been alluding.

The President is so supreme under the Constitution in the matter of treaties, excluding only the Senate's ratification, that he may negotiate a treaty, he may send it to the Senate, it may receive by way of "advice and consent" the unanimous judgment of the Senate that it is in the highest degree for the public interest, and yet the President is as free when it is sent back to the White House with resolution of ratification attached, to put it in his desk never again to see the light of day as he was free to determine in the first instance whether he would or would not negotiate it. That power is not expressly given to the President by the Constitution, but it inheres in the executive power conferred upon him to conduct our foreign relations, and it is a power which inheres in him as the sole organ under the Constitution through whom our foreign relations and diplomatic intercourse are conducted. Out of public necessity the President should be permitted to pocket a treaty, no matter if every member of the Senate thought he ought to exchange the ratification. Why? Because the President, through the ambassadors, ministers, consuls, and all of the agencies of the Government, explores sources of information everywhere, it is his business to know whether anything has occurred since the Senate acted upon the treaty which would render it for the public interest that the ratifications be not exchanged. And he is empowered to withhold exchange of ratifications, if upon later knowledge he deems it for the public interest so to do.

The conduct of our foreign relations is a function which requires quick initiative, and the Senate is often in vacation. It is a power that requires celerity. One course of action may be demanded to-night, another in the morning. It requires also

secrecy; and that element is not omitted by the commentators on the Constitution as having been deemed by the framers of the most vital importance. It is too obvious to make elaboration pardonable.

We ratified the arbitration treaty unanimously, I believe. The President, in the exercise of the power which no one can dispute, pocketed it. The President may negotiate and sign a proposed treaty, and not send it to the Senate. In such case what would be thought of a resolution asking him to inform the Senate whether he had negotiated such a proposed treaty, and why he had not sent it to the Senate? Having sent a treaty to the Senate, he may withdraw it the next day.

Mr. President, the three great coordinate branches of this Government are made by the Constitution independent of each other except where the Constitution provides otherwise. We have no right to assume the exercise of any executive power save under the Constitution. We can not assume judicial functions. The President may not assume judicial functions. The President may not assume legislative functions. We as the Senate, a part of the treaty-making power, have no more right under the Constitution to invade the prerogative of the President to deal with our foreign relations, to conduct them, to negotiate treaties, and that is not all—the conduct of our foreign relations is not limited to the negotiation of treaties—we have no more right under the Constitution to invade that prerogative than he has to invade the prerogative of legislation.

Mr. MORGAN. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. I wish to suggest to him that he is perhaps using the word "prerogative" in too broad a sense. I do not understand that the President has any prerogatives under the Constitution.

Mr. SPOONER. What is the power to pardon?

Mr. MORGAN. That is a power derived from the Constitution.

Mr. SPOONER. That begs the question.

Mr. MORGAN. It is not a prerogative of royalty.

Mr. SPOONER. Kings have the power of pardon, which is a prerogative of royalty. The Senator, however, is right in the last analysis. This is not a kingly government.

Mr. MORGAN. That is right.

Mr. SPOONER. In the most technical sense I cheerfully yield to him that this word is not a fit word for this atmosphere, but I have heard a thousand times talk here about the prerogatives of the Senate.

Mr. MORGAN. That was just a thousand times too many.

Mr. SPOONER. Strictly, I agree with the Senator.

The act creating the Department of State, in 1789, was an exception to the acts creating the other Departments of the Government. I will not stop to refer to the language of it or to any of the discussions in regard to it, but it is a Department that is not required to make any reports to Congress. It is a Department which from the beginning the Senate has never assumed the right to direct or control, except as to clearly defined matters relating to duty imposed by statute and not connected with the conduct of our foreign relations.

We *direct* all the other heads of Departments to transmit to the Senate designated papers or information. We do not address directions to the Secretary of State, nor do we direct requests, even, to the Secretary of State. We direct requests to the real head of that Department, the President of the United States, and, as a matter of courtesy, we add the qualifying words, "if in his judgment not incompatible with the public interest."

What does the conduct of our foreign relations involve? Does it involve simply, do Senators think, the negotiation of treaties? It involves keeping a watchful eye upon every point under the bending sky where an American interest is involved, where the American flag and citizens of the United States are to be found on sea and on land, every movement in foreign courts which might invade some American interest. It involves intercourse, oral and written, conferences, administrative agreements and understandings, not included in the generic word "treaty," as used in the Constitution. All treaties are agreements, but all international agreements and understandings are not "treaties." (See opinion Taney, C. J., in Holmes *v.* Jennison, 14 Peters, 570–573.)

Mr. Justice Story, speaking of the power of the President under the Constitution over foreign relations, says (2 Story on the Constitution, fifth edition, sec. 1567):

That a power so extensive in its reach over our foreign relations could not be properly conferred on any other than the executive department will admit of little doubt. That it should be exclusively confined to that department without any participation of the Senate in the functions (that body being conjointly intrusted with the treaty-making power) is not so obvious. Probably the circumstance that in all foreign governments the power was exclusively confined to the executive department, and the utter impracticability of keeping the Senate constantly in session, and the suddenness of the emergencies which might require the action of the Government, conduced to the establishment of the authority in its present form. It is not, indeed, a power likely to be abused, though it is pregnant with consequences often involving the question of peace or war. And, in our own short experience, the revolutions in France and the revolutions in South America have already placed us in situations to feel its critical character and the necessity of having at the head of the Government an Executive of sober judgment, enlightened views, and firm and exalted patriotism.

Chancellor Kent says (1 Kent, 284):

The President is the constitutional organ of communication with foreign powers and the efficient agent in the conclusion of treaties; but the consent of two-thirds of the Senators present is essential to give validity to his negotiations.

Mr. Justice McLean said (Williams *v.* Suffolk Insurance Company, 13 Peters, 415):

There can be no doubt that when the executive branch of the Government, *which is charged with our foreign relations*, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country it is conclusive on the judicial department, and in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of *his constitutional functions he has decided the question*. Having done this under the responsibility which belonged to him, it is obligatory on the people and the Government of the Union. (See Duran *v.* Hollins, 4 Blatch., Circuit Court, 448, opinion by Mr. Justice Nelson.)

Professor Pomeroy, section 671, third edition, says:

The President is the sole organ of communication between our own and all other governments. Foreign ministers and ambassadors are accredited to him; to him they present their credentials and pay their formal official visits. The communications which they make, and the negotiations which they conduct, are, in fact, made and conducted to and with the Secretary of State, but only as that officer is the direct and personal organ of the President. All replies of the Secretary are supposed to be suggested by the Chief Magistrate, and he may, and doubtless often does, take an actual and leading part in the negotiation. Our own ministers are nominated by the President. When appointed they communicate alone with the Executive through the State Department. Instructions are sent to them, dispatches forwarded, demands made, claims insisted on, principles adopted and enforced as the President deems proper. How far he will actually interfere with the Secretary of State, and how far leave that officer to the exercise of his own discretion, must depend upon his own sense of duty and propriety and the completeness of his own convictions.

SEC. 672. Over all these proceedings the Congress has absolutely no control. The correspondence and negotiations may be, and generally are, conducted secretly; and although it is customary for the President to communicate dispatches to the legislature, this is never done until after their transmission, and, if necessary, they may be indefinitely withheld when the President deems that the public interests require it. Congress may pass resolves in relation to questions of an international character, but these can only have a certain moral weight; they have no legal effect; they can not bind the Executive. The necessity for this is evident. Negotiations generally require a certain degree of secrecy; one mind and will must always be more efficient in such matters than a large deliberative assembly. The President has thus intrusted to him a most momentous power, and one which he can not entirely delegate. Our foreign ministers must undoubtedly use their own judgment and discretion within narrow limits, but in all important matters they receive definite and positive instructions from home. The magnitude of this function may be easily illustrated. The President can not declare war; Congress alone possesses this attribute. But the President may, without any possibility of hindrance from the legislature, so conduct the foreign intercourse, the diplomatic negotiations with other governments, as to force a war, as to compel another nation to take the initiative; and that step once taken, the challenge can not be refused. How easily might the Executive have plunged us into a war with Great Britain by a single dispatch in answer to the demands of the British cabinet made in relation to the affair of the *Trent*. How easily might he have provoked a condition of active hostilities with France by the form and character of the reclamations made in regard to the occupation of Mexico.

I repeat that the Executive Department, by means of this branch of its power over foreign relations, holds in its keeping the safety, welfare, and even permanence of our internal and domestic institutions. And in wielding this power it is untrammeled by any other department of the Government; no other influence than a moral one can control or curb it; its acts are political, and its responsibility is only political.

SEC. 673. But the other branch of this Executive function—the treaty-making power—is even more important. The language by which this authority is conferred and described is peculiar. The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided that two-thirds of the Senators present concur. All treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land. The President must, of course, take the initiative in making all treaties.

Congress, as such, has nothing to say in the matter. As a treaty is necessarily the result of negotiation, and as such negotiation is exclusively within the province of the President, the Senate having not the least authority to communicate with a foreign government, it is absolutely impossible for that body to dictate a treaty or to force the Chief Magistrate into any particular line of action. He must negotiate the treaty, make all the stipulations, determine all the subject-matter, and then submit the perfected convention to the Senate for ratification or rejection. They must take his finished work and approve or disapprove.

My friend from Georgia [Mr. BACON] seemed to think it extraordinary and novel that the President in exercising this constitutional power to conduct our foreign relations, should send delegates or representatives to the Moroccan conference. Where can there be found any warrant for denying that right? I

think the Senator did not deny the right. We have been engaged in conferences before.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Certainly.

Mr. BACON. I do not desire to interrupt the Senator.

Mr. SPOONER. I have no objection.

Mr. BACON. I desire not to do so. I prefer to answer the Senator afterwards, if I have an opportunity, rather than to take it up by piecemeal. Therefore I only interrupt him in this instance because he suggests what he understands to be my position, and it will require some little more elaboration than to answer categorically. So I will not now interrupt the Senator, but I will endeavor, if I have the opportunity, to express as fully and as clearly as I can what is my exact position about this matter.

Mr. SPOONER. But I think I misstated the Senator's position. I must correct it. Of course it was an inadvertence. The Senator did not deny the right of the President.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, a brief communication that came in my mail this morning relating to the matter of the unfinished business I should like to have read, and then I will ask consent that the unfinished business may be laid aside temporarily.

The VICE-PRESIDENT. Without objection, the communication will be read.

The Secretary read as follows:

NATIONAL BOARD OF TRADE,
SECRETARY'S OFFICE.
THE BOURSE, ROOM 248,
Philadelphia, January 22, 1906.

Hon. J. H. GALLINGER,
Chairman Merchant Marine Commission,
Washington, D. C.

DEAR SIR: I have the honor to inform you that at the thirty-sixth annual meeting of the National Board of Trade, held in Washington January 16–18, 1906, the following resolution was adopted:

"*Resolved*, That the National Board of Trade approves of the Senate bill No. 529 as the best means now practicable before the country for the improvement of the merchant marine, and urges its approval by Congress, and further, the committee approves the postponement of the time of application for the present navigation laws as to the Philippines to July 1, 1909, as recommended in the Senate bill above referred to."

Very truly, W. R. TUCKER, *Secretary.*

Mr. GALLINGER. I ask unanimous consent that the unfinished business be laid aside until the Senator from Wisconsin concludes his remarks.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the unfinished business be temporarily laid aside until the Senator from Wisconsin concludes his remarks. Is there objection? The Chair hears none, and the Senator from Wisconsin will proceed.

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. SPOONER. Mr. President, I was saying when interrupted that the Senator from Georgia [Mr. BACON] did not deny the power of the President to send representatives to the conference at Algeciras, but he very greatly deprecated openly here, pending the assembling of the conference, their being sent as a violation of our national traditions and a dangerous departure from the principles of Washington's Farewell Address, which I support and defend.

Mr. President, I think in authorizing Ambassador White and Mr. Gummeré, our minister to Morocco, to attend this conference the President not only acted entirely within his constitutional capacity, but acted entirely in the interest of the country and in just obedience to the plain demands of the situation.

The Senator seemed to be afraid of international conferences. I do not share that fear, Mr. President. We have had numerous conferences. If we maintain our position internationally, which, of course, we will, with the lapse of years we will be called upon often, doubtless, to send representatives to conferences abroad. I assert, without fear of successful challenge, that that in no wise countervails the doctrines of Washington; that that in no wise involves a committal of this Government to entanglement with foreign governments upon purely foreign questions.

The treaty with Morocco of 1880, manifestly in the interest of the United States for the protection of our citizens, Mr. President, had its birth in a conference—the conference of Madrid. What harm has come from that?

We were represented in a conference called by Germany, which met at Berlin November 15, 1884. Fourteen countries were represented, including the United States. After a long session a treaty was agreed to relative to commerce, navigation, etc., in the Kongo Basin. We did not sign the treaty.

The framers of the Declaration of Independence and the Constitution did not intend to create a baby nation or a hermit nation. They said in the Declaration of Independence what their purpose was, and the framers of the Constitution carried it out. Once in a while it is worth referring to:

WE, therefore, the REPRESENTATIVES of the UNITED STATES OF AMERICA, IN GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, THEY HAVE FULL POWER TO LEVY WAR, CONCLUDE PEACE, CONTRACT ALLIANCES, ESTABLISH COMMERCE, AND TO DO ALL OTHER ACTS AND THINGS WHICH INDEPENDENT STATES MAY OF RIGHT DO.

Did the framers of the Constitution whittle off anything from the measure of national power outlined in the Declaration of Independence? On the contrary, Mr. President, as the Supreme Court of the United States decided, they conferred upon the President (to negotiate) and upon the Senate (to ratify or reject) the whole treaty-making power known to international law and governments, except so far as specific provisions of the Constitution would take it away. We have a constitutional power to enter into a treaty of alliance. Who says "nay?" It is against the policy of this Government to make such treaties, but I speak not of expediency; I speak of power. I have heard it suggested if not declared here that the United States has no power under the Constitution to maintain a suzerainty or a protectorate. Why not? Where is that taken out of the power which inheres in a nation? Where is that taken out of the treaty-making power which the Supreme Court of the United States speaks of in this wise? I will stop to read it:

That the treaty power of the United States extends to all proper subjects of negotiation between our Government and the governments of other nations is clear. It is also clear that the protection which should be afforded to the citizens of one country owning property in another, and the manner in which that property may be transferred, devised, or inherited, are fitting subjects for such negotiation and regulation by mutual stipulations between the two countries.

That touches the Morocco treaty of 1880, which was in part negotiated for that purpose, as my friend from Ohio and other Senators will remember.

As commercial intercourse increases between different countries, the residence of citizens of one country within the territory of the other naturally follows, and the removal of their disability from alienage to hold, transfer, and inherit property in such cases tends to promote amicable relations. Such removal has been within the present century the frequent subject of treaty arrangement. The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids—

Of course not—

or a change in the character of the Government—

Of course not—

or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent.

But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country. (De Geoffroy *v.* Riggs, 133 U. S.)

That is not new, but it shows that in the later days the highest judicial tribunal of the land—and there is none greater in the world—measures the power of this Government under the Constitution as the framers of the Declaration of Independence measured it in that immortal document.

Mr. President, we are not a hermit nation; we can not be. I am not a jingo. I adhere strictly to the Washington doctrine of no entangling alliances. I would expect to be in accord in most instances with my friends on the other side in keeping our Government, as far as may be consistent with its dignity and self-respect, free from international complications. But I insist that all the power given by the Constitution to the President as to the conduct of our foreign intercourse and relations, including the negotiation of treaties, and including conferences such as are here criticised, should be put forth whenever and wherever American citizens in any lawful business or upon any lawful errand are to be protected in their liberty, or in their ownership of property, and wherever commercial interests of the United States are to be safeguarded, and of the exercise

of this constitutional function, as to occasion, time, and method, the Executive is the judge. I take it that as the years go by, as we grow in strength and power and wealth, in commerce and the esteem of the nations, as generous, patient, just, and peace-loving, occasions will arise oftener than hitherto when it will seem to the Executive of the country wise that this Government shall be represented in foreign conferences, not to deal with foreign politics, not to entangle us, not to violate in any manner the doctrine of Washington, but to conserve American interests, and to prevent by kindly offices, friendly action, and well-deserved international influence, war between nations at amity with us.

The United States has been a leader in a way in an attempt, Mr. President, to bring about as far as possible adjustment of controversies between nations without war. It is not beyond reasonable belief that Ambassador White, one of the ablest, most experienced and skilled diplomats in the service of this country, and his associate may at the right time, under instructions from the President, without in anywise jeopardizing our international status, in some way contribute to the peaceful issue of this conference.

Treaties with the Barbary States, Morocco included, are not new to us. They began about the time the United States began.

When we were colonies, Mr. President, and had a considerable commerce for those days in the Mediterranean, Great Britain, the mother country, protected our commerce, because it was hers, from the Barbary States pirates. When we had achieved our independence from Great Britain and were thrown upon our own resources, the Barbary pirates killed our commerce and took into slavery our sailors, perpetrated every crime and cruelty known to the brigand and the pirate. We asked France to incorporate in a treaty a stipulation to protect our Mediterranean commerce from the incursions and violence of the Barbary States. France declined, but offered to use her good offices. So, Mr. President, it went along until 1787, when we bought a treaty with several of the Barbary States, including Morocco, for consideration—money, including presents.

Mr. MONEY. Cash?

Mr. SPOONER. Cash; yes; and presents, in order that ships carrying our flag and manned by our sailors might navigate the sea with our commerce in safety.

So treaties were made with the other Barbary States. One was made in 1836 with Morocco. I will not take time to refer to it. Then came the treaty of 1880, the result of the conference at Madrid. I think there are not ten Senators in this Chamber who are now listening to this debate who have not forgotten that there ever was a conference at Madrid. I will ask the Senator from Iowa [Mr. ALLISON] whether he remembers it?

Mr. ALLISON. I had for the moment forgotten it.

Mr. SPOONER. Well, the Senator was here. I think I had not known of it until this subject came up, and yet there were, I suppose, timid Senators who, in the inception of that performance, saw danger to Washington's policy of nonentanglement. That treaty was executed by all of the powers represented at Algeciras.

I suppose it will not be asserted here that the programme of this conference embraced subjects of necessity involving international politics, or that it did not embrace subjects covered by the existing treaty, of concern to us, and possibly, Mr. President, calling for a revision of the treaty. I can not agree to the theory upon which the Senator from Georgia bases his criticism, that we are to send, no matter what American interests may be involved, no representatives to foreign conferences to conserve our interests and promote the general peace, lest we become enmeshed in foreign political intrigue or entangling alliance. Such a contention seems an assertion by ourselves to the world that we do not trust our own Government to exercise constitutional powers; that we either will not know the limit of our own safety or will knowingly disregard it. It happens to be true, Mr. President, in this very case that but for the acceptance of the invitation by the United States no conference would have been held, for two of the large powers refused to attend the conference at all if all the signatories to the Madrid treaty did not accept.

Mr. BACON. How does the Senator know that?

Mr. SPOONER. I know it, and I know it in the same way the Senator can know it if he goes to the trouble to which I have gone to find it out.

Mr. BACON. I suppose the Senator will not hesitate to give the source of his authority. That is all I want to know

Mr. SPOONER. Well, my authority is good. [Laughter.]

Mr. BACON. In other words, the authority is such as we would all recognize.

Mr. SPOONER. It is authority which would satisfy. It is not the President of the United States, but an authority which would satisfy any Senator on this floor.

If a conference were called to deal with Manchuria and all the governments interested in Manchuria were requested to attend with a programme indicating what would be there considered—that would be a very delicate conference doubtless; more combustible in its nature than this little affair at Algeciras—I wonder if the Government of the United States ought to stay away. We have treaty rights in Manchuria; we have in Manchuria one of the finest treaties, commercial in its character, ever made with a government; we have international servitudes, rights of navigation, residence, etc., in Manchuria. What a dignified and impressive spectacle it would be for the United States, nearer in its possessions to China than most governments, with an absolutely inexpressible interest in the Orient, to sit at home while a conference of other powers was dealing with Manchuria! We would send a representative there guarded by instructions to watch the interests of the United States, to hear the views expressed by the representatives of other governments, to get what one can not get by reading documents the real motives and schemes and dangers, instructed to withdraw or cease to participate by vote when some matter arose, if any did, falling within the category which our President and Secretary of State in their instructions would easily define as prohibited subjects.

I can not bring myself to the belief that there is any tradition of the United States, as there is no constitutional limitation, which makes it wise to determine, if we had the power to do it, that never hereafter shall the United States be represented at a conference abroad if it covers in its programme the consideration not only of our interests and the interests of our citizens, but also may involve a political question in which we are not interested.

I do not find in Washington's Farewell Address any support, as others in perfect good faith seem to do, for criticism of the action of the Executive in sending representatives to the conference at Algeciras. Of course, this is an honest difference of opinion. President Washington laid down general rules, which in his opinion should characterize in the future the general conduct of our foreign relations and intercourse, and he expressed his views in sentences which have become maxims of our national philosophy upon the subject. Out of the knowledge of his day as to our relations of hostility to one great country and peculiar friendship to another, and the situation which had been evolved from it, he spoke. He said:

> The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little *political* connection as possible.

It is a far cry from this temperate and wise attitude to the proposition that we should entirely abstain from attending to our own business abroad lest we find ourselves unable to abstain from unduly meddling with other people's business. Even the language of Washington involves the possibility that the country could not conduct its foreign affairs without having some political relation with other countries, for he says:

> We should have with them as *little* political connection as possible.

What he evidently had in mind was alliances more or less permanent in form. He says:

> Why quit our own to stand upon foreign ground? Why by *interweaving our destiny* with that of any part of Europe entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It seems quite impossible to apply this language to any European conference at which this Government has ever been or ever will be represented. Applied to the conference at Algeciras, or any others which we are likely to attend, the language certainly does not fit. The quoted language is his argument in support of the conclusion which follows it, thus:

> It is our true policy to steer clear of *permanent* alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. * * * But, in my opinion, it is unnecessary and would be unwise to extend them.

That he was dealing with a situation then existing and with which he was ill content and guarding the country against permanent alliance, is indisputably clear from this language, which follows:

> Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may *safely trust to temporary alliances for extraordinary emergencies.*

As a nation we have kept, are keeping, and doubtless will continue to keep far within the scope of President Washington's reasoning and admonition.

Mr. President, the President of the United States, who hit upon the psychological moment for successful intervention to bring to an end the terrible war between Russia and Japan, can be trusted to hit upon the psychological moment when the safety

of this Government demands that Ambassador White and Mr. Gummere shall withdraw from or cease to vote in the Algeciras conference. I am ready to assume that the President and his accomplished and very able Secretary of State are looking after their business and know what their duty is, and that they will do it. The Senate is bound to indulge, I think, in that assumption.

But, Mr. President, I beg permission to read from the address something further which is pertinent to this discussion:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment—

These are words of truth and soberness which no citizen ought for one moment to forget, in official or in private life—

The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people—

Mark this—

If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. President, if it be true that the Constitution vests in the President the sole power and responsibility, save as to the MAKING of treaties, for the conduct of our foreign relations, George Washington bids the Senate as well as the House of Representatives, "Hands off."

A President is not liable to injunction, although a President is subject to punishment in the proper case under the Constitution, but within his sphere of constitutional action he is free as the air in the exercise of his discretion. and the Senate ought not, and especially in this delicate matter of foreign relations, to invade that jurisdiction, any more than it should permit its jurisdiction to be invaded by an Executive.

SANTO DOMINGO.

I come now to the consideration, Mr. President, of the charge made not alone by the Senator from South Carolina [Mr. TILLMAN], but by many of his colleagues, and by a portion of the press, that the President in the conduct of our foreign relations has as to the miscalled "*modus vivendi*" alleged to exist between this Government and Santo Domingo usurped a power with which he is not clothed by the Constitution. It is not susceptible of doubt that a President may not lawfully put in operation as a treaty any understanding or agreement embraced by the word "treaty," as used in the Constitution, without precedent ratification of it by this body. Pending the action of this body upon a proposed treaty an attempt by the President to carry it into execution would be beyond his power and an act of usurpation indefensible from any standpoint. Such a charge, therefore, is a very serious one.

My purpose is now to consider the question whether the President has, in the slightest degree, gone beyond his power and duty in anything which he has done since the adjournment of the extraordinary session of the Senate in respect to the Republic of Santo Domingo.

I have a right, of course, to say that the President negotiated a treaty or a protocol for a treaty with Santo Domingo and sent it to the Senate. I have no right to say, Mr. President, what the attitude of the Foreign Relations Committee of the Senate was toward it; what amendments, if any, they proposed to it, or how far, if at all, the debates in the Senate were in nonapproval of one or more of the positions taken by the President in urging its ratification. All that I have no right to touch upon in the open session of the Senate. The arguments by which such a treaty was supported or opposed are as if never uttered, as I speak here to-day.

Under that proposed treaty the United States, disclaiming any purpose to acquire territory in Santo Domingo, avowing its friendliness to the Republic and the spirit in which it engages to attempt an adjustment of the obligations of the Santo Domingo Government, first, by investigation and determination, through American instrumentalities or a commission or commissions appointed in connection with creditor governments, of the justice of asserted indebtedness, and, this done, their payment out of revenues collected by the United States through American officials appointed by the President at the custom-houses of Santo Domingo in the various ports, paying 45 per cent of the customs collected to the Government for its support and holding in trust 55 per cent for application in equitable proportions to the payment of debts found honestly due by Santo Domingo, the latter Government in the meantime agreeing not to incur further indebtedness or to increase the customs, etc., pending the execution of the treaty. This is a very general, but I think adequate, statement for my present purpose.

The Senate declined to act upon the treaty, but adjourned for the long vacation, leaving it on the Calendar. What, Mr. President, was the danger in this situation, and what were the power and the duty of the President in respect of it should it arise? The Senator from Maryland [Mr. RAYNER] the other day, in a powerful and eloquent speech, dealt somewhat with the character of the claims against Santo Domingo, and he dealt also with the precedents illustrating the policy of this Government, limiting the governmental collection, by force, of claims of its citizens to such as are based upon torts. That is the doctrine which has been constantly sustained by our Department, as I recollect it. That is, however, not a principle of international law, as I understand it.

Mr. RAYNER. If the Senator from Wisconsin will allow me to interrupt him for a second, Secretary Seward says it is in one of the illustrations I gave.

Mr. SPOONER. The Senator is right. But, Mr. President, Lord Palmerston, speaking for England, said it was not. Every government has held itself free to pursue its own course and policy in respect of that matter, as I understand it.

At any rate, this is true: The debts of Santo Domingo were mainly obligations of the government, not of citizens of one government due to citizens of another government; and out of the "Venezuela blockade," if it may be called a blockade, established by three governments—England, Germany, Italy—with their war ships, had come a reference of the matter to The Hague. They had made a demonstration of force, and their claims were not claims sounding in tort, as I understand, save in small degree. The matter was referred to the great international tribunal at The Hague, our claims among the rest, and the international tribunal, so far from asserting as a principle of international law that contractual claims can not be collected by force, delivered a judgment or a decree giving precedence to those governments which had "levied execution" by war ships, as I said on a former occasion, thereby putting a premium upon the swift naval action of creditor governments everywhere in such cases.

When the Senate had adjourned there came from Santo Domingo, to the President undoubtedly, the cablegram read by the Senator from South Carolina:

SECRETARY OF STATE, *Washington:*

Under pressure foreign creditors and domestic peril Dominican Government offers to nominate—

That is an obvious misuse of the word "nominate" by the minister—

a citizen of the United States receiver southern ports pending ratification protocol, four northern ports to be administered under the award. Forty-five per cent total shall go to the Dominican Government, fifty-five to be deposited in New York for distribution after ratification. Creditors to agree to take no further steps in the meantime and receiver to have full authority to suspend importers' preferential contracts. Italian, Spanish, German, and American creditors, except the Improvement (company)—

Which is an American claimant—

accept unconditionally. Belgian, French representatives will recommend acceptance. Some modus vivendi absolutely necessary. I am ready, if desired, to start for Washington, D. C., 28th, to explain details and modifications of plan obtainable; the whole matter can be held open during my absence.

Foreign creditors could only "press" so as to disturb the status through their governments.

What reply should the President have made to that proposition? What action should the President have taken in that situation, if any?

Mr. TILLMAN. Does the Senator want an answer?

Mr. SPOONER. I was not asking for an answer, but the Senator evidently wants to give one——

Mr. TILLMAN. Go ahead and give it yourself.

Mr. SPOONER. And I invite him to make one.

Mr. TILLMAN. As I understand, the treaty having been negotiated and submitted to the Senate, it was in our keeping and no longer in charge of the President. We had not acted, but had adjourned without action, and, as I understand the limitations of the President's power in connection with treaties, he should have said: "I am powerless to do anything without usurpation."

Mr. SPOONER. It is a fortunate thing that the Senator from South Carolina did not happen to be President just at that time.

What did the President do with the treaty? The Senator is absolutely right when he says the treaty had been sent by the

President to the Senate. He is absolutely right when he says that when the Senate adjourned the treaty was still pending in the Senate. He is absolutely right when he says that the President had no power to put in operation in any way the treaty—absolutely correct. And yet, Mr. President, he is absolutely wrong from every possible standpoint, if I can understand the situation, when he contends that the President has, in any respect, put in operation the treaty. The Senator from South Carolina, ordinarily exceedingly clear of perception, seems in some way not to be able or willing to see the situation as it is outlined and clearly shown by the very documents to which he resorts as a basis of condemning the President for an alleged usurpation. The Senator seems unwilling to see the right. I do not know why. It is not natural to him.

Mr. TILLMAN. Kind.

Mr. SPOONER. Perhaps the Senator is so prejudiced that he can not see the right. I will not say that, for I do not believe it; but the Senator's mind is perverse on this subject.

Mr. TILLMAN. A little hard-headed.

Mr. SPOONER. A little perverse in his judgment upon this question.

What could the President do in that situation? The Senator did not answer the question which he rose to answer. He says that the President ought not to have done something that the President did not do, which affords me no——

Mr. TILLMAN. I am not nearly so skillful in dialectics and in making special pleas as is the Senator from Wisconsin.

Mr. SPOONER. There it is again—"special pleas."

Mr. TILLMAN. Yes; I have an unfortunate habit of calling things by their names, even in the Senate. The Senator tries to befuddle the situation. I want to ask the Senator now will he deny——

Mr. SPOONER. I myself wish to ask the Senator a question.

Mr. TILLMAN. Let me ask my question.

Mr. SPOONER. I desire to ask a question.

Mr. TILLMAN. I do not want any Yankee answers—answering questions with questions. However, the Senator from Wisconsin has the floor.

Mr. SPOONER. Oh, no. But I will ask a question. What, if anything, would the Senator from South Carolina have had the President do in response to this telegram?

Mr. TILLMAN. I told the Senator that in my view the President could do nothing, because the arrangement which was indicated in that cablegram could not be carried out without usurpation of authority, inasmuch as the Senate had refused to grant that authority by ratifying the treaty; the treaty was in the hands of the Senate, where it belonged, and unless something brand-new occurred in the affairs of Santo Domingo, the President was not warranted in doing what he did.

Mr. SPOONER. I accept that answer. I think that is the best I can do.

Mr. TILLMAN. Possibly I may give the Senator a better one a little later.

Mr. SPOONER. A "brand-new situation" did develop.

Mr. TILLMAN. In what way?

Mr. SPOONER. This cablegram shows it. He was notified by Santo Domingo of foreign pressure and of domestic peril, which was not the situation when the Senate adjourned, with proposal to appoint an American nominated by the President to collect revenues to be held pending action by the Senate on the treaty—and that with this creditors would be satisfied. Would the Senator have had our ships withdrawn from Santo Domingo? He complained the other day because they were not. Would he have had them withdrawn from Santo Domingo when the Senate adjourned?

Mr. TILLMAN. Does the Senator contend that there were any American citizens there whose lives were in jeopardy, or any facts to show it?

Mr. SPOONER. There were undoubtedly American citizens there. I know nothing definite upon that subject.

Mr. TILLMAN. You had better get some facts and not guess.

Mr. SPOONER. I know this: I know it is for the President to say where our ships shall be.

Mr. TILLMAN. I do not dispute that proposition at all, but——

Mr. SPOONER. And I know another thing, and I think the American people will see it, that the President would have been unfaithful to the people of the United States and to the interests of this Government had he withdrawn our ships from Santo Domingo. Why? Suppose they had been withdrawn, Mr. President. How long, under The Hague decision on the Venezuelan claims, would it have been before every harbor and custom-house in Santo Domingo would have been in charge of a foreign official, sustained by a foreign war ship?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. Have the debts of Santo Domingo been submitted to The Hague tribunal?

Mr. SPOONER. I did not say they had been.

Mr. TILLMAN. But you alluded to The Hague decision as giving the President warrant for this action, or rather the Senator assumes that if we had withdrawn our war ships and left the Santo Domingo people to take care of themselves, which I think it was our duty to do, foreign war ships would have seized the ports. Why do not foreign war ships seize the ports of South American republics which are in debt?

Mr. SPOONER. Mr. President——

Mr. TILLMAN. Let me get through.

Mr. SPOONER. I prefer the Senator should be through.

Mr. TILLMAN. That is such a discourteous remark that I am through.

Mr. SPOONER. I did not intend to be discourteous, but I want to finish what I have to say. I will again ask the Senator the question which he did not answer.

Mr. TILLMAN. Well, ask it again and I will try to answer it.

Mr. SPOONER. Would the Senator have had the President on the adjournment of the Senate, leaving the treaty unacted upon, withdraw the war ships?

Mr. TILLMAN. I do not care where the war ships were, provided they were not there to collect this money, which they had no right to collect.

Mr. SPOONER. Ah, Mr. President, the President knew, as every intelligent man in this country knows, that if those war ships had been withdrawn their places would have been speedily taken by the war ships of other governments for the enforcement of their claims against Santo Domingo, to help to enforce the collection of the indebtedness, the greater part of which can not be regarded as honest. The President did two things through the Secretary of War, in response to the request of Santo Domingo. He recommended Colonel Colton to collect the revenues, and a bank in New York for the deposit of the money.

It has been shown to the Senate, and it is not denied by anyone, that during fifty years, at least, if not more, the rapidly succeeding revolutions in Santo Domingo have had their heart and inspiration in the custom-houses—revolutions not for liberty, but for money.

Mr. TILLMAN. Now will the Senator——

Mr. SPOONER. The presence of American war ships there up to the time of this dispatch had helped bring about a different situation, enabling the men of Morales to collect the revenues of the Government.

Mr. TILLMAN. Now that Mr. Morales is gone, who has got it?

Mr. SPOONER. I will get to that.

Mr. TILLMAN. I want to ask a question right here. The Senator mentioned Mr. Morales. I wish to ask him what harm would have come to us, or the Monroe doctrine either, if the foreign war ships had seized those ports and collected those debts?

Mr. SPOONER. I do not suspect that the Senator from South Carolina would see any harm in it, but the Senator forgets that Santo Domingo is to-day no farther from the soil of the United States, over which floats the flag of the United States, than Cuba was when the Spanish-American war broke out. I do not know more of the American people than the Senator from South Carolina does; I do not know as much of the southern people as the Senator does, but I think I know that the American people will not submit to-day to having within the sight of our flag, floating over our own soil, the war ships of half a dozen foreign governments indefinitely located in the harbors of Santo Domingo collecting the revenues to pay indefinite indebtedness, much of it dishonest or unconscionable. The portion of the people who would first rise in opposition to that situation would be the people of the South.

Mr. TILLMAN. Now, will the Senator permit me?

Mr. SPOONER. Yes.

Mr. TILLMAN. The Senator has not yet brought out the bugaboo, but it is undoubtedly coming—this sawdust-stuffed doll of foreigners seizing American ports and collecting debts by their war ships. But I want to say to the Senator that I believe that all that this Government will ever have to do under any conditions like those will be to serve notice on Europe—combined Europe, if necessary—that the Monroe doctrine as Monroe himself enunciated it is in full force and vigor and that 85,000,000 people are ready to enforce it.

Mr. SPOONER. Frankness requires me to say that that has nothing whatever to do with what I was talking about.

Mr. TILLMAN. Oh, of course.

Mr. SPOONER. The Senator from South Carolina can not inveigle me into any discussion with him, nor can any other Senator about the Monroe doctrine in connection with this Santo Domingo treaty. I am for the Monroe doctrine as Monroe proclaimed it, and as the country has accepted it, and as other countries have respected it. It is no part of international law. It is a national doctrine. It is an American doctrine. It is a doctrine that answers for this country all that the balance of power answers for abroad. It is a doctrine that amounts to something or nothing, as the war power of the United States is or is not behind it. It is a doctrine which is dear to the American people. It is a doctrine which they cherish and which they will see enforced. France goes to punish an insult in Venezuela, and France first assures the United States that she respects the Monroe doctrine. Italy, Germany, England send their ships to Venezuela, first, however, notifying the United States of a purpose to observe the Monroe doctrine. I do not intend to become involved in an attempt to sustain any amendment to it or any alleged corollary of it.

Mr. TILLMAN. Do not stretch it, either.

Mr. SPOONER. The doctrine in itself is doctrine enough for the American people, and as it was made and as it has been kept it will be enforced, Mr. President.

The question I put was this: Would the American people be satisfied to discover some morning that five or six foreign governments, having filed in the State Department each a notice that they respect the Monroe doctrine, had sailed their war ships into the harbors of Santo Domingo, there to remain for an indefinite period, within 90 miles of our own soil and flag, for the collection of twenty-five or thirty millions of dollars of alleged indebtedness?

Mr. TILLMAN. Why indefinite, pray?

Mr. SPOONER. They would remain there until they had collected sufficient customs revenue (and they would do it in their own way) to support the Government, probably poorly, and to pay $33,000,000 of claims, a large part of which the Senator from Maryland [Mr. RAYNER] the other day demonstrated were fictitious.

Mr. TILLMAN. Does the Senator from Wisconsin really and honestly believe that any nations in Europe, no matter how many, would dare go to Santo Domingo and seize its ports if the Secretary of State of the United States warned them that this Government would not permit it?

Mr. SPOONER. Ah!

Mr. TILLMAN. Now, answer "Yes" or "No," please.

Mr. SPOONER. That begs the question.

Mr. TILLMAN. Ah, yes. You are begging it, too.

Mr. SPOONER. The Senator is more enthusiastic than he is courteous just now.

Mr. TILLMAN. You accused me of begging the question. I thought I might make the same charge.

Mr. SPOONER. What I mean by "begging the question" is, that assumes that the Secretary of State would have the right under the law of nations to send notice to those foreign governments, to which they would be bound to give attention, that our doctrine must be their doctrine, under penalty of war; that no force should be used to collect contract obligations. The foreign governments would not listen to such a notice.

Moreover, Mr. President, which would the American people prefer? Would they prefer that the President should, without usurpation, violating no provision of the Constitution, aid in maintaining a status there until the Senate had acted upon this treaty, or withdraw his war ships and send a futile notice and involve this country in war?

Mr. TILLMAN. I want to ask the Senator right here, if he will permit me, whether the President himself did not bring about this status?

Mr. SPOONER. What status?

Mr. TILLMAN. The status in Santo Domingo, which the Senator says the President is maintaining.

Mr. SPOONER. What status?

Mr. TILLMAN. Is it not the status contemplated in the treaty?

Mr. SPOONER. It is not the status contemplated in the treaty.

Mr. TILLMAN. The Senator knows we can not discuss the treaty in public.

Mr. SPOONER. I will discuss the treaty in public.

Mr. TILLMAN. Then will the Senator from Wisconsin allow some others to do the same?

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. I will yield to the Senator from Georgia, and then I will finish what I wish to say.

Mr. BACON. The Senator will not object to my stating what he knows, but which some people may not, that the treaty has been made public.

Mr. SPOONER. Yes; it has been made public.

Mr. BACON. So any man can discuss it.

Mr. SPOONER. It has not only been made public, but the President discusses it in his annual message. It is perfectly proper to discuss the treaty, observing some limitations.

Mr. TILLMAN. I wish the Senator would show wherein the present situation differs from the condition contemplated by the treaty?

Mr. SPOONER. That is just what I intend to do.

Mr. TILLMAN. I will listen to the Senator.

Mr. SPOONER. I hope the Senator will listen, and I hope I will be able to make my meaning intelligible to him. But, Mr. President, here came this message. The Senator scouts the advent of foreign war ships. One came.

Mr. TILLMAN. Forty would not make any difference.

Mr. SPOONER. And that one would have stayed, but for the arrangement which the Senator denounced as an usurpation and putting into force this treaty, and others would have followed, for other creditor nations would not have suffered one alone to appropriate the revenues of Santo Domingo.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly.

Mr. RAYNER. I simply wish to ask a question for instruction.

Mr. SPOONER. There are very few men who can instruct the Senator. I am not one of them.

Mr. RAYNER. Did not precisely the same condition prevail in Venezuela? Venezuelan forts were bombarded, Venezuelan war vessels were sunk, and we never interfered for a moment when the German ambassador sent word that they did not intend a permanent occupation of Venezuelan territory. I wish to read just a few words of the communication on that subject:

> We declare especially that under no circumstances do we consider in our proceedings the acquisition or the permanent occupation of Venezuelan territory.

Was not the same thing done precisely at Corinto? Did we interfere with the English Government sending war ships and absolutely taking possession of the town of Corinto?

I interrupt the Senator solely for this purpose: My argument that I made some days ago was based on the proposition that temporarily taking possession of custom-houses is not a permanent occupation of territory.

Mr. SPOONER. I am not denying that, nor shall I do so.

Mr. RAYNER. But in both cases where the Governments assured us that they did not intend permanently to occupy the territory we desisted. Suppose we had notified the Belgian and Italian Governments that we desired to know from them whether they intended to take permanent possession of the territory of Santo Domingo, and they had given us assurances that they did not intend permanently to occupy Santo Domingo, does the Senator think we ought to have interfered and prevented the temporary possession of the custom-houses and occupied a different position from what we did in Nicaragua and Venezuela?

Mr. SPOONER. Mr. President, I do not discuss with the Senator the proposition that the taking possession of a custom-house, under an award or without it, for the purpose of collecting a debt is beyond the international legal right of a foreign government. But everything in this situation distinguishes morally and otherwise this case from the Venezuelan case and the Sorento case, in my judgment.

In the first place it is distinguishable in this respect, that there was a treaty pending between the United States and Santo Domingo, well known to these Governments. Santo Domingo was in honor bound, if possible, to maintain the status quo pending action upon that treaty, in order that if it were ratified it might be administered in accordance with the purpose which led to its negotiation. Santo Domingo could not without dishonor permit a change in that status and permit foreign governments to take possession of the custom-houses, so that when the Senate ratified the treaty, if it did, we would find an entirely changed situation, and the custom-houses, which, under the treaty, we were to administer for all the creditors, being administered by a half dozen other nations, each for itself. That is one thing. That was an obligation of honor upon Santo Domingo and equally an obligation of honor upon us that we should maintain on our side the status.

It is no matter that Santo Domingo is poor. It is no matter

that Santo Domingo is helpless. Honor required her not to permit if she could help it a changed status, and when Santo Domingo in this telegram from our minister gave us notice of her peril, advised us of her helplessness to maintain the status and asked us to act in the way outlined here, the President not only had a constitutional right to do it, but it was his duty to do it. It was his duty to this body where the treaty was pending to do it. It was his duty to the country to do it.

Did he put this treaty in operation? If so, how?

He recommended, as requested, a man whom he thought honest and capable, for appointment by Santo Domingo to collect the revenues. Through the Secretary of War he recommended a bank in which the 55 per cent set aside for creditors could safely be deposited by Santo Domingo in this country, and he gave the moral support arising from the continued presence of our war ships. "Only this and nothing more." The papers read by the Senator all show it, and that is what the President's alleged Executive order of March 28 clearly shows. I can not understand how it can be claimed otherwise. In what respect this can be said to be putting the treaty in operation is beyond my comprehension.

The Senator read from a paper that I, and perhaps the Senator from Massachusetts, was inconsistent; that I advised putting this treaty into operation.

Mr. TILLMAN. I think——

Mr. SPOONER. I am not talking to the Senator.

Mr. TILLMAN. The Senator misunderstands the statement.

Mr. SPOONER. I am talking about the statement.

Mr. TILLMAN. The statement says the Senator from Massachusetts and the Senator from Wisconsin surrendered their preconceived opinions and agreed with the President finally.

Mr. SPOONER. I was saying the same thing, only in my own language, and while it is not as clear or as fine as that employed by the Senator from South Carolina, I prefer to use my own because I am accustomed to it.

The Senator from South Carolina, in his speech the other day, read from a dispatch from Washington to the New York Sun, dated March 28, 1905, in which, among other things, it is stated that the Senator from Massachusetts [Mr. LODGE] and certain other Senators, including Senators FORAKER and KNOX, were consulted by the President as to what should be done and agreed to what was done. It was also said as to me that I had resented the Dillingham-Sanchez protocol of January 20, 1905, and that I had inconsistently consented or advised the President to put it in substantial operation. I do not know who informed the correspondent that I had, in secret session, resented the Dillingham-Sanchez protocol, which guaranteed the territorial integrity of Santo Domingo, without any reference to ratification, and to take effect in so short a time as to preclude, considering the distance between the two countries, an intention to submit it to the Senate; but whoever told it told the truth, because I am frank to say I regarded it as an attempt to do a thing which the Executive Department or its agents had no power to do, it being, in my opinion, clearly a treaty matter.

I have never imputed to the President, however, responsibility for that protocol, nor had I ever imputed to John Hay, whose name and memory is and forever will be revered, responsibility for it.

I hope it is unnecessary for me to assert that I could not under any circumstances have advised the putting into effect, in form or substance of a treaty pending in the Senate.

I have as high an opinion of the New York Sun as the Senator expressed the other day. I read it from day to day, and value it highly. I acquit the correspondent, of course, who wrote the dispatch of any purpose to do injustice. He was wrongly informed, or misled by some one who knew the truth, but felt not at liberty to be frank about it.

I was, with others, consulted by the President in what seemed to him, and was, an emergency. He was disturbed by the situation in which he was left by the nonaction of the Senate. He did not need to be advised—and I have a right to speak of the conversation—that the treaty should not be in anywise put into operation. He was as emphatic upon the subject as any Senator here could be. I do not at all hesitate to say that I had no doubt then any more than I have now—and many others who wished only the right thing to be done concurred—that it was right for the President favorably to respond to the request of the Government of Santo Domingo to nominate or recommend an American official for appointment by that Government, to recommend a place of deposit in this country for the safe-keeping of Santo Domingo moneys sent here to abide action upon the treaty, and to enable the Santo Domingan Government, by the continued presence of our flag in that vicinity, to keep the status unchanged until the Senate met again.

I did not obtrude my advice, but when asked, I gave it. I gave it as I would have given it to a Democratic President, and I gave it as I would have given it if I had intended when the Senate met again to oppose the ratification of the treaty.

I justify the course of the President as a constitutional and prompt discharge of Executive duty in the circumstances.

Mr. TILLMAN. Now, will the Senator be kind enough——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. If the Senator will allow me to go along and finish in this connection what I want to say, I will yield to him a little later.

Mr. TILLMAN. Right now, please.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER. I will yield if the Senator insists.

Mr. TILLMAN. The Senator has been kind enough to give us his own version of what occurred, and of course we all know that he has given us the exact facts; but I want to ask the Senator now if he will be kind enough to tell us whether or not the Executive order which I read in my speech the other day from the New York Sun is a true document or not?

Mr. SPOONER. I did not see the Executive order. I assume it to be a true document.

Mr. TILLMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes, if the Senator insists.

Mr. TILLMAN. I simply want to read article second of the treaty.

Mr. SPOONER. I am going to read article second of the treaty myself.

Mr. TILLMAN. Do not forget it, now.

Mr. SPOONER. Assuredly not.

Mr. TILLMAN. But I will remind you if you try to forget it, or if you do forget it. I want the Senator to understand that I intended no discourtesy whatever to him, but in some previous passages we have had he has had a very convenient way of dodging some questions I have asked him.

Mr. SPOONER. I have not dodged any question, Mr. President.

Now, Mr. President, the President kept the war ships there. He had a right to do it. He hoped, I suppose—and it has so turned out—that not in the least putting the treaty in operation, the utilization by Morales, on his own motion, of American citizens, although his own appointees, and the presence of war ships, would maintain that status until the Senate came together again and discussed and acted upon this treaty.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes; I must, I suppose.

Mr. TILLMAN. Does the Senator contend that the status in Santo Domingo is the same as the one the President's order put into effect? What has become of Mr. Morales and his government?

Mr. SPOONER. The status is as it was when the Senate adjourned in March. No treaty ever was made or proposed to be made with Morales. The Senator can not get rid of Morales. Santo Domingo has parted with Morales, but the Senator can not.

Mr. TILLMAN. And the President of the United States can not get rid of the fact that the Morales government was a sham and a humbug, and its successor is equally liable to be overthrown to-morrow.

Mr. SPOONER. Oh, Mr. President, the Senator interrupts me constantly with questions that are not pertinent. But I will stop to answer his question. When this Government enters into a treaty it does not enter into a treaty with the administration of another government. It is not a treaty of Theodore Roosevelt with Morales, liberator. It is a proposed treaty between the United States and the Republic of Santo Domingo, and whether Morales goes up or goes down, whether Caceres is killed or continues to be President, the treaty once ratified is a treaty between the two nations, and the personnel of the Governments has nothing whatever to do with it.

Mr. TILLMAN. So much, so good; but if the Senator will permit me, this is not a treaty that is now in force. It is a temporary arrangement——

Mr. SPOONER. Very good.

Mr. TILLMAN. A modus vivendi between the President, Theodore Roosevelt, and Mr. Morales, and the so-called or actual, de facto or de jure, President of Santo Domingo, Mr. Morales, disappears. Now, the Senator falls back on the doctrine that it is a treaty. It is first a treaty and then it is not.

Mr. SPOONER. The Senator is inaccurate. Mr. President,

I propose to test by an examination of the proposed treaty itself the question whether it has been put in force. What does the treaty provide for? It provides that the United States shall attempt the adjustment of all the obligations of the Dominican Government, and that a commission shall be appointed to that end. Is that part of the treaty being carried out? Who will assert it? Is the United States in negotiation with any foreign government to adjust the indebtedness of Santo Domingo through commissions or otherwise? No. If the treaty were being carried out it would be.

Article second. In order to enable the United States Government to render the assistance above mentioned, it shall take charge of the existing custom-houses and those which may hereafter be created, shall name the employees necessary to their management, and shall collect and take charge of all custom-house receipts.

Is any of that article of the treaty being carried out? Is any agent of the United States collecting a dollar of customs in Santo Domingo? If so, who is he?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Under that treaty the Government of the United States was to take charge of the custom-houses in Santo Domingo. Is the Government of the United States in charge of any custom-houses in Santo Domingo? If so, what officer or appointee of the United States is in charge of any custom-house in Santo Domingo?

Mr. TILLMAN. Mr. President——

Mr. SPOONER. Is the United States collecting any revenues in Santo Domingo?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. In a moment. This obligation of the treaty requires the United States as a national entity to do these things. This treaty being in operation, the United States agents would be in those custom-houses. The United States gunboats would have a right to land marines to protect those custom-houses as such, if there were Americans in the custom-houses as our agents. Does that situation exist? Not at all. Whether the President would have a right to land marines to protect American citizens acting in a foreign country as the paid officials of that country is an entirely different proposition. And that difference exists here.

Mr. TILLMAN. Now, Mr. President, will the Senator——

Mr. SPOONER. Yes; for one question, for I want to get through. Go ahead.

Mr. TILLMAN. I want to ask the Senator if the treaty does not provide that the United States shall nominate and put in possession its own officers to collect these revenues? Is not that true?

Mr. SPOONER. The treaty provides that the United States shall take charge of the custom-houses.

Mr. TILLMAN. And put in charge American officers.

Mr. SPOONER (reading)—

Shall name the employees necessary to their management, and shall collect and take charge of all custom-house receipts.

Mr. TILLMAN. Now, the Senator will not deny, as a matter of fact, that that condition exists to-day.

Mr. SPOONER. Mr. President——

Mr. TILLMAN. Why does not the Senator stop? Wait now. Not officially, but by the authority of the President, acting in that great emergency which the Senator has depicted.

Mr. SPOONER. I deny absolutely that that situation exists to-day in any respect whatever. I deny that any appointee of the President of the United States is collecting a dollar of customs in Santo Domingo. I deny that the United States is in Santo Domingo. I deny that the United States has technically or otherwise control of any custom-houses in Santo Domingo.

Mr. TILLMAN. Now, will the Senator——

Mr. SPOONER. I deny that the United States is doing anything or has done anything which it would be required to do under this treaty if it were ratified and a binding obligation. Now, if the Senator will let me go on a moment——

Mr. TILLMAN. But the Senator ought to let me get in my evidence first. He asserts, he denies, but he will not let me get the fact.

Mr. SPOONER. Well, get the fact.

Mr. TILLMAN. I will read from the order of the President just this paragraph:

The Secretary of War of the United States will present for nomination by the President of the Dominican Republic men to act in the position referred to in both the northern and southern ports. The utmost care will of course be taken to choose men of capacity and absolute integrity who, if possible, shall have some knowledge of Spanish. All the moneys collected from both the northern and southern ports not turned over to the Dominican Government will be deposited in some New York bank, to be designated by the Secretary of War, and will there be kept until the Senate has acted.

Mr. SPOONER. Very well; what of it?

Mr. TILLMAN. The treaty provides for that same thing.

Mr. SPOONER. The treaty does not provide for any such thing.

Mr. TILLMAN. That is a direct contradiction, and the people will have to read it so as to decide whether your version is right or mine.

Mr. SPOONER. The Senator will not see this thing as his own papers show it to be. That is the trouble. Is an officer of the United States collecting any customs in Santo Domingo?

Mr. TILLMAN. Technically, no; actually, yes.

Mr. SPOONER—

See what a ready tongue suspicion hath!

The Senator said the other day that an officer of the Army of the United States detailed by the Secretary of War is collecting revenues in Santo Domingo, when the Senator had before him the testimony of that same gentleman, Colonel Colton, that he ceased years ago to be an officer of the Army, that he had been on the civil list in the Philippines, was here on a vacation, and was absent now on leave without pay and in the service of Morales.

Mr. TILLMAN. Now, Mr. President, will the Senator permit me? He says I have that before me. I never saw it nor heard of it. My deduction arose from the fact that the President's order required the Secretary of War to detail somebody, and Colonel Colton had been detailed. I do not know how he could be a colonel if he had not been in the Army. That is all there is in that.

Mr. SPOONER. The Senator thinks once a colonel in the Army always a colonel in the Army.

Mr. TILLMAN. He is on the retired list.

Mr. SPOONER. Here is what Colonel Colton says, and there is nobody to countervail it, because it is the truth. He was asked by the Senator from Mississippi [Mr. MONEY]:

Who appointed you to your present position?

He is in charge of the collection of customs in Santo Domingo, and he himself appoints his subordinates.

Colonel COLTON. President Morales, of the Dominican Republic.
Senator MONEY. Who recommended you?
Colonel COLTON. The President of the United States.
Senator BACON. Are you an Army officer now?
Colonel COLTON. No, sir; I was in the volunteer service.
Senator MCCREARY. From whom do you draw your salary at the present time?
Colonel COLTON. From the Dominican Government.
Senator MONEY. Do you draw anything from the American Government?
Colonel COLTON. No, sir.
Senator FORAKER. Are you in the United States Army?
Colonel COLTON. No, sir.
Senator FORAKER. Have you been in the military service?
Colonel COLTON. Yes, sir; I went to the Philippines with my regiment in 1898, during the Spanish war.

* * * * * * *

Senator MCCREARY. What amount have you collected?
Colonel COLTON. In round figures we have collected during the period from April 1 to November 30, $1,445,000, of which $550,000 has been delivered to the Dominican Government as the 45 per cent due it on the terms of the modus vivendi.

The 45 per cent is more money than was annually collected hitherto, for the first time in a century, and the honest collection of that money, under circumstances which render the hold by the Government of Santo Domingo upon the custom-houses stable, is what defeated the attempted revolution by Morales, and is what led him to beg permission to leave Santo Domingo with a new President.

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

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. Did the Senator ever before hear of a President attempting a revolution against his own Government?

Mr. SPOONER. He left, another took his place, and he could not retake it.

Mr. TILLMAN. True, he went to the woods, because they threatened to cut his throat, as I have been informed, and who knows how soon somebody will say to Caceres "If you do not get out we will cut your throat?" That is the kind of people over whom the Senator would have this country become guardian ad litem. We are to establish courts of bankruptcy——

Mr. SPOONER. We have not got to that yet.

Mr. TILLMAN. Take charge of assets, establish receiverships, determine what debts are honest and what are not, and all that kind of thing.

Mr. SPOONER. Does the Senator consider that an imposition on my courtesy, or not?

Mr. TILLMAN. I consider that it is telling the truth, and I hope that is not an imposition on anybody. [Laughter.]

Mr. SPOONER. I do.

Mr. TILLMAN. I beg the Senator's pardon.

Mr. SPOONER. Granted.

Mr. TILLMAN. I am always, as I have said, unfortunately addicted to expressing my honest opinion, and the Senator objects to my telling him what I think to be the truth.

Mr. SPOONER. I do not object to it the first time, nor the second time, nor the third time.

Mr. TILLMAN. I have said it but once. [Laughter.]

Mr. SPOONER. I read further from the testimony of Colonel Colton:

Senator McCREARY. Where is that deposited?

Referring to the money in New York.

Colonel COLTON. In the National City Bank, of New York.
Senator MONEY. What do you do with the 45 per cent?
Colonel COLTON. We deliver it to the Dominican Government.
Senator MONEY. Where do you get your authority for the collection and disbursement of this money?
Colonel COLTON. *That is done under a decree of the Dominican Government.*
Senator MONEY. *You act solely under the authority of that Government?*
Colonel COLTON. *Yes, sir.*

There is the testimony, Mr. President, of a distinguished ex-officer of the Army, a man of great intelligence, a man who was appointed by Morales, upon the recommendation of the President of the United States, a man who selects his subordinates. He says he was appointed by Morales; he says he is paid by Santo Domingo and that he is entirely under the control of the Santo Domingan authorities.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. TILLMAN. In what way, if the Senator will permit me——

The VICE-PRESIDENT. The Senator from Wisconsin has not yielded.

Mr. SPOONER. Oh, I yield; of course I yield.

Mr. TILLMAN. In what way does Colonel Colton's status differ from that of an appointee of the President whose name is sent to us, except that Morales has confirmed the President's appointment of Colonel Colton, and sometimes, as the Senator knows, we used to reject appointments made by the President? The appointment of Colonel Colton is to all intents and purposes, as I think the Senator must acknowledge, an appointment by the President of the United States, and the work that is being done is in effect—I do not mean legally, for it may not be legally—the carrying out of the agreement in the treaty, which has been subsequently made a temporary arrangement, because the Senate refused to ratify the treaty. The agreement now is in effect the treaty itself, and it is being carried out.

Mr. SPOONER. Well, Mr. President, the Senator has repeated that a number of times. It does not gain anything of credibility or strength by "damnable iteration." It was not either technically or substantially the fact when the Senator first uttered it, though he thinks it is, and it is no more so now than when he first uttered it. Who knows better whether Colonel Colton is acting under Morales or Santo Domingo than does Colonel Colton? Who knows better who pays Colonel Colton for taking charge of the collection of revenue in Santo Domingo, the distinguished Senator from South Carolina or Colonel Colton? Who knows better who appointed Colonel Colton and to whom he is responsible, the President of the United States or the Senator from South Carolina? I asserted, and I assert again, that every man on the customs roll in Santo Domingo is there directly under the Santo Domingan Government, paid by the Santo Domingan Government, controlled by the Santo Domingan Government, and susceptible to discharge any minute by the Santo Domingan Government, and entirely independent of the President of the United States.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. The Senator, in his catalogue of verbs——

Mr. SPOONER. Of what?

Mr. TILLMAN. The Senator repeated the verb "appointed," and other verbs of that kind, but he failed to say who protects Colonel Colton.

Mr. SPOONER. Well, I will tell you that.

Mr. TILLMAN. Wait a minute. I am afraid you will—but go ahead, I will wait and hear you tell it.

Mr. SPOONER. I will tell the Senator what protects Colonel Colton. I do not know whether Colonel Colton would be protected or not if the visible sign of the power of the United States were not in the waters of Santo Domingo.

Mr. TILLMAN. Ships, you mean?

Mr. SPOONER. Ships, of course, I mean. It is very likely, Mr. President, that but for the presence of our ships there Colonel Colton might not be able to continue acting for the Santo Domingan Government as the collector of customs, but that does not change the fact that from the beginning until to-day he has acted and is acting solely under Dominican authority.

Now, Mr. President, let me go on with this treaty——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. I decline to yield, as I wish to get through.

Mr. CULBERSON. I will not interrupt the Senator.

Mr. SPOONER. I am weary, but I will yield to the Senator.

Mr. CULBERSON. The Senator from Wisconsin has repeated so often that the United States are not in Santo Domingo that it is with some hesitation I interrupt him for a moment, if he will permit me, to read what the President himself has said about it.

Mr. SPOONER. The Senator can do that later.

Mr. CULBERSON. It is only a paragraph.

Mr. SPOONER. The Senator can do that later.

Mr. CULBERSON. Very well.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER (reading)—

Article third: Out of the revenues which shall be collected in all the custom-houses of the Republic, the Government of the United States shall deliver to the Dominican Government a sum, which shall not be less than 45 per cent of the total amount collected—

Is that being done by the Government of the United States?

Mr. TILLMAN. It is in the treaty.

Mr. SPOONER. But it is not the situation in Santo Domingo to-day. If the treaty shall ever be ratified, it will be the situation, but it is not now—

for the purpose of meeting the needs of the public service, and which the Dominican Government shall receive in monthly payments from the date of the taking possession of the custom-houses by the *officials of the United States,* divided into four installments in the following manner:

Forty-five per cent of the total sum collected monthly in periods ending on the 8th, 15th, 22d, and the last day of each month.

Then article 4 reads:

Article fourth: The Government of the United States will apply the 55 per cent which it retains toward the payment of
A. The employees of all the custom-houses,

Is that being carried out in Santo Domingo? Does anybody pretend that the Government of the United States has a shadow of claim or title to the money on deposit in the New York bank? Colonel Colton says, in his testimony before the committee, that it is deposited to the credit of Santo Domingo; that it can be drawn only on the joint order of the President of Santo Domingo and himself, but if he were removed it could be drawn on the single order of the President of Santo Domingo. If the treaty had been carried into effect, if we had $750,000 collected under it, Santo Domingo would have no interest in that money, but the United States would hold it in trust, to be applied as provided by the treaty and as found to be due under the various commissions which might be appointed.

Is that the situation, Mr. President? Not at all. These appointments have been made under a decree of Morales, which, until reversed by his successor, is the law of Santo Domingo, and that very decree shows that this treaty is not being carried into operation.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I decline to yield, Mr. President.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER. I must get through. Here, Mr. President, is this so-called "modus," here is the decree of Morales, under which all this work is being done:

With a view to protecting all the creditors of the Republic, until the Dominican Congress—

This was presented by the Senator from South Carolina and evidently not read by him—

With a view to protecting all the creditors of the Republic, until the Dominican Congress and the Senate of the United States shall take action in regard to the convention, signed on the 7th of February of the current year by the representative of the Governments of the Dominican Republic and the United States, providing that the said convention should be latent meanwhile, and to facilitate its complete execution if it should be ratified or not to prejudice any rights if it should fail of confirmation.

The opinion of the council of secretaries of state having been heard:

Be it resolved—1. To *appoint* a person to receive the revenues of all the customs of the Republic, and for the greater security of the

creditors of the latter it is left to the President of the United States to *designate*—

Not "appoint"—

to designate the person who shall receive the said revenues, and the *Dominican executive shall confer the office on the said person*, provided always that the designation made is *satisfactory to the said executive.*

Here is the decree, there is the recommendation, and here is the testimony of Colonel Colton that he was appointed under this decree by Morales, and yet it is claimed here that he was appointed by the President of the United States, and that the United States is collecting these revenues instead of the Republic of Santo Domingo.

2. The money collected shall be distributed in the following manner—

If the treaty were in operation, it would not be for Santo Domingo to say how the money collected should be distributed; the treaty would control that; but to-day the disposition of this money in Santo Domingo is in accordance with this decree made by President Morales, which, under their constitution, is law.

(a) Forty-five per cent to meet the expenses of the budget, (b) the necessary expenses of collecting, including the salaries of all the customs employees.

You see they are paid by decree out of the customs collected.

3. The residue, being the amount to be devoted to the payment of the debts, shall be immediately deposited in some New York bank to be designated by the President of the United States.

It was designated by the Secretary of War.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. TILLMAN. I do not want to interrupt the Senator any more, after he declined to yield me the floor a moment ago, but he must quit looking at me and making those assertions unless he wants me to ask him questions.

Mr. SPOONER. Well, ask me the question. It is a heavy penalty to pay for a look, but ask the question. [Laughter.]

Mr. TILLMAN. What is the difference in effect—I do not mean the technical, legal effect, but in actuality—between "designated" and "appointed?" The Senator is too fair a man to deny——

Mr. SPOONER. Mr. President, I am willing the Senator should ask the question, but I would a little prefer to answer it myself. The Senator ought to know——

Mr. TILLMAN. The Senator always quibbles, however, if I may use that word, in some of his answers. I do not say that offensively.

Mr. SPOONER. The Senator has used the word "quibbles." He did not intend it to be offensive——

Mr. TILLMAN. No, indeed.

Mr. SPOONER. But it is.

Mr. TILLMAN. I will take it back, and I will ask the Senator to correct me if I am wrong. It is the old Saxon that will come up, and I am obliged to use a word that conveys my exact meaning. I do not want to use the word "dodge"—another Saxon word—and therefore I am at a loss as to what to say, unless I were to get a thesaurus or use some word that would be Latinized, perhaps——

Mr. SPOONER. I think the Senator ought to apologize for his apology. [Laughter.]

Mr. TILLMAN. I will do that. I am willing to do almost anything in a friendly way for the Senator, because he has got a very hard case to prove this afternoon. [Laughter.]

Mr. SPOONER. I gave the Senator up some time ago, Mr. President. I do not expect him to see it as I see it, but I am perfectly frank in what I say. I see it as I state it, and I stand by it as I state it.

Mr. TILLMAN. What is the difference between "designated" and "appointed," in your opinion?

Mr. SPOONER. When the President of the United States sends the name of a person here for a particular office, he does not appoint him.

Mr. TILLMAN. No; he does not get his commission.

Mr. SPOONER. The President does not appoint him; he designates him; he nominates him. If the Senate "advises and consents," and the commission is signed, the appointment is complete.

Mr. TILLMAN. And Mr. Morales took our place in this transaction.

Mr. SPOONER. The commission, Mr. President, is not the appointment; it is evidence of the appointment. When Morales says in this decree that the person designated by the President is to be appointed by him, if he is satisfactory, the Senator ought to be able to understand it without assistance. The Senator is an able man, and, in good faith, apart from his feelings, he would not need to ask me for information as to the distinction between "designated" and "appointed" as used in this decree. "Designated" meant in this decree "recommended."

3. The residue, being the amount to be devoted to the payment of the debts, shall be immediately deposited in some New York bank to be designated by the President of the United States, to remain in deposit for the benefit of—

Whom?—

of all the creditors of the Republic, both Dominican and foreign, and shall not be drawn out until the Dominican Congress—

That is the test—

shall not be drawn out until the Dominican Congress and the Senate of the United States shall have taken action in regard to the pending convention.

Whose money is that, Mr. President? If the treaty to-morrow were ratified, who would draw out that money? The United States would distribute it in equitable proportions, according to the terms of the treaty, among the creditors found by us, through commissioners or by agreement, to be entitled to it. That can not happen until the treaty is ratified. We would then hold the money as trustee and be entitled to its custody. *We are not so in any sense to-day.* If day after to-morrow the Senate, in its wisdom, shall reject the treaty, whose money is it? *It remains the money of Santo Domingo, to be drawn out of that bank by Santo Domingo.* We would have no more right to draw it, no more right to touch it, than I would have or the Senator from Maryland [Mr. RAYNER] would have.

And yet this situation is said to be "putting in operation the treaty!" Here is the heart and test of the whole question that I have come to now. There is no escape from it. It is beyond reach of any bedevilment. One can not by "sticking in the bark," or misreading a word here and a word there in the President's order or in Morales's decree, obscure this crucial point. If Morales had had no communication with the President; if the Dawson dispatch had never been received, and the proposal in it never made; if no foreign creditors had brought pressure, and there had not been danger of domestic disturbance, and Morales had sent the money to New York, collected by Americans selected by himself or by the Santo Domingans, and deposited it to the credit of Santo Domingo in the bank, the situation in substance and essence would have been what it is to-day. Reading the documents as a whole, as one must do, makes it too plain for escape. If the treaty were ratified the money would not be transferred by the bank in New York to the credit of the United States, trustee, without the further action of the Santo Domingo Government, to whose credit it stands.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. In a moment I will yield to the Senator; I am not quite through.

4. *If* the final determination of the Congress of the Dominican Republic and the Senate of the United States shall be favorable to the pending convention, the moneys deposited shall be distributed among the creditors, in proportion to their just credits, in accordance with the *terms of the said convention.*

If the Senate shall ratify the treaty, the money shall be distributed by the United States in accordance with its terms; and yet it is claimed here that the President has ratified the treaty and is actually putting it in force. Nor is that all.

Mr. TILLMAN. Now will the Senator yield to me?

Mr. SPOONER. In a moment; not in the middle of a sentence.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER (reading)—

If the determination of the aforesaid Congress and Senate should be averse—

What then?

the said moneys shall be at the disposition of—

Whom?—

the *Dominican Government* for equitable distribution among the creditors, in accordance with the terms of such agreement as IT *shall make with them.*

Does the Senator see?

Mr. TILLMAN. Now will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Wisconsin now yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. The Senator has labored——

Mr. SPOONER. If I am laboring it is because I am tired.

Mr. TILLMAN. Most eloquently, and employed all of the——

Mr. SPOONER. "Sophistry and special pleading."

Mr. TILLMAN. No; I am going to say something sweet and nice [laughter]—all the resources at the command of his great and brilliant intellect and his long experience as a lawyer. But he has never had as bad a case as this that he ever won [laughter], and he will not win this because the facts are

known to all men who care to read that while the final disposition of the money, the million dollars collected by Colonel Colton and deposited in the New York banks, has not yet been made, and that under the temporary arrangement, in case the treaty is rejected, it shall return to Santo Domingo, where it would belong, because it would be none of ours—the Senator can not deny that practically, to all intents and purposes, in the appointment of Colonel Colton and his subordinates, or their nomination, or other designation, or whatever you choose to term it, in the presence of gunboats there to protect these officers in the collection of those customs, in the implied notice or direct notice to all——

Mr. SPOONER. "How long, O Lord, how long?" [Laughter.]

Mr. TILLMAN. Well, it is entirely relevant, even if I say it. [Laughter.]

Mr. SPOONER. Oh, it is not that, but I am anxious to get through.

Mr. TILLMAN. I will stop right there if the Senator cuts me off in that way.

Mr. SPOONER. I can not cut the Senator off.

Mr. TILLMAN. But the Senator ought not to get so restive under the spur when I have got a good chance at him—and it is not often that I get such a chance—but I want to say to the Senator that I believe his honesty of heart will not enable him to deny that the conditions of the treaty are to-day being carried out, not finally, but so far as getting the money, so far as preserving the status quo, so far as warning the war ships of European powers to keep away, so far as notice to creditors that their claims will be adjudicated, and all that is concerned, the treaty is in effect and is being carried out by the President, notwithstanding the fact that the Senate of the United States has not ratified it.

Mr. SPOONER. Of course, Mr. President, if the Senator from South Carolina chooses to put it in that way to me, availing himself of my permission to interrupt me, he may do so. It is a customary thing for the Senator, who has some great qualities, to meet a frank statement or argument by me with the suggestion that I am a lawyer; that I am habituated, or have been during my life, to the skillful and ingenious presentation of a client's case, implying that I bring to the discharge of the duties of a Senator, under oath, all the ardor and the ingenuity and the characteristics of the advocate. If the Senator from South Carolina is right about that it would give me very great pain and mortification. If, after having worked here, Mr. President, for fifteen years as a Senator, I were incapable of dealing frankly and as I find the truth to be, with my associates, if I could be a mere ingenious advocate in defense of a President, forgetting the honor which my people conferred upon me more than once, twice without my asking, in the confidence that when I reached the Senate I would think of them and my duty to the country, I should feel that my career here, of which I am not any too proud, had been a pitiful failure. The Senator means no discourtesy, much less insult, when he tells me at the end of a tedious and wearisome, both to you and to me, presentation of what I think is the only view which can be taken of this transaction, that I do not mean it, that it is the specious advocacy of a trained lawyer rather than the frank, honest, manly statement of a gentleman.

The Senator has said that more than once during this debate. I say to him now I do not think he appreciates its significance, nor do I think that, appreciating its significance, he would say it. I believe the Senator means to do what is right as a Senator. We disagree often. I am not suspicious of him. I resent suspicion of myself, and I utter to the Senate my best thought upon public questions.

Mr. President, I have not the slightest doubt that in this transaction—the papers show it, the knowledge of what occurred at its initiative prove it—there was not only no purpose to put in operation this paper, not a treaty, but nothing has been done which looks like it except that in the decree of Morales and in the cablegram from Santo Domingo 45 and 55 per cent, the proportions with which the treaty dealt, are fixed. That is natural, and no ground for challenge.

Why not be square with the President of the United States as we expect him and every other honest man to be with us? It is no light thing in this body, related as it is to the Executive, again and again or at all to impute to the President an act of violent usurpation, of which he would have been guilty if he had attempted to carry out a proposed treaty pending and unacted upon in the Senate of the United States. If he has, without usurpation, by a friendly office, invoked by Morales, bad as he may be, but speaking for Santo Domingo, led to the appointment of good men in Santo Domingo to honestly collect the revenue, and if by the presence of our war ships pending our long vacation he has maintained the situation to greet our return and to abide the action of this body, he is entitled to credit for it and not to criticism.

Mr. President, a few words in a general way about the Santo Domingo treaty, and I shall have finished. I wish there were no occasion to deal with it at all. On the general principle I am as radical as any Senator on the other side. But I differentiate Santo Domingo from the South American republics. I do not think differently from many others upon the proposition that the United States shall become the receiver of bankrupt nations to the south of us. Nor am I considering, either, the Monroe doctrine in connection with it, or the Panama Canal. With me, neither has to do with it in this connection. It is an unique case. It is nearly a hundred years now since Santo Domingo became a separate government. It has had a hundred years of irredeemably bad history from almost every standpoint.

Mr. TILLMAN. I may be mistaken, but from my reading Toussaint L'Ouverture is the only one who ever governed the country as a whole, and when he died it fell apart, one part French and the other Spanish.

Mr. SPOONER. It has been a pitiful record. It is an island of great richness and fertility. The people have suffered cruelly. There are good people there. Among their leading men, I am told, there are many able and good men. It would be difficult to imagine otherwise. They have been the prey of foreign usurers and of domestic blackmailers and revolutionists. Colonel Colton, in his statement before the committee, says: "When General Grant wanted to take the island in 1871, their entire indebtedness did not exceed sixteen hundred thousand dollars." I have regretted since this subject arose that the country did not take Santo Domingo when General Grant so impressed upon the Senate and upon the people the importance of it. Its population was small, and I do not know how others felt about it, but during the Spanish-American war I did not relish the notion that the ports of Santo Domingo were neutral ports, and men along the southern coast did not relish it either. There were thousands in our southern cities affrighted by the "phantom fleet," believed to be hovering along our coasts, who would have been delighted if they could have known that at Samana Bay and in the other harbors of Santo Domingo there were war ships of the United States safeguarding the southern cities from attack, and having a base of supplies and operations which would enable them efficiently to do that thing.

At that time—

Eighteen hundred and seventy-one—

the entire indebtedness of the country did not exceed $1,600,000. Since that time they have collected revenues amounting to a good many millions of dollars, at least thirty, but have not only been unable, from the entire revenues received, to pay their actual running expenses, but they have gone into debt at the rate of about a million dollars a year since 1871. So that when the affairs of the Republic were again the subject of investigation in 1905 it was found in such a state of confusion that its records gave no adequate explanation of its financial condition, but indicated a nominal debt amounting to more than $33,000,000, besides many disputed items and undeveloped claims.

It is believed that their honest debt, instead of being $33,000,000, is less than $10,000,000. Every year has been a year of horror, and it is now within sight of our flag. That is one thing which distinguishes the case from all the rest. It is 90 miles from Porto Rico.

Nor, Mr. President, is that all. There is another element in it which appeals to every man, I think, who stops to consider it, which will distinguish it probably from all to the southward. Santo Domingo *asks the United States to do this thing.* What? To help her to face the sunrise. To help her work her way out of the darkness. She wants to pay her debts. She can never rehabilitate herself until some one stronger than she investigates these claims, and, having influence with the creditor nations, scales them down to what is honest and right. All they want is to be protected from revolution by an honest collection of revenues until their debt is paid, and they believe that during that period of time the contrast between prosperity and anarchy, between law and peace and bloodshed and violence, will teach that people to prefer the improved condition. To whom else could she apply? We gave her warrant to apply to us. How? When? Where? When we went to war to free Cuba, and, after we had freed her, taught her people by an object lesson in their midst the true theory of government, organized a government and left her, under the resolution of which my friend the Senator from Colorado [Mr. TELLER] has a right always to be proud, to her people. What other nation has done that? And to us, her neighbor, known all over the world as not only a powerful and rich, but just and generous and liberty loving nation—little Santo Domingo appeals to give her a chance—that is all—for life and peace; not to compel her to pay usurious interest to rascals, not to force her to pay what she

does not owe, but to give her a chance. Is there any other case like it? She is a derelict little nation out in the near by sea. Any nation has the right to clear the sea of a derelict. It is a danger.

Is it not on the whole safer and better to extend to her our aid than to turn away from her appeal, with the complications certain to follow? This is a question for every Senator to decide for himself.

I have taken too long. I thank the Senate for its attention.

Mr. CULBERSON. Mr. President, it had not been my purpose to take part in this debate to-day or at any other time, and I would not do so except for the refusal of the Senator from Wisconsin [Mr. SPOONER] to grant me the courtesy to insert in the RECORD in the time he was speaking a statement of the President of the United States.

Mr. SPOONER. The Senator will pardon me. I did not understand what he said.

Mr. CULBERSON. I stated that it had not been my purpose to take part in the discussion of this question either to-day or at any other time, and I would not have done so had not the Senator from Wisconsin declined to grant me the courtesy to insert in the RECORD a statement of the President of the United States. Even now I propose to detain the Senate but a few moments.

Mr. SPOONER. The Senator will permit me. I meant no discourtesy to him. I had been interrupted so much that I was weary and was anxious to be through. That is all.

Mr. CULBERSON. Very well; I will speak in my own time.

Mr. President, so far as the question of Santo Domingo is concerned, what is it as it presents itself to this body this afternoon, after the Senator from Wisconsin has concluded? The question is whether the President of the United States has not put in operation the subject of the treaty with Santo Domingo before that treaty has been ratified by this body. The Senator from Wisconsin has admitted that the President could not put in operation, could not execute in this manner the treaty which is pending here. Why, Mr. President, could that not be done? Why was it impossible under the Constitution for the President to take this course? Because, sir, the subject-matter of that treaty is one with which he can not deal singly and exclusively, but he must treat it in connection with the Senate of the United States.

Now, Mr. President, if that be true—if that be the case here—what difference is there under the Constitution between carrying the treaty into effect by the President under the terms of the treaty, between doing that and making a separate and independent—partly verbal and partly written—agreement by which he undertakes to do so, by which he undertakes to act upon and to control the subject of the treaty without the consideration and consent of the Senate? Is he doing it, Mr. President? Has the President usurped the power of the Senate and the President under the Constitution to deal with this subject, not only to deal with the subject under the terms and provisions of the treaty, but to deal with the subject at all, without reference to this body?

Now, a moment, because I do not intend at this late hour to keep the Senate long in session upon the pending question. The principal questions dealt with in the treaty, the principal agreements, Mr. President, were that the Government of the United States was to take possession of the custom-house, collect the revenues, pass upon the validity of the debts of Santo Domingo, and then distribute the funds; and I say to you to-day the President is doing everything involved in that treaty which could not be conveniently postponed. What is he doing? The war ships are there protecting the custom-houses. Whatever the subterfuge and sham with which you may surround it, Americans are there in control of the custom-houses and collecting the money, and they are depositing in banks in New York, subject to distribution hereafter, 55 per cent, and paying 45 per cent of it to the Government of Santo Domingo.

Ah, Mr. President, in spite of rhetoric, in spite of undue excitement on the part of anyone, the President has taken into his control and he is exerting the power of the Senate and the President combined over this subject, over every part of it which could not be conveniently postponed, without reference to and in spite of the pendency of the treaty here. Americans are in control of the custom-houses, American war ships are protecting the coast and the ports, Americans are collecting the money and paying 45 per cent to Santo Domingo and depositing 55 per cent in banks in New York.

All I wanted to do when the Senator from Wisconsin reiterated time and again that we were not in possession was to add what the President of the United States himself had said upon the subject, and I am glad to be able to do so now. I place the statement of the President—frank, courageous, truthful, as we all know him to be—I place the statement of the President, in his speech to the people at Chautauqua, N. Y., against any afterthought here or elsewhere.

What did he say? I read from his speech at Chautauqua, N. Y., August 11, 1905, published in the Dallas Morning News of August 12, 1905, being an Associated Press account of his speech, written in the cloister, in his study, thought out, carefully worded, not a synopsis:

> Accordingly the executive department of our Government negotiated a treaty under which we are to try to help the Dominican people to straighten out their finances. This treaty is pending before the Senate, whose consent to it is necessary. In the meantime we have made a temporary arrangement which will last until the Senate has had time to take action upon the treaty. Under this arrangement we see to the honest administration of the custom-houses, collecting the revenues, turning over 45 per cent to the Government for running expenses and putting the other 55 per cent into a safe deposit for equitable division among the various creditors, whether European or American, accordingly as, after investigation, their claims seem just.
>
> The custom-houses offer well-nigh the only sources of revenue in Santo Domingo, and the different revolutions usually have as their real aim the obtaining possession of these custom-houses. The mere fact that we are protecting the custom-houses and collecting the revenue with efficiency and honesty has completely discouraged all revolutionary movement, while it has already produced such an increase in the revenues that the Government is actually getting more from the 45 per cent that we turn over to it than it got formerly when it took the entire revenue.

That, Mr. President, is all I desired to read when the proffer to do so was declined by the Senator from Wisconsin for reasons which he has explained and which I accept as entirely satisfactory. There is the statement of the President without equivocation, because I understand he does not equivocate, that we have taken possession of the custom-houses, we are collecting the revenue, we are paying 45 per cent to Santo Domingo and depositing the balance in places of safekeeping for future distribution. So in substance and in fact every important feature of the treaty, not as a treaty, but every important act in the treaty, every provision of the treaty, is being carried into effect, though under a different arrangement, except an inquiry into the validity of these debts and the distribution of the 55 per cent which will go to the creditors of the Santo Domingo Government.

Mr. LODGE. Mr. President, I do not think that it is possible for anybody to make any addition to the masterly statement in regard to the powers of the President in treaty making, or as to the condition of the Santo Domingo question, which we have heard from the Senator from Wisconsin [Mr. SPOONER] this afternoon. But my name has been brought into this debate several times by the Senator from South Carolina [Mr. TILLMAN], and I have also been referred to by the Senator from Wisconsin. I wish, before the debate closes, to say a few words in regard to the Santo Domingo question and the attitude of the President in sending delegates to Algeciras. It is now so late that I will not attempt to address the Senate at this time. With the kind indulgence of the Senate, I will trespass upon their patience by asking permission to address them briefly tomorrow on this same topic immediately after the close of the routine morning business.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until tomorrow, Wednesday, January 24, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 23, 1906.

COLLECTOR OF CUSTOMS.

John B. Whelan, of Michigan, to be collector of customs for the district of Detroit, in the State of Michigan, to succeed John T. Rich, whose term of office will expire by limitation February 2, 1906.

COLLECTOR OF INTERNAL REVENUE.

Edmund B. Allen, of Missouri, to be collector of internal revenue for the first district of Missouri, to succeed Ben Westhus, resigned.

This nomination to be in lieu of the one made on January 22, 1906, wherein the name of Mr. Allen was given as Edward instead of Edmund.

PENSION AGENT.

Daniel Ashworth, of Pittsburg, Pa., to be pension agent at Pittsburg, Pa., vice John W. Nesbit, whose term will expire January 31, 1906.

PROMOTIONS IN THE NAVY.

Commander Lewis C. Heilner to be a captain in the Navy from the 7th day of January, 1906, vice Capt. Charles H. Stockton, promoted.

Lieut. Commander Harry S. Knapp to be a commander in the Navy from the 27th day of December, 1905, vice Commander William H. Allen, deceased.

Lieut. Waldo Evans to be a lieutenant-commander in the Navy from the 1st day of January, 1906, vice Lieut. Commander Harry H. Caldwell, an additional number in grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1906.

TERRITORIAL CHIEF JUSTICE.

John H. Burford, of Oklahoma, to be chief justice of the supreme court of the Territory of Oklahoma.

TERRITORIAL ASSOCIATE JUSTICE.

Bayard T. Hainer, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

SOLICITOR FOR THE DEPARTMENT OF STATE.

James B. Scott, of California, to be Solicitor for the Department of State.

PROMOTION IN THE NAVY.

Medical Inspector Presley M. Rixey, United States Navy, to be Surgeon-General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear-admiral, for a term of four years from the 5th day of February, 1906.

CONSUL.

Theodosius Botkin, of Utah, to be consul of the United States at Port Louis, Mauritius.

SURVEYOR OF CUSTOMS.

Thomas B. McLemore, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee.

DISTRICT ATTORNEY.

George R. Walker, of Indian Territory, to be United States attorney for the southern district of Indian Territory.

REGISTER OF LAND OFFICE.

Eugene Van Pattan, of New Mexico, to be register of the land office at Las Cruces, N. Mex.

POSTMASTERS.

CALIFORNIA.

Stephen D. Ballou to be postmaster at San Luis Obispo, in the county of San Luis Obispo and State of California.

Susan L. Drake to be postmaster at Colusa, in the county of Colusa and State of California.

George W. Holmes to be postmaster at Selma, in the county of Fresno and State of California.

CONNECTICUT.

Adelbert W. Crane to be postmaster at South Glastonbury, in the county of Hartford and State of Connecticut.

Nehemiah Jennings to be postmaster at Southport, in the county of Fairfield and State of Connecticut.

ILLINOIS.

Henry F. Bader to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois.

Ralph F. Bradford to be postmaster at Pontiac, in the county of Livingston and State of Illinois.

Ansel B. Case to be postmaster at Prophetstown, in the county of Whiteside and State of Illinois.

Russell W. Folts to be postmaster at Atlanta, in the county of Logan and State of Illinois.

Francis A. Freer to be postmaster at Galesburg, in the county of Knox and State of Illinois.

Harry L. Frier to be postmaster at Benton, in the county of Franklin and State of Illinois.

Eva Y. Hole to be postmaster at Ridge Farm, in the county of Vermilion and State of Illinois.

Harrison P. Huntsinger to be postmaster at Pinckneyville, in the county of Perry and State of Illinois.

Arthur Merrill to be postmaster at Avon, in the county of Fulton and State of Illinois.

Calvin F. Randolph to be postmaster at Danvers, in the county of McLean and State of Illinois.

Homer S. Sanford to be postmaster at Chatsworth, in the county of Livingston and State of Illinois.

INDIANA.

Christopher Browand to be postmaster at Kendallville, in the county of Noble and State of Indiana.

George E. Burbank to be postmaster at Oakland City, in the county of Gibson and State of Indiana.

A. L. Kuhlman to be postmaster at Auburn, in the county of Dekalb and State of Indiana.

Charles A. Rockwell to be postmaster at Cloverdale, in the county of Putnam and State of Indiana.

INDIAN TERRITORY.

Bruce McKinley to be postmaster at Eufaula, in District Twelve, Indian Territory.

IOWA.

Thomas F. Armstrong to be postmaster at Lenox, in the county of Taylor and State of Iowa.

Frank E. Drake to be postmaster at Radcliffe, in the county of Hardin and State of Iowa.

John T. Hogan to be postmaster at Cherokee, in the county of Cherokee and State of Iowa.

John B. Hungerford to be postmaster at Carroll, in the county of Carroll and State of Iowa.

Thomas D. Long to be postmaster at Manson, in the county of Calhoun and State of Iowa.

James H. Morrison to be postmaster at Seymour, in the county of Wayne and State of Iowa.

Walter C. Ramsay to be postmaster at Belmond, in the county of Wright and State of Iowa.

G. W. Stapleton to be postmaster at Spirit Lake, in the county of Dickinson and State of Iowa.

Gardner S. Turrill to be postmaster at Jefferson, in the county of Greene and State of Iowa.

William H. Tyrrell to be postmaster at Waverly, in the county of Bremer and State of Iowa.

Thomas Walpole to be postmaster at Storm Lake, in the county of Buena Vista and State of Iowa.

Clinton L. Zollinger to be postmaster at Ogden, in the county of Boone and State of Iowa.

KENTUCKY.

Lucy O. Mason to be postmaster at Adairville, in the county of Logan and State of Kentucky.

James C. Florence to be postmaster at Stanford, in the county of Lincoln and State of Kentucky.

James A. Miller to be postmaster at Wickliffe, in the county of Ballard and State of Kentucky.

James T. Stephens to be postmaster at Hickman, in the county of Fulton and State of Kentucky.

Thomas Sympson to be postmaster at Franklin, in the county of Simpson and State of Kentucky.

MAINE.

John F. Davis to be postmaster at Bridgton, in the county of Cumberland and State of Maine.

William Fennelly to be postmaster at Bar Harbor, in the county of Hancock and State of Maine.

Edward Harding to be postmaster at Gorham, in the county of Cumberland and State of Maine.

Frank M. Hume to be postmaster at Houlton, in the county of Aroostook and State of Maine.

John V. Lane to be postmaster at Augusta, in the county of Kennebec and State of Maine.

Oramel Murray to be postmaster at Pittsfield, in the county of Somerset and State of Maine.

James H. Phair to be postmaster at Presque Isle, in the county of Aroostook and State of Maine.

Benjamin J. Woodman to be postmaster at Westbrook, in the county of Cumberland and State of Maine.

MASSACHUSETTS.

Albert E. Brownville to be postmaster at Needham, in the county of Norfolk and State of Massachusetts.

James C. Cooper to be postmaster at Chester, in the county of Hampden and State of Massachusetts.

William E. Dunbar to be postmaster at Taunton, in the county of Bristol and State of Massachusetts.

Harold A. Foster to be postmaster at North Brookfield, in the county of Worcester and State of Massachusetts.

Henry B. Hildreth to be postmaster at Townsend, in the county of Middlesex and State of Massachusetts.

MICHIGAN.

George M. Clark to be postmaster at Bad Axe, in the county of Huron and State of Michigan.

Thomas Connors to be postmaster at Negaunee, in the county of Marquette and State of Michigan.

Alfred Cruse to be postmaster at Iron Mountain, in the county of Dickinson and State of Michigan.

Robert G. Elliott to be postmaster at Munising, in the county of Alger and State of Michigan.

George B. Faxon to be postmaster at Ovid, in the county of Clinton and State of Michigan.

Benjamin B. Gorman to be postmaster at Coldwater, in the county of Branch and State of Michigan.

Elmer W. Hall to be postmaster at Lawton, in the county of Van Buren and State of Michigan.

Otto H. Mueller to be postmaster at Rockland, in the county of Ontonagon and State of Michigan.

Frank E. Priddy to be postmaster at Adrian, in the county of Lenawee and State of Michigan.

William C. Spreen to be postmaster at Watervliet, in the county of Berrien and State of Michigan.

MINNESOTA.

Brayton S. Buckingham to be postmaster at Argyle, in the county of Marshall and State of Minnesota.

Ida Erickson to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota.

Josie Forde to be postmaster at Graceville, in the county of Bigstone and State of Minnesota.

Dennis F. McGrath to be postmaster at Barnesville, in the county of Clay and State of Minnesota.

H. H. Neuenburg to be postmaster at Olivia, in the county of Renville and State of Minnesota.

John Schmelz to be postmaster at Springfield, in the county of Brown and State of Minnesota.

Ole A. Thoreson to be postmaster at East Grand Forks, in the county of Polk and State of Minnesota.

Edwin E. Tuttle to be postmaster at Hastings, in the county of Dakota and State of Minnesota.

MISSOURI.

Frank M. Filson to be postmaster at Cameron, in the county of Clinton and State of Missouri.

Theodore N. McHaney, to be postmaster at Kennett, in the county of Dunklin and State of Missouri.

Oliver W. Neff to be postmaster at Nevada, in the county of Vernon and State of Missouri.

Robert C. Rhodes to be postmaster at Seymour, in the county of Webster and State of Missouri.

Enoch T. Stark to be postmaster at Huntsville, in the county of Randolph and State of Missouri.

Walter F. Thompson to be postmaster at Plattsburg, in the county of Clinton and State of Missouri.

NEBRASKA.

William P. Freeman to be postmaster at Auburn, in the county of Nemaha and State of Nebraska.

Carl Kramer to be postmaster at Columbus, in the county of Platte and State of Nebraska.

Jehiel H. Secor to be postmaster at Madison, in the county of Madison and State of Nebraska.

Charles H. Snider to be postmaster at Tilden, in the county of Madison and State of Nebraska.

Dennis Tracy to be postmaster at Cedar Rapids, in the county of Boone and State of Nebraska.

NEW HAMPSHIRE.

Alfred E. Bean to be postmaster at Berlin, in the county of Coos and State of New Hampshire.

Albert Clement to be postmaster at Antrim, in the county of Hillsboro and State of New Hampshire.

John H. Henry to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire.

Eri Oakes to be postmaster at Lisbon, in the county of Grafton and State of New Hampshire.

William H. Small to be postmaster at New Market, in the county of Rockingham and State of New Hampshire.

NEW YORK.

Robert C. Bailey to be postmaster at Schoharie, in the county of Schoharie and State of New York.

William L. Crothers to be postmaster at Phelps, in the county of Ontario and State of New York.

Melvin J. Stearns to be postmaster at Massena, in the county of St. Lawrence and State of New York.

George Tremper to be postmaster at Rhinebeck, in the county of Dutchess and State of New York.

Abram R. Wyckoff to be postmaster at Geneva, in the county of Ontario and State of New York.

OKLAHOMA.

John J. Burke to be postmaster at Norman, in the county of Cleveland and Territory of Oklahoma.

PENNSYLVANIA.

Harry H. Hawkins to be postmaster at Spring Forge, in the county of York and State of Pennsylvania.

Starling W. Waters to be postmaster at Warren, in the county of Warren and State of Pennsylvania.

W. Day Wilson to be postmaster at Clarion, in the county of Clarion and State of Pennsylvania.

TEXAS.

Sallie E. Brooks to be postmaster at Bastrop, in the county of Bastrop and State of Texas.

Henry M. Carson to be postmaster at Pilot Point, in the county of Denton and State of Texas.

Augustus S. Davis to be postmaster at McGregor, in the county of McLennan and State of Texas.

W. James Gilmore to be postmaster at Moody, in the county of McLennan and State of Texas.

Walter A. Hill to be postmaster at Phenix, in the county of Kent and State of Rhode Island.

Effie L. Houghton to be postmaster at Memphis, in the county of Hall and State of Texas.

M. B. Howard to be postmaster at Sweet Water, in the county of Nolan and State of Texas.

August F. Loessin to be postmaster at La Grange, in the county of Fayette and State of Texas.

J. F. McCarty to be postmaster at Comanche, in the county of Comanche and State of Texas.

Mary W. Morrow to be postmaster at Abilene, in the county of Taylor and State of Texas.

Charles O. Nelson to be postmaster at Clifton, in the county of Bosque and State of Texas.

Edmund F. Seydler to be postmaster at Weimar, in the county of Colorado and State of Texas.

Frank K. Sterrett to be postmaster at Albany, in the county of Shackelford and State of Texas.

VERMONT.

Raymond C. Ransom to be postmaster at Castleton, in the county of Rutland and State of Vermont.

WASHINGTON.

Joseph W. King to be postmaster at Asotin, in the county of Asotin and State of Washington.

WEST VIRGINIA.

James S. Posten to be postmaster at Elkins, in the county of Randolph and State of West Virginia.

Henry J. Rudkin to be postmaster at Burnsville, in the county of Braxton and State of West Virginia.

Robert B. Watson to be postmaster at Cameron, in the county of Marshall and State of West Virginia.

WISCONSIN.

George Luecker to be postmaster at Brillion, in the county of Calumet and State of Wisconsin.

L. L. Thayer to be postmaster at Bloomer, in the county of Chippewa and State of Wisconsin.

Hugh H. Williams to be postmaster at Randolph, in the county of Dodge and State of Wisconsin.

WYOMING.

William Pugh to be postmaster at Evanston, in the county of Uinta and State of Wyoming.

Perry L. Smith to be postmaster at Rawlins, in the county of Carbon and State of Wyoming.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 23, 1906.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

STATEHOOD BILL.

Mr. HAMILTON. Mr. Speaker, I am authorized by the Committee on Territories to report favorably the bill H. R. 12707, commonly known as the "statehood bill."

The SPEAKER. The gentleman from Michigan, from the Committee on Territories, reports the following bill, the title of which the Clerk will read.

Mr. HAMILTON. Mr. Speaker, the gentleman from Tennessee [Mr. MOON], of the Committee on Territories, desires to present the views of the minority.

The Clerk read as follows:

A bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, printed.

Mr. MOON of Tennessee. Mr. Speaker, by direction of the minority of the Committee on Territories, I present to the House the views of the minority on the statehood bill, and ask that the same be filed and printed with the majority report.

The SPEAKER. The gentleman from Tennessee presents the views of the minority, which will also be printed and referred to the Committee of the Whole House on the state of the Union.

BATTLE MONUMENTS NEAR SANTIAGO, CUBA.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to present the following resolution.

The Clerk read as follows:

House joint resolution 87.

Resolved, etc., That the Secretary of War is authorized to employ the United States Army transport *Sumner* to convey from New York to Santiago de Cuba and return the members of the Santiago Battlefield Commission and the representatives of the President and of the State and War Departments, to enable them to attend the ceremonies to be held at the dedication of the battle monuments at El Caney, Fort San Juan, San Juan Ridge, and San Juan de Mayares Hill, in the immediate vicinity of Santiago de Cuba.

Mr. HULL. I report this resolution by direction of the Committee on Military Affairs, and ask unanimous consent for its present consideration.

Mr. CLARK of Missouri. Mr. Speaker, I should like to inquire of my friend from Iowa if this is a unanimous report.

Mr. HULL. I understood there was one vote against it, but no question was reserved on any points of order or anything looking to an objection.

Mr. CLARK of Missouri. I reserve the right to object.

Mr. HULL. If the gentleman will withhold any objection until he can be fully informed of the object of the resolution, I think he will not then object.

Mr. CLARK of Missouri. I will reserve the right to object.

Mr. HULL. Mr. Speaker, I ask that the letter from the Secretary of War be read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, January 22, 1906.

SIR: I respectfully request that the following resolution be introduced and passed by the House of Representatives:

"*Resolved*, That the Secretary of War is authorized to employ the United States Army transport *Sumner* to convey, from New York to Santiago de Cuba and return, the members of the Santiago battlefield commission and the representatives of the President and of the State and War Departments, to enable them to attend the ceremonies to be held at the dedication of battle monuments at El Caney, Fort San Juan, San Juan Ridge, and San Juan de Mayaras Hill, in the immediate vicinity of Santiago de Cuba."

The project has received the sanction and cooperation of the War and State Departments, and the Government of Cuba has presented a number of cannon for use in the construction of the monuments. It has also granted a site for their erection, and will prepare suitable approaches.

The current act of appropriation for sundry civil expenses of the Government contains the following requirement:

"For marking the places where the American soldiers fell and were temporarily interred in Cuba and China, $9,500, said sum to be immediately available." (Act of March 3, 1905, 33 Stat. L., 1196.)

In a memorandum of instruction furnished by the Secretary of War to the Chief of Staff on May 12, 1905, a committee was appointed and charged with the duty of carrying out the provisions of the enactment above cited, with the proviso that "No mileage or traveling expenses or any other personal expenses incurred by the members of the committees will be charged to this appropriation or any other Government appropriation."

The members of this committee have paid their necessary traveling expenses themselves, and have discharged their duty in Cuba. The marking has been proceeded with so far as to permit the dedicatory exercises to be held on the 14th of February next.

A large amount of material procured out of the funds made available by the clause of the appropriation above cited has been procured by manufacture and can be conveyed to the places in which the monuments are to be erected on the transport *Sumner*, if assigned to this duty.

The Government of Cuba is disposed to make important this commemoration of the various battles in the neighborhood of Santiago. The resolution need not carry any appropriation. If it is passed, the expense can be met out of the general transportation appropriation for the War Department. The *Sumner* is now in New York Harbor. The trip would take from eleven to fourteen days. The additional cost, by reason of this trip, to the Government over and above that now involved in maintaining the transport in New York Harbor would be $500 a day for not exceeding fourteen days.

I inclose papers showing the action of the army societies of the Spanish war.

Very respectfully, yours,

WM. H. TAFT, *Secretary of War.*

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. HULL. Mr. Speaker, I want to say to the House that heretofore the transports have been used in many cases, in my judgment, without any clear authority of law. In this case I suppose the Secretary of War had a right to order it for this proposed trip to Cuba as much as he had a right to order one to Colon or to any point in the West Indies, when not for legitimate Army service. If this resolution is passed it makes no precedent for the future, but it does establish the fact that Congress has entire jurisdiction over the use of the transports for anything outside of their legitimate use as transports of the Army for military purposes. This is a great occasion between the Government of Cuba and the Government of the United States. On many occasions not as important as this the Government has ordered war ships to do this service at an immensely increased cost, and it seems to me, in view of all the facts surrounding these great dedicatory exercises in Cuba, in view of the fact of the close relation between the Government of the United States and the Government of Cuba, in view of the fact that our soldiers' graves are the ones to be honored on this occasion and the valor of American troops exalted, that the House and the Senate should by a unanimous vote, without an objecting voice, grant the transport *Sumner* for the uses asked for by the President and the Secretary of War on this occasion, and I hope no objection will be made.

Mr. FITZGERALD. I desire to know if the gentleman does not think that some limitation should be fixed upon the expense of this trip in this resolution?

Mr. HULL. I will say that the limitation is stated by the Secretary of War not to exceed $500 a day, and I will say further that all parties going on the transport pay for their subsistence. There is no expense to the Government for subsistence at all. Everyone traveling on the transport, except officers of the ship and enlisted men of the Army, is compelled to pay for the entire cost of his meals.

Mr. FITZGERALD. I doubt whether the gentleman——

Mr. HULL. And the entire length of time will not exceed fourteen days and may fall under that.

Mr. FITZGERALD. I doubt whether the gentleman understood what I asked. I asked whether this resolution should not fix the limit. The Secretary of War says that, in his opinion, it will cost about $500 a day; but I suggest that that is no limitation upon the amount that can be expended.

Mr. HULL. I will say to the gentleman, Mr. Speaker, that if the resolution is considered now and any Member of this House believes that an amendment should be adopted providing that the total expense shall not exceed $7,000 I shall raise no objection to that amendment.

Mr. FITZGERALD. I would suggest $10,000. I only want a reasonable limit fixed.

Mr. HULL. I would take the Secretary at his word, where he says it will not exceed $500 a day for fourteen days, and that is $7,000.

Mr. SULZER. Mr. Speaker, it is only necessary, in my opinion, to say a word or so about the resolution asked to be passed by the Secretary of War. It should pass at once, and I trust there will be no objection to it. The letter of the Secretary of War gives the reasons why it should pass. It seems to me that it is a truly patriotic thing for this Government to participate in the ceremonies to be held to mark the graves of the American soldiers who fell in Cuba in the war between Spain and the United States, and to send this transport, now lying in New York Harbor at an expense to the Government, down to Santiago to participate in these commendable ceremonies. I believe this transport should be sent to Cuba for this purpose. The expense will be very small, simply the difference between keeping the fires of the transport up in New York Harbor and the additional coal that will be burned in having the transport go out on the ocean and down to Cuba. It will only require ten or fourteen days to make the trip, and the purpose is patriotic and praiseworthy. It is a small matter, too small for anybody to object to, and I hope there will be no opposition to the immediate adoption of the resolution.

I agree with all the Secretary of War has said in regard to this matter, and I hope this resolution will pass, and that this transport will be sent down there to participate in the proceedings inaugurated by Cuba and the United States relative to the marking of the graves of the brave and heroic soldiers who fell in the battle of Santiago. [Applause.]

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

Mr. HULL. Now, Mr. Speaker, in accordance with the suggestion of the gentleman from New York [Mr. FITZGERALD], I offer an amendment providing that the total additional expense shall not exceed $7,000.

Mr. FITZGERALD. Mr. Speaker, I suggest to the gentleman from Iowa that we give them a little leeway, because there might be something unforeseen, the steamer might be delayed.

Mr. HULL. Make it $10,000 additional expense.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Add at the end of the resolution: "*Provided*, That the total additional expense shall not exceed $10,000."

Mr. SULZER. Mr. Speaker, I do not care to object to the proposed amendment, but I do not think this resolution should have this limitation put upon it, and I hope for one that it will be voted down. We can trust our distinguished Secretary of

War in the matter. The steamer might be delayed in a storm or might be compelled by stress of weather to go to some other port. I am willing to take the assurance of the Secretary of War about the matter instead of adopting this suspicious amendment. I hate to be always fearful that some one is going to do something he should not do. I feel confident that not one cent more than is absolutely necessary will be expended. This is not to be a junketing trip, but a patriotic performance of a sacred duty.

Mr. FITZGERALD. Mr. Speaker, I wish to say a word. I thoroughly disagree with my colleague. I believe when an appropriation is proper for any purpose Congress should fix some limitation upon the amount which the executive officer shall expend. The Secretary of War says it will not take more than fourteen days, and allowing $500 a day for fourteen days the expense would be $7,000. We increase the limit to $10,000, which gives a leeway of six days. No possible contingency, except a shipwreck, could delay this boat more than six days. If there should be a serious breakdown they could easily get permission to expend additional money. But I am opposed to unlimited appropriations for any purpose, and I hope the amendment will be adopted.

Mr. SULZER. Mr. Speaker, that is all very fine as a general proposition, but I wish to ask the gentleman from New York if he can not take the assurance in this matter of the Secretary of War?

Mr. FITZGERALD. Mr. Speaker, I believe we are under obligations to perform our duty in accordance with the law and not to accept anybody's word as to how much money we should appropriate. We should decide that for ourselves. I am ready to assume my responsibility and act in that way.

Mr. HULL. Mr. Speaker, I move the previous question on the joint resolution and amendment.

The previous question was ordered.

The SPEAKER. The question is on the amendment to the joint resolution.

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 134, noes 32.

So the amendment was agreed to.

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

On motion of Mr. HULL, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12320—the urgent deficiency bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill, with Mr. SHERMAN in the chair.

The Clerk, proceeding with the reading of the bill, read as follows:

THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, as follows:

For miscellaneous material purchases in the United States, $1,000,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, lines 1 and 2, strike out the words "in the United States" and insert in lieu thereof "elsewhere than on the Isthmus of Panama," so that it will read:

"For miscellaneous material purchases elsewhere than on the Isthmus of Panama."

Mr. FITZGERALD. Mr. Chairman, I wish to call attention of the committee to the fact that this appropriation is made available for expenditure only in the United States. The language, I believe, was used inadvertently, without realizing what its significance would be. Everybody recollects that some months ago the Secretary of War announced that he would purchase materials for the Panama Canal wherever they could be purchased cheapest. In submitting his estimates and requests for these appropriations it was contended that certain purchases should be made on the Isthmus and certain other purchases should not be made on the Isthmus. In order to distinguish the appropriations the language in the bill was used, but if it be continued in the bill in its present shape it will be impossible for the Secretary of War to take advantage of the cheapest markets for the purchase of these particular supplies. In order that there may be no restriction on his power, in order that he may go into the market where he can purchase cheapest, this change of language should be made and the money available should be expended in any place except on the Isthmus. This will give him that opportunity.

Mr. DE ARMOND rose.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] is recognized in opposition to the amendment.

Mr. DE ARMOND. Mr. Chairman, I did not rise to oppose the amendment, but to make some observations upon the general subject and to ask for some information. I recollect that last spring, or early last summer, there was a good deal in the newspapers about an official decision to purchase wherever articles could be bought the cheapest. For a week or two, or perhaps a little more—for a very short period of time, at all events—there was considerable comment upon the subject in the public press of the country, and then a deep and profound silence ensued. Now, I would like right well to know something about where we have been buying things, something about whether we have been buying them at the best prices or whether we have been buying them at prices unreasonably high. How much have we bought abroad? How much have we bought at home? Have American manufacturers met the competition of foreigners and supplied such things as we need as cheaply as the foreigners are willing to do? Have they failed to meet that competition? If so, have we then bought from foreigners at cheaper rates or from Americans at higher rates? I do not know how this is, and I suppose the public does not know how it is. I am one of those who believe that the United States in carrying forward a great work like this, necessarily a very costly work, ought to do what a sensible man would do in the conduct of his own business; that is, buy what he needs where he can buy it the cheapest and to the best advantage. I believe that American manufacturers can supply what is needed down there just as cheaply as foreigners, but I believe that they will not do it unless they are sure that unless they do foreigners will supply the articles and they will lose the market. We have been in the habit of encouraging American manufacturers and permitting them and enabling them and inviting them to charge the Americans more than they charge foreigners. Now, when we come to a great undertaking like this the Government can not afford it; it is immoral and wrong and wasteful of the people's money for the Government to invest in American supplies unless they are furnished as cheaply as supplies equally good and equally adapted to the work can be obtained abroad. Now, I would be very glad to hear from somebody who knows, if there is somebody here who does know—and I presume there is—where we really have been making our purchases; whether we have been making them at competitive prices or whether we have been making them at trust prices; whether we have been buying as cheaply as we could buy or have been buying from favored Americans at such prices as they chose to exact. Instead of being opposed to this amendment, if I get the meaning of it, I am in favor of it.

This paragraph might provide for limiting the purchases to the United States, and of course that would mean purchases in the United States at such prices as may prevail in the United States. In other words, purchases from American manufacturers at American manufacturers' home prices, without any reference to the foreign prices and without any regard for the effect upon the Public Treasury or the people's rights. If this amendment be adopted, there should be no interference with purchases here in the United States, except that those who make the purchases will not be under compulsion to make them without any regard to prices or quality or fitness of the things to be purchased. If this limitation be imposed, it will be a closing against the United States of the foreign markets for the purchase of these things and will be turning over the Treasury of the United States to American manufacturers at their own figures and without competition. To that I am opposed, and to that it seems to me everybody ought to be opposed. Now, I hope, both for my own information and for the information of the general public, that some one who possesses the information will tell us where we have been buying and how we have been buying, whether we have been buying in a competitive market or in the trust market at trust prices. It seems to me these inquiries are pertinent, and I trust they will be frankly answered.

Mr. LITTAUER. Mr. Chairman, purchases under this head have been in nearly all instances made under the submission of proposals with full specifications, advertised throughout the United States, and, where it was believed material could be purchased cheaper, even in foreign countries. I should regret very much to see this additional legislation inserted in this paragraph. The separation between purchases in the United States and purchases at the Isthmus of Panama was made in the bill so

as to control and limit them plainly. The Isthmian Canal Commission have established a purchasing bureau, presided over by a man of great experience and capability in this particular field. They have exhibited to us carefully drawn specimens of their method of submitting proposals with elaborate specifications, advised us that it cost them practically $100 to $150 for advertising expense in connection with each contract; that the proposals were published wherever they had any idea that they would meet with consideration, and I can not see what good object can be achieved by legislating in this way in this bill. The purchases will all be made in the United States, or rather the contracts will be made here, whether the goods are produced or manufactured in a foreign country or in the United States.

Mr. FITZGERALD. This amendment does not prevent the expenditure of this money for purchases on the Isthmus.

Mr. LITTAUER. I realize that. The amendment concerns simply the first category in the bill, and is for material purchases in the United States. The purchase will be made here, whether the material comes from abroad or otherwise.

Mr. FITZGERALD. Not necessarily. It appears in the hearings that certain foreign firms have representatives in the United States who, if they desired, might submit bids. Well, if they submitted bids and agreed to deliver from some place in Europe to the Isthmus, then, though the contract was made in the United States, it might be so construed that they were purchases abroad and——

Mr. LITTAUER. I do not so understand it. All purchases will be made either through representatives of foreign firms having their offices here or through the submission of bids under proposals. It is not designed to confine the purchases simply to products of the United States. It is designed to buy whatever is bought from the lowest bidder.

Mr. JAMES. If that is true, what objection have you to inserting the amendment and say they shall expend this million dollars wherever they can expend it the cheapest?

Mr. LITTAUER. That is exactly what they are doing now.

Mr. JAMES. Well, then, what objection have you to making it plain?

Mr. LITTAUER. It simply adds new legislation where it is not required.

Mr. JAMES. It is a very easy matter; it will not take much time to do that.

Mr. FITZGERALD. There never has been any legislation in this language—"for material purchases in the United States"—and this language unquestionably limits——

Mr. LITTAUER. This is the first time we have attempted to make detailed appropriations in connection with this work.

Mr. FITZGERALD. And this language will limit purchases out of the million dollars to the United States.

Mr. LITTAUER. This will limit purchases in the United States, but the purchases can be made here in the United States of material coming from foreign countries.

Mr. FITZGERALD. There was an instance, if the gentleman will permit me, where the Isthmian Canal Commission sent abroad and intended, if they could succeed in doing so, to get contracts for the purchase of certain steamers.

Mr. LITTAUER. Provided they could have obtained steamers better fitted for their work than could be procured here. They found, however, they could not so procure them, and hence bought them in this country.

Mr. FITZGERALD. But if the money available for that purpose had been restricted by this provision, they could not have purchased those steamers on the other side.

Mr. LITTAUER. Oh, not at all.

Mr. MANN. Will the gentleman permit me? The reason the separation is made in these cases is because there are two auditors. How far that will go I will not undertake to say; but there is an auditor on the Isthmus and an auditor here. The auditor on the Isthmus audits the purchases which are made on the Isthmus. The auditor in the United States audits all other purchases, and the purpose of putting some language in there is so that we credit on the books of the different auditors the amount that is proper, and out of those items the audits are made in the two different auditors' offices.

Mr. FITZGERALD. I said I believe this language was used inadvertently. The next item provides for expenditure for purchases on the Isthmus. It was intended that this money should be expended elsewhere than on the Isthmus, and that is the language of the amendment I suggest. The language in the bill at present confines the purchase in the United States, because I say——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JAMES. I ask that the gentleman may have his time extended.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York——

Mr. WILLIAMS. I ask unanimous consent that the gentleman's time be extended.

The CHAIRMAN. The Chair did not hear the remark of the gentleman from Mississippi.

Mr. WILLIAMS. I ask unanimous consent that the gentleman from New York may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] None is heard.

Mr. LITTAUER. I have no desire to consume any further time unless some one wishes to ask a question.

Mr. FITZGERALD. I wish to state to the gentleman, in the case I have stated, if this language had been in the law controlling the expenditure of the money that was to be used for the purchase of these steamers it would have been impossible for a representative of the Commission to have gone to Liverpool and purchased steamers there under a law that provided that the purchase should be made in the United States.

Mr. LITTAUER. I trust that the gentleman recognizes that we do not want to have traveling purchasing agents going all over the world attempting to make purchases, but that purchases should be made under bids submitted here in Washington and controlled by the chief purchasing agent.

Mr. FITZGERALD. Mr. Chairman, that is not the controlling reason for this language, and the result of it will be to prevent the expenditure of this money in any place except in the United States. I am in favor of giving the Secretary of War or the Isthmian Canal Commission a free hand to purchase in the market that is cheapest, be it in the United States or be it in some other country.

Mr. MANN. I quite agree with the gentleman, but I desire to call his attention to this, which I understand to be the fact: The Commission does purchase more or less from the island of Jamaica, which purchases are audited in the office of the auditor for the Isthmus, and will come out of the appropriation for the purchase of supplies on the Isthmus. Now, whether the language limits the purchase to articles that are on the Isthmus when they are purchased, in the one case, or articles that are in the United States when they are purchased, in the other case, I do not know. I think it ought to be done.

Mr. JAMES. Mr. Chairman, I would like to ask the gentleman from Illinois a question. Were the steam shovels that were purchased for the Isthmus purchased in the open market of the world or in the limited market of the United States?

Mr. MANN. I understand they purchase all of these articles in the open market of the world.

Mr. JAMES. Did they do it in that instance?

Mr. MANN. Yes; they did it in that instance.

Mr. JAMES. In the open market of the world?

Mr. MANN. In the open market of the world. I may say to the gentleman that there is only one manufacturer in the world at present that manufactures the best type of steam shovel, namely, the one which manufactures the Bucyrus steam shovel, in Ohio.

Mr. JAMES. I am not talking about the best type. That might control the purchases of some man, but some other man might think that some other type was the best. The question is whether or not the plows or these other implements were purchased in the United States at the price at which they are sold usually to purchasers of them—whether you went to the open market of the world for bids.

Mr. MANN. Anybody was permitted to bid upon these articles.

Mr. JAMES. Who got the contract?

Mr. MANN. Of course an enterprising citizen of the United States got the contract, and I am sorry that it was not a Kentucky citizen, because in that State enterprise is always supreme.

Mr. JAMES. Was he one of the "trustized" citizens of the United States?

Mr. MANN. Of course the gentleman wants me to make definitions. I will leave that with the gentleman.

Mr. GRAFF. May I ask the gentleman from Illinois a question?

Mr. MANN. If I have any time.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] has the time.

Mr. GRAFF. I want to ask the gentleman from Illinois if he knows whether or not the tariff schedules of the United States operate in the Isthmian Zone?

Mr. MANN. The tariff schedules do not operate in the Isthmian Zone. The tariff schedules in the Isthmian Zone are the tariff schedules of the Republic of Panama.

Mr. GRAFF. Then if the purchase was made in the United

States of supplies in England, and they were shipped direct from England to the Zone, tariff would be collected by the Panama Government on those imports?

Mr. MANN. There is no tariff collected on articles sent there for the Isthmian Canal Commission——

Mr. GRAFF. Those are admitted free?

Mr. MANN (continuing). In the construction of the canal.

Mr. GRAFF. On articles admitted for general purposes outside of this enterprise there is imposed a duty by the Panama Government?

Mr. MANN. Yes.

The CHAIRMAN. The time of the gentleman from New York [Mr. LITTAUER] has expired.

Mr. TAWNEY. Mr. Chairman, I trust this amendment will not prevail. I want to say, in answer to the gentleman from Missouri [Mr. DE ARMOND] who asked the question as to how these purchases have been made, how it is proposed to continue purchases in the future, whether by advertising or whether by receiving private bids or private offers, every dollar that has been expended for material and supplies on the Isthmus up to this time, except $283,000, has been expended for materials and supplies after advertising in all of the principal cities in the United States.

I hold in my hand here a complete statement of all the contracts that have been made since the beginning of the work on the canal under the jurisdiction of the Canal Commission, and for the information of the committee I will read just a few items. Take the item of forage, $4,808.40, advertised twenty-eight days in the American Elevator and Grain Transactions, Chicago; Grain Dealers' Journal, Chicago; Hay and Grain Reporter, Chicago; Southwestern Grain Journal, Topeka; American Miller, Chicago; Operative Miller, Chicago; Northwestern Miller, Minneapolis; Roller Mill, Buffalo; Millers' Review, Philadelphia, and Dixie Miller, Nashville.

Now, I have another item here for the purchase of an air compressor, at a cost of $5,900.04, advertised twenty-eight days and the contract let to the lowest bidder. Advertised in the Iron Age, New York; Engineering News, New York; Engineering Record, New York; Metal Worker, New York; Metal Industry, New York; Scientific American, New York; Commercial Bulletin, Boston; Progressive American, Philadelphia; Engineers' Review, Cleveland; Pacific Hardware Journal, San Francisco, and twenty other trade journals.

The advertisements are very short, but they are uniform. Then I have here the specifications furnished to all proposed bidders for these various items. Bearing in mind that every dollar except $283,000 has been expended in this way and expended under contracts made in different parts of the United States for material, equipment, and supplies, gentlemen will readily see that the purchases have been made in the open and in the open market of the United States. There is no opportunity whatever for combinations or controlling the prices, and in every instance except in the case of the $283,000 the contracts were made to the lowest responsible bidder, and that $283,000 was expended upon order of the chairman of the Commission for absolute necessaries which they had to have immediately.

Mr. WILLIAMS. I would like to ask the gentleman from Minnesota if he does not think the language in the bill leaves it in doubt as to whether the Government can buy supplies and materials and equipment for the canal in France or Germany or anywhere else except either in the United States or on the Isthmus?

Mr. TAWNEY. I do not think it leaves any doubt at all, Mr. Chairman. I do not think on the particular items mentioned in this paragraph that the Commission could go abroad for the purpose of buying these materials. If material is shipped to the Isthmus from France or England or Germany or any other country, the Commission could buy it; but they would buy it under the paragraph following the one to which the gentleman from New York has offered his amendment.

Mr. WILLIAMS. If the gentleman will indulge me a moment further, I do not think this matter is as important from the standpoint of the actual purchase of the material elsewhere as it is from the standpoint of giving the Government the whip hand, in order to keep it from being combined against and imposed upon by our own people. I believe that the American manufacturers can manufacture all these things, or nearly all of them, cheaper than anybody else, and can sell them cheaper, if they will; but it is of the highest importance that there shall be no doubt about the fact that the Government can, if it will, purchase elsewhere, in order that the knowledge of the fact may make these people state a reasonable price to the Government. But if the gentleman is of the opinion that there is no doubt about the proposition, why of course the Government will still have this whip hand left.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask for a few minutes more, to reply to the gentleman from Mississippi.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection? The Chair hears none.

Mr. TAWNEY. When, I say, Mr. Chairman, that the prices paid for the material thus far purchased and the prices that will be paid for materials, machinery, and equipment hereafter purchased, will be purchased in the general competitive market, and when the Commission affords the manufacturers all over the United States engaged in the manufacture of that particular article an opportunity to make an open bid for the furnishing of the material, machinery, or equipment, I can not see how it is possible for the Government to suffer the least or for any combination to secure a higher price for that particular purchase. Now, I will answer the gentleman from Texas.

Mr. GILLESPIE. Will the gentleman inform the House how many bidders there were for any of these contracts, and who they were?

Mr. TAWNEY. I do not know. This paper shows the order, the date, the name of the firm to whom the contract was let, the character of the material, the amount of the cost, the period of advertising, whether the contract was let to the lowest bidder, and the names of the newspapers advertised in. It does not give the number of the bidders, but it does state in every instance that I have observed here in going through this that the contract was let to the lowest bidder, with the exception of $283,000 for supplies and material that the Commission had to have immediately and could not await the advertising.

Mr. GILLESPIE. Then I understand the gentleman has no information as to how many different bidders offered themselves for any one contract?

Mr. TAWNEY. The testimony before the committee was that there were a great many different bidders and that the bids varied very materially.

Mr. GILLESPIE. American manufacturers have two prices, a home price and a foreign price. For instance, on steel rails there is quite a difference between the price of steel rails for this country and steel rails for Mexico.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I want just a moment more.

Mr. FITZGERALD. I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended five minutes?

There was no objection.

Mr. GILLESPIE. For instance, steel rails sell in Canada for $22 and in Mexico for the same price, and they are $28 here. Now, using that as a basis, can the gentleman inform me now——

Mr. TAWNEY. Right on that point I will say that of course the Commission is not purchasing a great many steel rails, but the price stated by the Commission to the subcommittee of the Committee on Appropriations was $26.45 alongside the ship, and $28 is the price at the mill.

Mr. GILLESPIE. And $26 over there?

Mr. TAWNEY. Twenty-eight dollars at the mill and $26.45 for these steel rails at the ship.

Mr. GILLESPIE. Now, is it not a fact that they sell these same steel rails and deliver them in Canada and Mexico for $22?

Mr. TAWNEY. I do not know anything about what they sell for in Canada or anywhere else. I am talking about the rails purchased by the Canal Commission, for which they paid $26.45 at the side of the ship, and the price to the American consumer at the mill is $28; so they are getting them down there for less than they could get them if they were using them here.

Mr. GILLESPIE. Are they getting them for less than these same manufacturers will sell the very same rails to purchasers in Canada or Mexico and deliver them there?

Mr. TAWNEY. That I do not know.

Mr. FITZGERALD. Does not the gentleman believe that these different materials can be purchased in the United States?

Mr. TAWNEY. I do, and I think they ought to be.

Mr. FITZGERALD. Then will the gentleman inform the committee why, if that is his opinion, he did not restrict the expenditures to be made in the appropriation of $1,565,786, in lines 17, 18, and 19, to purchases exclusively in the United States?

Mr. TAWNEY. Because of the difference in the character of the material to be purchased. Here we were dealing with miscellaneous material purchases in the United States, $1,000,000. Now, what the gentleman refers to is for new equipment purchases, $1,565,786.

Mr. FITZGERALD. I call the attention of the gentleman to

the fact that the new equipment purchases are steam shovels, locomotives, and dredges, which are particularly well manufactured in the United States.

Mr. TAWNEY. The number of manufacturers of that equipment in this country are comparatively small, and therefore the number of competitors should be much greater under this provision.

Mr. FITZGERALD. But the gentleman from Illinois [Mr. MANN] stated that there was only one manufactory in the world that made first-class steam shovels and that is a concern in Ohio.

Mr. TAWNEY. That may be true.

Mr. LITTAUER. If the gentleman will permit me, that item, $1,565,786, is an item to provide the money to pay for contracts already entered into, already partially delivered, and this will complete them. They can determine the amount of those contracts up to $6.

Mr. FITZGERALD. If the gentleman will pardon me, there was nothing in the hearings to the effect that this particular appropriation was required to complete contracts.

Mr. LITTAUER. It is nevertheless the fact, and the details given here—flat cars, locomotives, and other things in the same line—are a repetition of the details given us at the time the $16,500,000 deficiency appropriation was asked for, and this is for the proportion not provided for in that provision. The contract for the delivery of these various items have all been entered into, and this is simply the balance to be delivered and paid for under the contract.

Mr. FITZGERALD. I will say that that is not my understanding of the item.

Mr. PRINCE. Mr. Chairman, will the gentleman from Minnesota please state whether any person, company, or corporation outside of the United States made any bid, and if any of these bids are accepted?

Mr. TAWNEY. I am unable to answer the gentleman's question. My impression is, however, that there were no bids made by firms outside of the United States, and, therefore, there were none accepted. I would state to the gentleman, however, that there are representatives of foreign manufacturers in this country, all of whom have an opportunity to bid on these contracts. The bids are not limited to the products of the United States, nor to people who are engaged in the manufacture of these products in the United States. The bids are open bids, made in this country, and if a foreign representative of some foreign manufacturer wanted to put in a bid he could do so.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. THOMAS of North Carolina. Mr. Chairman, let us have the amendment again reported.

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

The Clerk again reported the amendment.

Mr. DE ARMOND. Mr. Chairman, my object in rising is not so much to say anything myself as to endeavor to get further information from those who may possess it, and I would be glad to ask the gentleman from Minnesota, the chairman of the Committee on Appropriations, about these railroad iron bids. I did not quite understand him. If I understood him correctly, he said that we had been paying $26.45 a ton for railroad iron for use on the Isthmus.

Mr. TAWNEY. That is correct; that was the testimony before the committee.

Mr. DE ARMOND. Is it not a fact that the same manufacturers are selling the same sort of rails in foreign countries for from $20 to $22 a ton?

Mr. TAWNEY. I can not say it is a fact, for I do not know.

Mr. DE ARMOND. Were there any foreign bidders for any of these contracts?

Mr. TAWNEY. I do not know; but, as I said, the representatives of foreign manufacturers of steel rails in this country had an opportunity to bid here.

Mr. DE ARMOND. I mean contracts generally.

Mr. TAWNEY. My impression is there were no foreign bids made or accepted. I do not know as to the fact, but that is only an impression gathered from the testimony before the committee. The direct question was not asked nor answered or testified to.

Mr. DE ARMOND. I would like to ask the gentleman whether he knows how it happened that there were no foreign bidders, if there were none?

Mr. TAWNEY. I do not know, and I will not say positively that there were none.

Mr. DE ARMOND. Does the gentleman know whether the prices paid are the prices which American manufacturers usually get for similar articles abroad, or, approximately, prices which they get for the same articles at home?

Mr. TAWNEY. I only know this: That the prices at which this material and equipment and supplies are purchased is the lowest competitive price that could be obtained by the Commission after advertising for four weeks in particular localities where the material and supplies are manufactured and produced.

Mr. DE ARMOND. Can the gentleman answer this question——

Mr. TAWNEY. One moment. My colleague from New York on the committee calls my attention to this testimony of Mr. Shonts:

> Mr. LITTAUER. Now, I notice that a large item—about one-third of the amount it would be—is for steel rails. That you explain in connection with the second track and the spur tracks?
> Secretary TAFT. Yes.
> Mr. TAWNEY. What do you pay for steel rails?
> Mr. SHONTS. From $21.45 to $26.45. The railroads in this country charge $28.
> Mr. TAWNEY. What is the weight at the mills?
> Mr. ROSS. The weight is 70 pounds to the yard. They give us this price at Baltimore——
> Mr. SHONTS. Whereas $28 is the domestic price at the mills.

Mr. DE ARMOND. I will ask the gentleman a further question—whether it appears to him from his investigation of this matter that the Americans in these contracts got them because they were able to do the work or furnish the articles cheaper than anybody else could do. Is that the understanding of the gentleman?

Mr. TAWNEY. I did not quite catch the question of the gentleman.

Mr. DE ARMOND. Is it the gentleman's understanding from his investigation that the Americans obtained all these contracts for the sale of the articles because they could and did supply them cheaper than anybody else offered to do?

Mr. TAWNEY. I can not answer the gentleman's question, because I do not know whether there were foreign bids or not; but I do know that the prices for furnishing the material for the Commission—that the purchases were made at the lowest competitive price that could be obtained after advertising in the several localities throughout the country where these articles are produced.

Mr. DE ARMOND. I will ask this question: Does it appear, then, that these American manufacturers supplied articles to this Commission at the world's competitive prices, or approximating those, and were able to do so, or at the prices that they are supplying similar articles here?

Mr. TAWNEY. There is so much confusion in the House that I was unable to hear the gentleman's question. I endeavored to catch it, but I failed.

Mr. DE ARMOND. I will ask the gentleman another question: Does the gentleman know any reason why the American manufacturer can not supply people in this country with similar articles as cheaply as he can supply them to the Government in Panama?

Mr. TAWNEY. I do not, and I do not know that they are not doing so.

Mr. DE ARMOND. Well, the gentleman does not know, then, really, except in the matter of steel rails, whether the Government purchases these articles cheaper than the general American consumer purchases them from the American manufacturer?

Mr. TAWNEY. I do not know whether the Government is purchasing these items for less than the American consumer at home is doing, except in the item of steel rails, as I answered the gentleman a moment ago.

Mr. DE ARMOND. Let me ask one other question. Does not the gentleman believe that the tendency would be to get lower and better prices and greater and more valuable competition by advertising abroad as well as at home?

Mr. TAWNEY. What advantage is to be gained in advertising abroad, and thus add to the additional expense of advertising over there? If we made purchases abroad we would have to have foreign inspectors. The representatives of foreign manufacturers in this country are looking out for business all the time, and have access to the same newspapers in which these advertisements are made that the manufacturer here has.

Mr. DE ARMOND. Then I understand the gentleman to say that there would be no advantage, in his judgment, in advertising abroad?

Mr. TAWNEY. None whatever that I can see. The foreign manufacturer has the opportunity, just the same as the American manufacturer, to submit his bid for the various contracts that the Commission offers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I would like to ask the gentleman from Minnesota a question. Is the gentleman prepared to state that the foreign representatives of European concerns are authorized generally to make bids for

large amounts of supplies on the canal, or whether these representatives would not be obliged to lose one week by corresponding with the home concern and another week by return of the mail before they would start on an even basis with the bidders here at home—with the domestic concerns?

Mr. TAWNEY. Well, whether there is any necessity for the delay incident to correspondence by mail I do not know, but if the contract is of sufficient size to justify them in undertaking to secure it, then they have the same access to the cables that is open to anybody else, and undoubtedly if they could secure the contract at a profit they would be glad to avail themselves of that cable.

Mr. SULLIVAN of Massachusetts. Now, the gentleman acknowledges that only twenty-eight days' notice is given in the advertisements for bids, and I understand he admits further that no foreigners have secured any contracts for supplies on the isthmian canal. Will the gentleman undertake to account for the reason, namely, why all of the supplies are furnished by United States concerns?

Mr. TAWNEY. I can not give the gentleman any reason why other than that foreign representatives of European concerns fail to make as low bids as the American manufacturers. [Applause on the Republican side.]

Mr. SULLIVAN of Massachusetts. Is there any tariff on supplies that come into the isthmian canal that gives American manufacturers a preference over European manufacturers?

Mr. TAWNEY. I suppose the gentleman is fully aware of the fact that there is no tariff. Our American tariff does not apply to the isthmian Canal Zone, but the goods under all contracts, by whomsoever they are taken, are required, under the specifications, to be delivered for payment at the Isthmus, and whether they come in from a foreign country or whether they are shipped from the United States they are paid upon the basis of delivery on the Isthmus of Panama.

Mr. PALMER. Pay no duty.

Mr. TAWNEY. Pay no duty.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 53, noes 91.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment, which I send to the desk, and ask to have the Clerk read it.

The Clerk read as follows:

Amend by adding the following: "Said purchases shall not be confined to the United States, but the things purchased shall be bought upon the best terms that the world's markets afford."

Mr. TAWNEY. Mr. Chairman, I make the point of order that the amendment is not in order; that it is legislation upon an appropriation bill.

Mr. DE ARMOND. I would like to be heard upon that, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. DE ARMOND. I would ask the gentleman from Minnesota to again state the ground of his point of order.

Mr. TAWNEY. That it is new legislation.

Mr. FITZGERALD. This whole item is new legislation.

Mr. DE ARMOND. Mr. Chairman, in the discussion which preceded upon the amendment just voted down it was claimed that the amendment was unnecessary and is unnecessary because the phraseology under consideration has reference to the locus of the contract—the fact of the purchase being made in the United States—and that by this language it is not meant to exclude purchases of articles brought from elsewhere than the United States. The Chairman will recollect distinctly that that is the ground upon which this amendment was opposed; that it did not exclude purchases of articles outside of the United States, but that it had reference to the auditing of accounts in the United States by the purchasing agent in the United States, who, in the United States, would give orders for the articles no matter where they came from.

Now, I do not believe that fairly, or at least necessarily, the language will bear that construction beyond a possibility of doubt or misunderstanding. If the language means that the articles may come from anywhere; that anybody, whether a citizen of the United States or an alien, may supply them; that they may be brought from any place in the United States or from any place out of the United States, then I think the amendment which I suggested merely will make plainer and clearer that proposition.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota if there is now any existing law upon this proposition?

Mr. TAWNEY. The general provisions of the act creating the Commission authorizing the purchase of the canal and the construction of the canal is the only law which we have on the subject. Of course, if this is not a change of existing law, then, of course, the Commission can buy anything anywhere, and what object has the gentleman from Missouri in offering the amendment?

The CHAIRMAN. The object of the gentleman does not concern the Chair.

Mr. TAWNEY. I do not think there is any specific law applicable to the place as to where the purchases made by the Canal Commission shall be made, but there is a general law beyond which the Commission heretofore claimed they were not authorized to go in the making of their purchases.

The CHAIRMAN. Unless the amendment of the gentleman from Missouri changes existing law, the Chair will rule the amendment to be in order.

Mr. TAWNEY. I am unable to cite the Chair to the law covering the point.

The CHAIRMAN. Then the point is overruled.

Mr. DE ARMOND. Mr. Chairman, I would like to make some remarks on the amendment.

The CHAIRMAN. The gentleman from Missouri desires to be heard on his amendment.

Mr. DE ARMOND. The purpose of the amendment is to make this provision of the law show just precisely and beyond the possibility of misunderstanding or misconstruction what gentlemen claim it already means without the amendment. Now, if the provision as it stands in this bill does not limit the purchasing agent in the United States making contracts in the United States to the American market, then there can be no objection, it seems to me, to this provision offered by this amendment. If, however, the provision as it stands does, or by misconstruction, if you please, might, limit the purchasing agent to articles of American production—in other words, to the American market—then there is the very greatest and very best of reasons why the amendment ought to be adopted. Now, if you really wish to confine the purchases to the American market, then vote down the amendment and interpret the construction of this provision contrary to what you now claim it means. If, on the other hand, you desire to enable the purchasing agent of the Government to purchase the articles at the world's price upon the best terms that can be obtained, no matter who supplies them or where they come from, then it seems to me that this amendment ought to be adopted to remove whatever of uncertainty or danger there might be from misconstruction of the provision as it stands. That is all I care to say about it.

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

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. DE ARMOND. Division, Mr. Chairman.

The committee divided, and there were—ayes 58, noes 74.

Mr. DE ARMOND. Mr. Chairman, I believe I would like to have tellers.

The CHAIRMAN. The gentleman from Missouri demands tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] and the gentleman from Missouri [Mr. DE ARMOND] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 66, noes 93.

So the amendment was rejected.

The Clerk read as follows:

For miscellaneous material purchases on the Isthmus and miscellaneous expenditures, consisting of hotel and hospital and other supplies, transportation of labor from West Indies, $400,000.

Mr. SULZER. Mr. Chairman, I move to strike out in lines 5 and 6 the words "from West Indies," so that the appropriation for the transportation of labor shall apply generally to the United States or any other place. This is only just and fair, it seems to me, to the workingman in our own country.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 5 and 6 strike out the words "from West Indies."

The CHAIRMAN. Does the gentleman desire to discuss the amendment?

Mr. SULZER. Mr. Chairman, I will occupy the attention of the committee only a moment. I desire to say a word or two in support of this amendment. It seems to me this provision carrying $400,000 for transportation of labor should apply to the workingman of the United States as well as to the laboring man of the West Indies. I do not think there ought to be any limitation or distinction in this matter. In fact, if there is going to be any discrimination it should be in favor of our own people.

I want to give the working people of the United States a chance to do some of the work on the canal, as well as the laborers of the West Indies, and treat Americans, if anything, a little better than aliens. I wish to protect our own people as well as foreigners, so far as this provision goes, to pay the transportation of workingmen to and from the Canal Zone. My amendment will do this, and in my opinion it is just and fair. It is impossible for me to conceive why a distinction in the matter is made against our own working people in favor of laboring people from the West Indies. If we are going to pay the transportation of the West Indian laborers to and from the canal, then I submit we should pay the expenses of our own working people to and from the Isthmus. The provision in the bill discriminates against the hard-working and industrious people of our own country, and I am opposed to that in any way, just as I am opposed to the other provision in this bill to make the eight-hour law inapplicable to the Canal Zone. I am in favor of the eight-hour law here and everywhere. Industrial labor has struggled for years to place it on the statute books, and I shall always oppose its modification or repeal at the dictation of selfish contractors who want to work their men nine or ten hours a day, even if the work to be done is on the isthmian canal. I am surprised that the Republicans of this House favor this modification of the eight-hour law, and when that provision is reached I trust it will be stricken out of this bill on a point of order. I stand for the rights of the American workingman; and, in Congress or out of Congress, I shall always do all in my power to advance his interests and aid him in every way I can to ameliorate his condition. These provisions I refer to discriminate against our own workingmen and strike a blow at the dignity of the American toiler. I am absolutely against such legislation. I trust, therefore, that my amendment will be adopted, and the other provision in this bill, repealing the eight-hour law in so far as it is applicable to work in the Canal Zone, will be stricken out of the bill. [Applause on the Democratic side.]

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

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 51, noes 55.

Mr. SULZER. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN appointed Mr. LITTAUER and Mr. SULZER as tellers.

The committee again divided; and the tellers reported—ayes 64, noes 77.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I now move to amend the bill as follows: In line 6, after the words "West Indies," insert "or colored labor from the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, after the words "West Indies," insert the words "or colored labor from the United States."

Mr. SULZER. Mr. Chairman, I offer this amendment in behalf of the colored workingmen who are going to the Canal Zone from the United States. If we are going to pay the transportation of the West Indian negro, then why in the name of fairness and common sense should we not pay the expenses of the negro of the United States who leaves our own country to go to dig the Panama Canal? The gentlemen on the other side of this Chamber pretend to be the friends of the negro in America. I have often doubted your sincerity in the matter, but now I shall put it to the test and find out by your votes on this amendment if you think less of our own negro workingman than you do of a negro laborer from the West Indies—if you are willing to pay the latter's expenses to and from the Canal Zone and refuse to pay the transportation expenses of the American negro to and from the Isthmus. The vote on this amendment will tell the story more eloquently than words, and I am ready for the vote, and I shall hereafter point to the record.

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

The question was taken; and on a division (demanded by Mr. SULZER) the Chair announced that there were—ayes 26, noes 52.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert a new paragraph, as follows:
"All new purchases shall be made at the lowest price and upon the best terms that the markets of the world afford."

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

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were—ayes 54, noes 63.

Tellers were demanded and ordered.

The CHAIRMAN appointed Mr. LITTAUER and Mr. DE ARMOND as tellers.

The committee again divided; and there were—ayes 61, noes 81.

So the amendment was rejected.

The Clerk read as follows:

For salaries, incidental expenses, rents, cable and telegraph service in the United States, covering Washington office, including Commissioners, offices of assistant purchasing agents at New Orleans, New York, and Tacoma, $75,000.

Mr. HAUGEN. Mr. Chairman, I move to strike out the last word. In this five-minute debate I will not undertake to discuss the question under consideration; but my morning mail brings me a very interesting and instructive letter touching on the question under consideration—one from William S. Bucknell, an employee in Panama, whose veracity and standing are vouched for by my friend, the Hon. A. K. Bailey, a pioneer journalist, editor of the Decorah Republican, Decorah, Iowa, a gentleman of the highest standing, a close student of national affairs for half a century, whose ability, judgment, and integrity are recognized all over our State and by all who know him.

In view of all the criticisms and misinformation that have been printed, I deem it proper and in justice to the administration of affairs there that this unbiased, reliable, and valuable information be printed in order that the truth be known.

The value of this information, coming as it does, I am sure will be appreciated, and it clearly establishes the fact that the sanitary conditions on the Isthmus have been much improved, and that every possible effort has been put forth in an effective and intelligent manner to provide for the comfort, convenience, and health of the people there.

I ask leave to print these papers in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The papers are as follows:

[The Decorah Republican, A. K. Bailey & Son, proprietors.

DECORAH, IOWA, *January 20, 1906.*

Hon. G. N. HAUGEN.

DEAR SIR: I take the liberty to send you herewith a letter that will appear in the Republican of January 25. The writer is a citizen of Decorah, a man of integrity and intelligence; by occupation an architect, and a good one. He went to Panama nominally to be a "foreman of carpenters," but when he got there and they found his caliber he was put into office work as a draftsman and has been engaged at that work for over a year.

It seems to me his testimony contradicts positively that of Mr. Poultney Bigelow. Mr. Bucknell has no cause that I can see for misreporting the situation of affairs as he has seen them. His theme is the largeness of deeds done in the year. That of Bigelow's is the reverse. The latter should have no motive to misrepresent, but the constant desire to make as much of a "good story" of what he writes is a constant incentive to exaggeration in a correspondent, and especially so to one who has a reputation to maintain. Because of this difference I contend that Mr. Bucknell, though an humble citizen, having no reputation to sustain as a correspondent, is the most reliable witness of the two.

Yours, truly,

A. K. BAILEY.

ALONG THE PANAMA RAILWAY—THE IMPROVEMENTS THAT HAVE BEEN MADE IN A YEAR—THE GOVERNMENT'S CARE OF ITS WORKERS.

ANCON, CANAL ZONE, ISTHMUS OF PANAMA,
January 10, 1906.

EDITORS REPUBLICAN: During the first of the month I took a trip on the cars across the Isthmus and back, and noticed in particular the improvements along the line—such a contrast between now and a year ago. Most everything is changed. At the towns and stations nearly all of the old buildings have been repaired, cleaned, and painted, and a number of new houses have been erected. Fly screens are being put on all houses, old and new. On some the entire verandas are screened. Brass and bronze screens are the only kinds used. Iron rusts out in a short time; therefore is not used at all. Along the railroad the brush and weeds have been cut and all present a more civilized appearance.

Perhaps it would be of interest to know a little of what is being done in the way of buildings and how employees are provided for. Nearly all buildings are frame structures, and all are furnished with shower baths, lavatories, and water-closets. At the present time there are three large buildings being erected at Ancon, Tivoli Hotel being the largest. It is to be three stories. It will have 150 bedrooms in the second and third stories. The first story will have several bedrooms, but most of the space will be taken up with dining halls, etc. Verandas for the three stories will extend around the entire building. The distance around the building, measuring at the outside edge of veranda, is 1,500 feet (over a quarter of a mile). The nurses' home and the bachelor officers' quarters are both alike and three stories high, with three-story verandas on all sides. Each will have rooms for 100 beds.

Plans are made for a $75,000 residence for the use of the governor of the Canal Zone. The walls will be of concrete blocks, and the interior finish of rooms will be hard wood. A large administration building, sanitary department building, and police court building are to be built at Ancon as soon as possible. Besides the foregoing, a large number of portable frame houses have been placed at Ancon for the use of married men. All of the best buildings are to have tile roofs. The cheaper kind have corrugated galvanized-iron roofs.

At Culebra a large office building is being erected for the engineering and architectural departments. Before many weeks these departments will be removed from Panama and located there. Empire, Culebra, and Gorgona are not far apart, and most of the married men's residences are being placed at these points.

At Corozal are married men's quarters and a Zone hotel. This hotel is typical of several that have been erected between Panama and Colon. Owing to the size it has lost favor, and smaller houses are taking the lead. It is three stories high, with three-story verandas on all sides. The first story is taken up with dining halls, office, and kitchen. The second and third stories are divided and have eighty bedrooms.

The material department is at Cristobal (the United States portion of Colon) and has quarters similar to the foregoing. A great many married men's residences have been built at this place and La Boca and other places along the canal.

A number of large hospitals were built at Colon and Ancon by the French, and others have been added by the Isthmian Canal Commission. These are the main centers, and most all sick are taken to one or the other of these places. There are a few emergency hospitals along the line that are made use of temporarily. Those who have been to these places when sick claim that they were well cared for.

Every station of any size is provided with a jail. Numerous other buildings have been erected, such as insane asylums, quarantine stations, cement-block plants, lumber sheds, barns, planing mills, etc.

According to contract the Commission are to furnish free quarters for all employees, and in case any of the employees are not allotted quarters they are allowed in lieu thereof a commutation equal to 15 per cent of their monthly salary, provided they apply for quarters and the Commission have none to give. If the Commission has quarters and the applicant refuses to take them, he is then barred from receiving commutation.

Married men who have their families here are provided with a private residence containing from three to eight rooms, the size of the house being according to the salary and the number to the family. Men without families are allotted rooms in the Zone hotels. The allowance to each is 1 square foot of floor space for each $1 of his month's salary. Those who receive less than $100 per month are allotted quarters several together in the same large room and sleep on cots. Those receiving $100 to $125 per month are allotted quarters, two to each room. Every person receiving $150 or more per month is given a room to himself. Rooms are furnished with oak furniture, and include bureau, washstand, table, two chairs, iron bedstead, bed springs, mattress, pillow, and lamp. The occupant furnishes his own sheets, blankets, and pillowcases. Married men receive furniture according to the size of the family, and are also furnished with a cooking range.

The Zone hotels are run by the Commission. It is understood that those who room at one of these are to take meals in the dining hall, the price being 30 cents (gold) for each meal. No extra is charged for taking care of rooms.

When an employee accepts quarters in one of these hotels he is furnished with a meal book containing fifty meal tickets by the timekeeper, and is charged $15 for it on the books. This amount is taken out of the salary at the end of the month. The books can be had in no other way, as the timekeeper is not allowed to take cash. By this method no one pays for more meals than he eats. Should an employee wish to leave before all the tickets have been used he can return the unused tickets and get credit for them. Two dining halls are in each of these hotels, one for office men and the other for carpenters and tradesmen.

There are a number of "chronic kickers" at these places that find more or less fault with meals, which at times is amusing and at other times disgusting. This, of course, is the natural consequence where so many board together. For my part, I can say that the board, with very few exceptions, is good, and far better than any that can be had at any other place on the Isthmus, and is as near like that of the United States as circumstances will permit.

Yours respectfully, WM. S. BUCKNELL.

P. S.—Eggs to-day in Panama are only 7½ cents (gold) each.

The CHAIRMAN. The pro forma amendment offered by the gentleman from Iowa [Mr. HAUGEN] is withdrawn.

Mr. MACON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 16: "*Provided*, That no part of the sum herein appropriated shall be used in the payment of salaries to press agents or other sentiment-promoting officers or employees."

The CHAIRMAN. Does the gentleman desire to discuss the amendment?

Mr. MACON. Mr. Chairman, when the bill making appropriation for this project was before the House at an earlier day of the session the fact was disclosed that the Panama Commission had in its employ what was known as a "press agent." That produced in the minds of a good many people the conclusion that there was a kind of a scandal going on in connection with the operation of the affairs of the Commission; in other words, they had a Mr. Bishop employed at a salary of $10,000 per annum for the sole and express purpose of arousing a sentiment in favor of the project.

Now, sir, it seems to me that he was entirely useless in connection with this matter, if that was his sole business, for we all know that the sentiment in favor of the digging of the Panama Canal reaches from the Lakes to the Gulf and from one ocean to the other. Therefore it is entirely unnecessary to have one engaged in that capacity in connection with the affairs of the Commission. Now, sir, while I feel that I can not, in my humble capacity, change the policy of that Commission, still we can call attention of the country to the existence of such an evil; and while I understand that temporarily the Commission has decided to dispense with the services of that officer, the employee known as a "press agent," still we do not know, after this appropriation is made, after this Congress has adjourned, but what such an official will be employed again. Therefore if we call the attention of the Commission to the fact that the Congress does not favor the employment of officers or employees of that superfluous character it might cause them to act differently in the future.

Sir, at any rate, as I said a moment ago, if we can not do anything else, we can call the attention of the people to the fact that the Commission has willfully and deliberately paid out the sum of $10,000 per annum to one Mr. Bishop for the sole purpose of manufacturing sentiment in favor of the canal, when no sentiment was necessary, action alone being needed. Then, sir, they can do as they wish about the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MACON. Division!

The committee divided; and there were—ayes 31, noes 62.

So the amendment was rejected.

The Clerk read as follows:

For salaries, incidental expenses, rents, cable and telegraph service in the United States, covering Washington office, including Commissioners, offices of assistant purchasing agents at New Orleans, New York, and Tacoma, $75,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, line 16, add: "*Provided*, That no part of the money herein appropriated shall be paid to any Commissioner as compensation in addition to his salary as Commissioner."

Mr. FITZGERALD. Mr. Chairman, the substance of this amendment was practically agreed upon by the committee. The intention of the committee was to prevent the payment of compensation to men under the guise of paying them for different services.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. TAWNEY. Under your amendment, will it be possible to pay the president of the Commission, Mr. Shonts, any more than $7,500?

Mr. FITZGERALD. It will; if the President says that the Commissioner who shall be chairman of the Commission shall receive $30,000 a year, then that is his compensation as Commissioner. If he says that the Commissioner who shall act as governor of the Canal Zone shall receive $17,500, he receives that salary. This merely prevents the President saying that a man shall receive $7,500 a year as Commissioner and $22,500 as chairman. The salary for services ought to be fixed in a gross sum and paid them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

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

The Clerk read as follows:

For new equipment purchases, $1,565,786; in all, $5,340,786, which shall continue available until expended: *Provided*, That all expenditures from the appropriation herein made for the isthmian canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902.

Mr. WILLIAMS. Mr. Chairman, I offer an amendment, by striking out all beginning with the word "provided," on page 15, line 21, down to and including the word "two" on line 2, page 16.

The Clerk read as follows:

Line 21, page 15, beginning with the word "provided," strike out the remainder of the page and lines 1 and 2 on page 16.

Mr. WILLIAMS. Now, Mr. Chairman, I do not want to discuss that, but I do not want to pass it without renewing the objection formerly made, when the matter was up under the emergency bill, of this policy of bonding posterity, running in debt, issuing bonds to pay for these things when we have the money in the Treasury or in bank.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS. Let us have a division, Mr. Chairman.

The committee divided; and there were—ayes 48, noes 57.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting a new paragraph, as follows:
"All purchases shall, so far as may be practicable, be made at the lowest prices and upon the best terms that can be obtained."

Mr. DE ARMOND. Now, Mr. Chairman, a single word on the amendment. That amendment, I think, is as carefully and conservatively phrased as anyone can desire who wishes to give those who purchase for the Government any option or any opportunity to buy nowhere except in the United States at any prices except those which the trust may fix. It provides that the purchases shall be made at the lowest price and upon the best terms obtainable, so far as may be practicable, leaving out of consideration instances of emergency, where it might be supposed that purchases ought to be made at a higher price or on poorer terms.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. DE ARMOND. Yes.

Mr. TAWNEY. What advantage does the gentleman from Missouri claim would result from this, or in what respect does this amendment of his differ from the practice that has obtained in the matter of making these purchases since the beginning of this work?

Mr. DE ARMOND. In answer to that, I will say that I shall be very much surprised if it is not contended later on that this peculiar language is intended to limit the purchasing agent to articles produced in the United States. I wish the Government to have the opportunity to buy where those who purchase conclude that they can do best, leaving it, so far as emergency purchases are concerned, to the option and judgment of the purchasing agent. If he thinks it is not practicable to buy at the lowest price that can be obtained or upon the best terms, owing to some exigency or contingency, or from some reason satisfactory to him, if this amendment be incorporated, there will be no coercion upon him; but the general admonition is: "Buy where you can buy best; make the money of the United States go as far as possible; expend as little as may be necessary to procure what you must have." That is the object and purpose of the amendment, and it seems to me a good object and a good purpose, which I think may not be accomplished by the provisions as they now stand.

Mr. LITTAUER. Mr. Chairman, the deficiencies carried in this section are to provide for deficiencies during the months of April, May, and June next. They amount to $5,000,000. Now, the Commission has already expended, or has had appropriations to expend, $21,000,000. They have followed out the course in making their purchases of having full advertisement and award to the lowest bidder. Why now make this comment on the procedure as it has properly proceeded?

Mr. DE ARMOND. If the gentleman will permit me to reply, this is not a comment upon anything that has been done. The incorporation of this amendment will not negative, does not criticise, will not interfere with any contract now subsisting, or any purchases that have heretofore been made. It is an admonition as to the future, from the time when this legislation shall become operative, as a general rule; in other words, when it is practicable, to buy for the best price and upon the best terms. Now, if there be objection to that, such objection can well be urged against this amendment. If there be no objection to that I do not know what objection can be urged against this amendment.

Mr. LITTAUER rose and was recognized.

Mr. WILLIAMS. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. LITTAUER. Certainly.

Mr. WILLIAMS. Mr. Chairman, if, as the gentleman from Minnesota [Mr. TAWNEY] says, the amendment offered by the gentleman from Missouri [Mr. DE ARMOND] will make no sort of change in the provision of the law as you have it before you now, and will result only in giving the Commission authority to pursue the practice which they have hitherto been pursuing and which they desire to pursue, then why not accept the amendment and let it go on the bill?

Mr. TAWNEY. Simply because I do not think it is good policy to attempt to prescribe by legislation the details for the running of any great business enterprise. If they do not conduct their business in a business-like manner, they can be removed at any time; but to attempt by legislation to confine them to certain rules and limitations which pertain merely to practical business common sense is not necessary, and I am opposed to it.

Mr. WILLIAMS. Mr. Chairman, the contention of the gentleman from Missouri [Mr. DE ARMOND] is that the language of this bill is a limitation and a restriction, and that the language which he offers as an amendment would remove all that, so that there would not be any limitation or restriction in the bill upon the discretion of the Commission to buy wheresoever they chose. So that when the gentleman says he does not believe in putting limitations or restrictions upon a bill of this character he argues over on the other side of the line and against the provision which he himself has offered. The very object of the amendment is to remove either the real or fancied restriction and limitation as to details in the provision of the bill itself.

Mr. TAWNEY. The statement that I made was not a limitation upon the expenditure of this appropriation, but I said it was impracticable to attempt by legislation to limit the carrying out of the details of a great enterprise like this.

Mr. WILLIAMS. That is what I understood. Now, it is alleged, and it seems to me with considerable plausibility, if not with actual truth, that the provisions of the bill do enter into details and limit the Commission to certain things. Now, whether the provisions of the bill do that or not, there certainly is room from this language for somebody so to construe it if anybody chooses.

Now, the gentleman tells the House that he is in favor of the Commission buying material and equipment wherever they can get them the cheapest. The gentleman from New York [Mr. LITTAUER] also tells us that. Then it is alleged that the language of the bill is doubtful, and still gentlemen will not consent to remove the doubt by saying in plain language that the Commission shall have the power which they say it has, that they shall pursue a practice which they say it has pursued, and that the discretion in purchasing shall not be limited, contending that hitherto it has not been limited.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, I do not feel that I am capable of fully understanding the position taken by the gentlemen on the other side in connection with this isthmian canal project. They insist, as I understand it, that the eight-hour law shall apply to employment, even of foreigners, upon the work upon the isthmian canal. They insist that we must employ them for only a limited length of time, like American workmen, and they insist at the same time that we shall buy the things that are necessary to use in the construction of the canal in the markets of the world, of contractors who employ their laborers ten and twelve hours a day.

I am unable to understand why it is any more desirable to employ foreign workmen under contractors ten and twelve hours a day, and thus take the labor from the American workmen, than it would be to employ foreigners upon the Isthmus to do the work that Americans can not do for ten or twelve hours a day.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. SMITH of Iowa. Certainly.

Mr. DE ARMOND. I would like to ask the gentleman a question. The question is whether the gentleman from Iowa opposes the policy of buying at the least price and upon the best terms that can be obtained?

Mr. SMITH of Iowa. I will answer the gentleman's question. Things that can be produced for use upon the Isthmus by American labor I am in favor of producing by American labor, and paying the American wage scale, and consequently I do not want to buy these things in Europe or elsewhere outside of the United States; but work that is to be done on the Isthmus and can not be done by Americans—that is, not displacing American workmen—I am in favor of doing at the cheapest price. I see no discrimination against labor in employing European labor or any other labor on the Isthmus in work that can not be done by the Americans at the best prices, and, at the same time, buying the goods that Americans can produce in the United States at fair prices here. [Applause.]

Mr. DE ARMOND. I would like to ask the gentleman from Iowa whether he is opposed to putting a prohibition upon the officers who deal for the Government as to buying where they can buy the best and cheapest?

Mr. SMITH of Iowa. I am not in favor of buying goods abroad that can be produced by American labor simply because they can be more cheaply produced by some other labor. I am in favor of buying these goods—the product of American labor—for use upon the Isthmus; but gentlemen come here and say they are in favor of buying things that we can produce from foreigners—the product of foreign labor—and when it comes to doing the work that we can not do by American labor, limiting it to eight hours, and putting all possible restrictions on it. I can not understand how they can reconcile these two positions.

Mr. DE ARMOND. The gentleman is confounding two propositions. We are on one now. The proposition we are on now is a simple, plain proposition, if this bill means what it is said it means—to buy upon the best terms the officers could get—it would be their duty to do it. If it doesn't mean that, the gentlemen have not been very ingenuous in what they claim about it.

Mr. SMITH of Iowa. Now, will the gentleman from Missouri permit me to ask him a question?

Mr. DE ARMOND. Certainly.

Mr. SMITH of Iowa. Is the gentleman from Missouri in favor of the employment of other than American labor on the Isthmus at more than eight hours a day?

Mr. DE ARMOND. When we come to that, I will take care of that. I have my own views upon that subject, but do not want to get away from this. As far as the gentleman from Iowa is concerned, I will meet him on that. The point we are on now is whether or not we should, in legislating on this subject where hundreds of millions, and the Lord only knows how many hundreds of millions, will be expended, say whether we are going to buy things at cost prices in America or at prices for which Americans are willing to sell similar articles abroad, or, in other words, whether we shall buy them in the world's market at the world's market prices.

Mr. SMITH of Iowa. Now, Mr. Chairman, the gentleman has declined to answer——

Mr. DE ARMOND. No; I have not declined to answer.

Mr. SMITH of Iowa. For the present—for the present—whether he is in favor of employing other than Americans on the Isthmus at more than eight hours a day; but he asserts that he is in favor as against American producers of buying goods for the Isthmus that could be produced in America of foreign producers who do employ labor more than eight hours a day.

Mr. DE ARMOND. Now, Mr. Chairman, in order to enlighten the gentleman I will answer, and I answer only for myself. I am not opposed to employing alien labor in the lower grades of work upon the construction of this canal upon terms of longer days than the eight-hour day. The reason I am not opposed to it is because, realizing that the American public will be compelled to pay untold numbers of millions of dollars for this great work, I am in favor by every reasonable, honest, and honorable method of lessening that expenditure as far as it may be done. I hope that is an answer to the question.

Mr. SMITH of Iowa. I then congratulate the distinguished gentleman from Missouri [Mr. DE ARMOND] upon his personal consistency, but can not so congratulate those gentlemen who insist that the work that can be done in America shall be done by laborers toiling ten or twelve hours a day in foreign lands, but the work that can not be done in America and by Americans shall be done under the eight-hour law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] has left the consideration of the section just read and has proceeded to the consideration of the merits of the section to follow. Since he has done that, I shall imitate him. I am not in favor of suspending the laws of the United States in connection with governmental contracts or the hours of labor under that law. I do not believe that Congress ought to do it, and I am not at all fooled with the general argument that I am interfering "with freedom of contract." I understand human nature well enough to know that whenever you say to a lot of men, "You can work eight hours or you can work longer," or the Government says, "You can work eight hours if you want to or you can work longer if you want to; it is a matter of freedom of contract with you, between you and me"—I know that that is all high-sounding, empty fulmination. As a matter of human nature, I understand that that proportion of those laborers who would not want to work any more than eight hours, and who would dare say so, would soon find some occasion or opportunity to be dismissed—discharged from their work altogether. Common sense teaches that. I know it to be true. Here you have somebody working, let us say, in a governmental institution which keeps open on Sunday, but where it is left to the discretion of the employees to take Sunday labor or not as they please. Those who come in and take Sunday labor stay where they are, ensconced in position. Those who decline to agree that they will perform Sunday labor soon find that their services are not "absolutely needed" in the bureau or in the Department, and so it will be upon the Isthmus. The gentleman is, moreover, mistaken in concluding that there will not be any American labor upon the Isthmus. There will be American labor there, and there will be a great deal of it there before this is through with.

Mr. SULZER. Isn't there lots of it there now?

Mr. WILLIAMS. Of course there is, and I say there will be a great deal more of it there before this is through with.

Mr. SMITH of Iowa. I never said there would be no American labor there.

Mr. WILLIAMS. Oh, the gentleman referred to the labor there as "alien labor."

Mr. SMITH of Iowa. I referred to alien labor.

Mr. WILLIAMS. Now, Mr. Chairman, this contract law—this law which says that the Government in its work shall not work its men over eight hours—is a wise law. It does not rest for its basis or justice upon whether the man who is doing the work is an alien or an American. It rests upon grand industrial reasons that were satisfactory to Congress when the law was adopted, and it is the law itself, it is the nature of the contract that the provision affects, and has nothing to do with the parentage or color or nationality of the man who is doing the work, and if it is dispensed with in Panama it may be dispensed with elsewhere after a while.

Mr. SMITH of Iowa. Will the gentleman permit a question there?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. SMITH of Iowa. As a matter of fact, in America almost all labor is governed by eight-hour rules, by negotiations between the unions and the employers. Would the gentleman then advocate breaking down that system by letting contracts for supplies upon the Isthmus to firms abroad who employ alien labor for more than eight hours a day?

Mr. WILLIAMS. Mr. Chairman, the gentleman is again trying to get from the one subject-matter to another. It seems to be this morning his favorite pursuit. I am talking about a law upon the statute books wherein the Government of the United States sets the example, with its persuasive power, to all other employers of labor in the way of employing labor for eight hours. So far as that example is persuasive so far it has force. It is in my opinion a good example. I think old Sir Matthew Hale, long before these latter-day industrial conditions arose, was wise in his division of a day into three parts: "Eight hours for sleep, eight hours for work, and eight hours for edification, recreation, and worship," and I think it is wise for the United States Government to do all that it can do, to wit: Just simply set an example. It is setting that example, and I do not want to break down that example in Panama or anywhere else.

Mr. SMITH of Iowa. Will you not break down that example if you let contracts to foreign firms that employ foreign labor for ten or twelve hours a day and therefore can do work cheaper than American labor at eight hours a day?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I move to strike out the last word. Mr. Chairman, the last remark of the gentleman has no pertinency at all to the matter I am discussing. Contractors might or might not work their men more than eight hours, and if it is better to build this canal by contract that is a minor consideration in a great question; but what I am contending for is that the Government of the United States as an employer of labor shall not set an example to them and to other people to work longer hours than eight hours any day. The gentleman would later on give work out by contract, probably—I have no doubt that he will have to come to that—and now he would, before that time, set an example to the contractors to work their men more than eight hours. Now, Mr. Chairman, this work after a while is going to be carried on in relays. This work is to be carried on all day and all night in order to economize in the use of the machinery. It will be best to have three relays of men working each eight hours, so that the three will work twenty-four hours and the work go on all the time.

I am unalterably opposed to the United States Government setting an example to the employers of labor, whether in Panama or anywhere else, of working their men longer than eight hours [applause], and I believe, moreover, Mr. Chairman—and there is no demagogue in me, I hope; I try at least to have none of it about me—but I believe that labor is more efficient, will do better work, work more intensely, more earnestly, and more efficiently when it is not overworked and when the hours are not too long. I believe that in almost every pursuit an honest man trying to work will turn out as much work in eight hours as he will in nine or ten. Not the first day, not the first week, but in the long run, because a man who is working nine and ten hours for months works down and has not the energy and ambition and working capacity of a man who works like the mischief the eight hours he is at work, but not working so long as to become absolutely paralyzed intellectually and physically with the drudgery of his pursuit.

Mr. LITTAUER. May I ask a question?

The CHAIRMAN. Does the gentleman from Mississippi yield?

Mr. WILLIAMS. Yes.

Mr. LITTAUER. Will not the gentleman admit that the

peculiar conditions existing at Panama demand some recognition here, even though we all agree upon the general proposition that eight hours should be the limit of a day's work here in the United States? Does he not recognize that it is in the first place difficult to get skilled mechanics and efficient common labor at the Isthmus, and there is a demand on the part of skilled mechanics who constantly implore the Commission that they should be permitted to work longer hours?

Mr. WILLIAMS. I never heard of anybody arguing for longer hours for labor or for child labor in factories or anything else oppressive who did not contend he was doing it at the request of the victims. It seems a wail is going up from all the children in all parts of the country to be allowed to work themselves into insanity in the factories of this country, and I suppose the wail is going up down there from men begging to be overworked. There is but one difference between the conditions there and the conditions here, and that is against your argument. That is that men can not work efficiently and energetically as many hours down in a tropical climate as they can in a temperate climate.

Mr. LITTAUER. Do they ever work in a tropical climate as energetically and efficiently as they do in a temperate climate?

Mr. WILLIAMS. Well, I think the general climatic conditions forbid a man working out in the sun as many hours or as long a time, and, generally speaking, if it is an unhealthful tropical climate like that at Panama the anæmic condition of the workman keeps him from being as efficient and as energetic a worker as another man would be in another climate. But that has nothing to do with this except to reenforce my argument.

Mr. DE ARMOND rose.

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. DE ARMOND. I desire to discuss the question.

The CHAIRMAN. The gentleman has already discussed the amendment.

Mr. GARDNER of New Jersey. Mr. Chairman, I rise to ask permission to interrupt the gentleman from Mississippi [Mr. WILLIAMS]. As I came in I understood the gentleman in his argument to be discussing the example of the United States and so much of the proposed amendment to the bill as referred to the employment of men for more than eight hours by the United States Government.

Mr. WILLIAMS. Under our existing law.

Mr. GARDNER of New Jersey. Well, that is the point. The existing law applies as much to the contractor and subcontractor on a public work of the United States as it does to the United States itself. And the abrogation of the law proposed in the bill reaches the contractor and subcontractor with as much force as it reaches the officers of the Government. Therefore a discussion which goes to oppose the Government's working men for more than eight hours and does not interpose the same objection against the contractor or subcontractor working them only partly opposes this amendment. In other words, it seems to express equal dissatisfaction with the present law as applicable to the Philippines as the committee expresses, only it is dissatisfaction with one part instead of the whole. Or does the gentleman oppose any modification of law and advocate keeping it as it is in its application to the subcontractor and the contractor, a point which I understood the gentleman to refuse to discuss?

Mr. WILLIAMS. In the first place, I do not understand the law to be as it is stated by the gentleman from New Jersey. I am probably less of a lawyer than the gentleman from New Jersey, but I do not understand the law to be as he states it. Now, Mr. Chairman, I will confine myself to this particular matter. I am trying to run out every other matter cognate or akin to it.

Mr. FITZGERALD rose.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. GARDNER] yield the floor to the gentleman from New York [Mr. FITZGERALD]?

Mr. GARDNER of New Jersey. For the present.

Mr. FITZGERALD. One of the reasons assigned by Mr. Shonts in his testimony before the committee is that 80 per cent of the employees are aliens and never heard of the eight-hour law. If the logic of his argument were carried out then it would be proper not to apply the laws of the United States to all the aliens who came here, and simply because men had never heard of the right of trial by jury and the right of freedom of speech and freedom of religion it would be proper to suspend those laws in any territory controlled by the United States as well as to suspend this eight-hour law. While it is contended that the Isthmus is a perfectly healthful place at the present and men can work as long there as they can in the United States, or longer, I wish to read at this time an extract from the speech of Chairman Shonts, which was inserted in the RECORD by the gentleman from Ohio [Mr. GROSVENOR] yesterday. This speech was delivered Saturday at Cincinnati. Speaking of labor and the conditions on the Isthmus, he used this language:

> Experiment with the Italian laborers, while not made on a large scale, has not been satisfactory, for the reason that they did not seem possessed of great vitality, and succumb quickly to tropical fevers.

To-day in every part of the United States Italian laborers are doing the common laboring work of the country. They do possess great vitality. Perhaps they have not the same strength that men of other nationalities have, but from the Italian immigrants to-day the common laborers of the country are being obtained. And yet, according to Mr. Shonts himself, tropical fevers must be so prevalent there that these men can not successfully work on the Isthmus.

Mr. LITTLEFIELD. I beg the gentleman's pardon, but does he not think that Mr. Shonts had in his mind the fact that the Italians were not acclimated, and also had in his mind the kind of laborers they are able to get in that tropical section that are more capable of standing the exigencies of the situation? I think the gentleman will find that is true.

Mr. FITZGERALD. That may be, perhaps, what was in the mind of Mr. Shonts, but what came out of his mouth is the language that I have read, and I have no means of telling what was in his mind.

Mr. LITTLEFIELD. I think that if you will read his whole speech you will discover that fact running through it.

Mr. FITZGERALD. That may be true; but in this speech he in other places said that they hoped to obtain a great proportion of the labor from the United States. They hope to get the skilled mechanics from here; they hope to bring the clerks and other civil employees from here.

Mr. LITTLEFIELD. These are the day laborers that the gentleman has in mind now?

Mr. FITZGERALD. These are the day laborers. The fact is that the Italians who come to this country come from a more nearly tropical climate than ours, because the great mass of the Italian laborers in this country, unless I am misinformed, come from the southern part of Italy, and the climatic conditions there are more equal to the climatic conditions of the Isthmus than the climatic conditions of the northern parts of this country, where these men are to-day.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Missouri.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DE ARMOND. For the purpose of discussing the amendment.

The CHAIRMAN. The gentlman has already discussed this amendment.

Mr. DE ARMOND. I move to strike out the last word, or the last twenty words, if need be. I ask unanimous consent to have three minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to address the committee for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DE ARMOND. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] desired to divert, and apparently succeeded in diverting, the attention of the committee from the matter pending to a matter that is not pending, but will be in a moment. The gentleman from Iowa bases his observations upon the suggestion that to incorporate the amendment that I had the honor to offer would be to place the American laborer in a disadvantageous position. Now, the object of this amendment is to enable the American Government, as a purchaser, to obtain what we need, if we choose to buy from the American producer, the American manufacturer, as cheaply as the American manufacturers would sell the same things to any other government, to any other people, or to any individual carrying on this same great work. If the gentleman from Iowa, or any other gentleman, is really opposed to enabling the Government of the United States to buy as cheaply as the persons from whom the Government of the United States shall buy are willing to sell to foreigners who wish to buy, then I am perfectly willing that he should take that position. Now, I ask that the amendment be read in my time.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask that the amendment be read.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the amendment offered by the gentleman from Missouri will again be reported.

The amendment was again reported.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DE ARMOND. Division!

The committee divided; and there were—ayes 41, noes 68.

So the amendment was rejected.

Mr. DE ARMOND. I offer another amendment.

The Clerk read as follows:

Amend by inserting a new paragraph, as follows:

"All purchases shall, so far as may be practicable, be made at prices and upon terms as favorable as those that Americans give to foreign customers."

The CHAIRMAN. The question is on the amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DE ARMOND. Division!

The committee divided; and there were—ayes 45, noes 62.

Mr. DE ARMOND. Tellers!

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] and the gentleman from Missouri [Mr. DE ARMOND] will please take their places as tellers.

Mr. TOWNE. Mr. Chairman, may we have that amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The committee again divided; and tellers reported—ayes 63, noes 81.

So the amendment was rejected.

The Clerk read as follows:

The provisions of the act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, shall not apply in the construction of the isthmian canal within the Canal Zone.

Mr. McNARY. A point of order.

Mr. WILLIAMS. I make a point of order that the language on page 16, lines 3 to 8, inclusive, is a change of existing law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

At the Western Branch at Leavenworth, Kans.: For household, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1906, $7,000.

At the Danville Branch, Danville, Ill.: For household, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1906, $4,000.

For hospital, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1906, $3,500.

At the Mountain Branch, Johnson City, Tenn.: For transportation of members of the Home, $3,000.

For completion of coal shed, $1,000, and said coal shed may be constructed of steel or other suitable material.

At the Southern Branch, Hampton, Va.: For dredging and filling, $21,000.

Mr. LITTLEFIELD. I move to strike out the last word. I would like to inquire of the gentleman in charge of the bill whether these items were properly apportioned; and if so, whether the officers having in charge these expenditures properly waived them. Just a statement as to how these deficiencies arose.

Mr. LITTAUER. In each one of these National Homes we were advised that the appropriation had been apportioned and waived under special circumstances, and the necessity for each one of these deficiencies was demonstrated to us.

Mr. LITTLEFIELD. And had been properly waived by the officer in charge in writing?

Mr. LITTAUER. They were apportioned; as to the proper waiver I must take them up singly. In the Danville Branch the apportionment was made in accordance with the provision of section 3679 of the Revised Statutes, and waived by the president of the Board of Managers.

Mr. LITTLEFIELD. They were all waived properly. That is the only inquiry I have to make. I withdraw the pro forma amendment.

The Clerk read as follows:

State or Territorial Homes for Disabed Soldiers and Sailors: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, on account of the fiscal year 1905, $188,879.87: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section 4 of an act approved March 3, 1883, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained: *And provided further*, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

Mr. GOULDEN. Mr. Chairman, on page 18, line 2, I move to strike out the proviso that no part of this appropriation shall be appropriated for State or Territorial Homes where intoxicating liquors are sold.

The CHAIRMAN. The gentleman from New York moves an amendment, which the Clerk will report.

The Clerk read as follows:

On page 18, lines 2 to 5, inclusive, strike out the proviso which reads as follows: "*And provided further*, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold."

Mr. LITTAUER. I beg to call the attention of the gentleman making this motion to the fact that this paragraph concerns a deficiency made in the year 1905, on account of that fiscal year, and that consequently his amendment would not seem to be in order in connection with that deficiency.

Mr. GOULDEN. Very well; I will withdraw the amendment now, but shall offer it later on the regular appropriation bill.

Mr. LITTLEFIELD. The amendment is withdrawn.

Mr. CRUMPACKER. Mr. Chairman, the amendment has been withdrawn, so that I have nothing to say. I am somewhat familiar with this provision in the statute, and am opposed to its being stricken out.

Mr. SHERLEY. I renew the amendment.

Mr. PERKINS. Mr. Chairman, I should like to say that I think the gentleman from New York [Mr. LITTAUER] is wrong in his suggestion. The limitation was put upon the money appropriated. It seems it was only sufficient for nine months; but that limitation put upon the previous appropriation certainly does not bear at all upon any subsequent or further appropriation required to carry on the expenses of the Home until July 30, 1906.

Mr. TAWNEY. The gentleman from New York has misunderstood his colleague in charge of the bill [Mr. LITTAUER]. This money has already been earned during the fiscal year 1905.

Mr. PERKINS. When did the fiscal year 1905 end?

Mr. TAWNEY. The fiscal year 1905 ended on the 30th of June last.

Mr. PERKINS. How was it earned?

Mr. TAWNEY. Under the provisions of law.

Mr. PERKINS. Under a prior act?

Mr. TAWNEY. The appropriation was not sufficient to meet the expenditure, and this is to make up the deficiency and to pay an amount earned during that fiscal year.

Mr. PERKINS. You refer to an amount that became due on June 30, 1905?

Mr. TAWNEY. Yes.

Mr. PERKINS. Now, I will take advantage of my motion to ask a further question which, perhaps, is not of importance now, but may be in the future. I ask the gentleman what is his observation, if he has any, as to the effect of doing away with the canteen in these Soldiers' Homes? Has it had the same effect that has been produced by doing way with the canteen in Army posts?

Mr. LITTAUER. As far as I have learned it has had that same effect, and I believe that in the future the provision ought to come out of the appropriation bill.

Mr. PERKINS. I thank the gentleman.

Mr. CRUMPACKER. This provision has no reference to National Military Homes. It applies only to State homes, which admit the wives and widows of soldiers. An exception was wisely and properly made in relation to such homes. The gentleman from California [Mr. BELL], in the last Congress, made an argument that I regarded as unanswerable in favor of this provision as applicable to State homes. Those homes are constructed and maintained under State authority altogether. The Congress, in 1888, passed a law providing that $100 for each soldier maintained in a State home should be contributed from the Federal Treasury toward the maintenance of the soldiers, and I do not believe that Congress now ought to change in any way this benefaction or donation toward assisting the States in the maintenance of these institutions. But I want to disabuse the minds of gentlemen by stating that this provision applies only to State Homes and not to National Homes at all.

Mr. LITTAUER. Will you permit me, however, to call your attention to the fact that these provisos have all been observed in connection with the deficiency herein reported?

Mr. CRUMPACKER. They ought to have been, in relation to State Homes.

Mr. LITTAUER. And they were, under the law.

Mr. CRUMPACKER. And properly so.

Mr. LITTAUER. And the appropriation was found to be short the amount herein stated?

Mr. CRUMPACKER. Certainly. I simply rose to say that this proviso had no reference or application to National Military Homes.

Mr. TAWNEY. The canteen is not prohibited in National Military Homes.

Mr. CRUMPACKER. No; so that there is no question between the gentleman from New York and myself on that proposition.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry. Is the amendment which was suggested on page 18 before the committee or has it been withdrawn?

Mr. TAWNEY. The amendment was withdrawn, and there is nothing now before the committee.

Mr. SHERLEY. Then, Mr. Chairman, I offer an amendment, on page 18, line 2, to strike out all the words, beginning with "*And provided further*," to the end of the paragraph. Now the gentleman can discuss his point of order.

Mr. TAWNEY. There is no point of order made against it.

Mr. SHERLEY. There was a suggestion that it would not be in order.

Mr. TAWNEY. The statement was made that an amendment would be of no effect, because this money has all been earned by the State Homes under the limitation during the fiscal year ending June 30, 1905. This is to pay the balance which the Government owes to these State Homes under the terms of the law, because the appropriations for that fiscal year were not large enough. That fiscal year expired June 30, 1905. This is an appropriation for that deficiency. This does not relate to the future of the Home or to this fiscal year or the next fiscal year.

Mr. SHERLEY. I understand, Mr. Chairman, that it does not, but it does give this House an opportunity to go on record on a very important matter. For that reason I desire to have the amendment passed upon by the committee. In that connection I desire to say simply this: The day has gone by when it ought to be necessary to discuss before an intelligent audience the merits or demerits of the canteen, either in the Army or the Soldiers' Home. If it was possible to surround an Army post or a Soldiers' Home with prohibition over so great an area that the inmates of the Home, or the men in the Army, could not obtain liquor, then there would at least be as much to be said in behalf of legislation abolishing the canteen as there would on the general question of prohibition. But the practical effect of such legislation is that it has turned the soldier in the Home and the soldiers in the Army from the canteen and forced him to go to houses of ill-repute, where he is not surrounded with restrictions and his appetite is unrestrained, where, instead of having any protection, he has ample opportunity to be intemperate and become the victim of drunkenness.

There is no man within the sound of my voice, with few exceptions, but believes that this is true, but, unfortunately, the statement once made by a Senator from my State that "whisky had no enemies in the cloakroom and no friends on the floor," seems to be frequently true, judging by the legislation of the House. [Laughter.] We have been hypocrites to permit ourselves to vote for legislation that in our secret souls we did not believe in, because of the pressure of misguided but good people on the outside, and I want to give this House an opportunity, as long as I am a Member of it, every time to vote on the question of whether we are to stifle our intelligence because of pressure that is brought to bear by temperance unions on the outside.

Mr TAWNEY. Mr. Chairman, if the gentleman will permit me, I will say that it is immaterial whether his amendment is voted up or voted down. I do not think the gentleman obtains any expression of opinion in securing a vote on this proposition. If the gentleman will withdraw his amendment and offer it when it is proposed to appropriate for the next fiscal year for these State Homes, and the bill should carry this provision, then he will have an opportunity of testing the real sentiment of this House. But for myself it is immaterial how we vote on the proposition now, because the paragraph or proviso is entirely immaterial and would have been dropped out had it not been overlooked in the preparation of the bill.

Mr. SHERLEY. It is of some value for this House, the first chance it gets, to go on record against this specially hypocritical legislation.

Mr. CRUMPACKER. Mr. Chairman, I would like to ask the gentleman if he has any information as to the operation of the canteen on Soliders' Homes, and particularly on institutions used by the several States and maintained by the States?

Mr. SHERLEY. I will answer that I have made no recent investigation, but when the subject was up for discussion last year and immediately subsequent to this legislation I did receive considerable information touching the matter, and that information went to show that what had been true in regard to the Army was true in regard to Soldiers' Homes—that the men were turned outside of the Homes to saloons, where they could get all the liquor they wanted and where they got drunk; that instead of drinking in the canteen, where there were proper restrictions, they went outside of the Homes and got into a worse condition of drunkenness than was ever known before.

Mr. CRUMPACKER. Did the gentleman make any inquiry on the subject in relation to the State Homes?

Mr. SHERLEY. I am speaking of them.

Mr. CRUMPACKER. Let me ask the gentleman if there is a State Home in his State?

Mr. SHERLEY. I do not recall that there is. There is not in my district.

Mr. CRUMPACKER. I think there is not.

Mr. LITTLEFIELD. Mr. Chairman, is it necessary to move to strike out the last word or the last two words?

The CHAIRMAN. The amendment has not yet been opposed. The gentleman is recognized for that purpose.

Mr. LITTLEFIELD. Very well. I have a suggestion I just want to make. I have not had the pleasure, although I have sat right exactly below my distinguished friend the gentleman from Kentucky [Mr. SHERLEY], of listening to his usual and customary assault on this legislation. I have assumed, however, that it is a repetition of the speech I frequently heard him make—that is, full of intemperate assertions, and, I undertake to say, ill-considered suggestions. Now, when the time comes and the sense of this House needs to be taken, I hope it will be under circumstances when we will get the sense of the House, and if they want to assail this legislation under proper conditions, we will try to be prepared to give the House some information on the question, and not ask the House to sit here and be dubbed as hypocrites by my distinguished friend from Kentucky [Mr. SHERLEY]—and I suppose he puts himself in the category, because he referred to "us"—and be influenced by inflammatory assertions such as my friend continually and always makes, induced undoubtedly to a large extent by the territory from which he happens to come, and possibly my view may be induced to a large extent by the territory from which I happen to come. But when the time comes, when it is properly in order and we can discuss this, we will endeavor to give the House some information on this question, so that it can act intelligently and not act on the spur of the moment. I hope that the gentleman's amendment, under these circumstances, will be voted down, and that we will not reverse the policy of this House which it has adopted for the last two or three sessions, although I agree with the chairman of the committee, the gentleman from Minnesota [Mr. TAWNEY], that the vote under these circumstances is not particularly significant one way or the other. When the time comes, however, I shall be very glad to go over the matter carefully with my friend.

Mr. SHERLEY. Mr. Chairman, doubtless the House appreciates that it is unwise in ever taking any action without a final, exhaustive statement from the gentleman from Maine [Mr. LITTLEFIELD]. I am exceedingly sorry that any views I may have and may see fit to express should meet with the severe condemnation and arraignment of the distinguished gentleman. Notwithstanding his attempt to impugn my motive because of the district I represent, notwithstanding the statement that my arguments are ill conceived and are not the result of that reflection which always characterizes the distinguished gentleman when he makes a speech, I still submit to the House that this is not a new question. It is not a question, even, that is necessarily confined for its proper determination to the wisdom of the gentleman from Maine [Mr. LITTLEFIELD], and it did seem to me that it was proper that this House should now consider this, even if it has no practical effect. The moral effect of the committee's action would be great. I have tried not to be intemperate on the matter.

The gentleman says I speak always on the subject. I have never spoken before on the subject save once when the matter was brought into the House by the amendment that was put on the bill last year by the gentleman from California [Mr. BELL], and I doubt if there is a gentleman in this House who has been more persistent in his views of prohibition and who has flaunted them more repeatedly in the face of the House than the gentleman from Maine [Mr. LITTLEFIELD]. Nobody took exception; nobody impugned his motives. I am willing to concede that he is perfectly sincere; that the fact that his district is a prohibition district and the political sentiment is in favor of prohibition has nothing to do with his motives. I would not be guilty of making the inference that he makes to those who differ from him; but this is aside from the question.

It is the first time that I have had occasion to make what might be called a "personal" reply relative to any position I may take. In my statement that the House had been hypocritical I did not have the distinguished gentleman in mind. It is possible to sometimes think of the House without having him in mind. I do know that a lot of us have been hypocritical about a lot of questions, and it seemed to me only fair and frank to say so.

Mr. GOULDEN. Mr. Chairman, I have no desire to enter into a discussion of this question at this time on account of the position taken by the Committee on Appropriations that it is not in order, but as a member of the board of the New York State Soldiers and Sailors' Home for the past five years, I possess practical information which at the proper time I shall gladly give to the House. I desire to say at this time that it has been the law to allow these canteens to be conducted in State Homes as they are in the National Homes since their establishment. Two years ago the gentleman from California [Mr. BELL] made a statement here which was afterwards verified by myself, that at the Home in California the canteen was badly conducted—in fact, was a disgrace. Hence, at the time I permitted the gentleman from California to introduce that rider to the appropriation bill and did not oppose it. I will at the proper time give the resolutions adopted by the board of trustees of the New York State Soldiers and Sailors' Home, as well as the views of the officials connected with that Home. I simply give this information to the House now for the information of the Members and serve notice that I shall at the proper time fully discuss the subject, giving good and convincing reasons for the proposed reestablishment of the canteen in the State Homes for the soldiers and sailors of the civil war.

Mr. TIRRELL. Mr. Chairman, I heard the distinguished gentleman from Kentucky [Mr. SHERLEY] say that there were no State Homes in the State of Kentucky, and therefore he can not have any personal information unless he has investigated outside of that State as to the condition of affairs relative to the sale or use of liquors in State Homes. I desire, however, to say a word in corroboration of what the gentleman from Maine [Mr. LITTLEFIELD] has advanced, because I have information from the Soldiers' Home there which will sustain the position that he has maintained. Two or three years ago I sent my partner to Togus, Me., to the Soldiers' Home located there, for the purpose of taking a deposition. In order to reach that place it is necessary to take a steamer and go up the Kennebec River. That steamer had perhaps half a dozen passengers on board, but it was loaded down with liquors for the Soldiers' Home. When he arrived there to his astonishment he found on the grounds of that Home a canteen and a stream of old veterans constantly passing in to obtain liquor, and, still more to his surprise, he found upon the other side of the State, within the precincts of the Soldiers' Home, a Keeley cure. On one side they were making drunkards and on the other side they were trying to cure them of drunkenness.

Mr. CRUMPACKER. In what State does that exist?

Mr. TIRRELL. In the State of Maine. I think that statement alone of such a disgraceful condition of things, partially authorized at least by our Government, is sufficient to vote down any amendment to strike out this clause of the bill.

Mr. LITTAUER. Mr. Chairman, I want the committee to distinctly understand, whether they vote for or against this amendment, that such action can not in any way prejudice the deficiency that exists and is provided for in this paragraph under the law. I personally sympathize with the objects of the gentleman from Kentucky, and I hope that some day I may be able to vote in an effective manner to carry out his stated purpose. [Applause.] But what is the use at this time of striking into the empty air?

Mr. FOSTER of Vermont. Mr. Chairman, it seems to me there is no connection between the provision of this section and the question of the Army canteen to which attention has been called by the gentleman from Kentucky. The question of the Army canteen is one entirely foreign to this proposition. The Soldiers' Homes are eleemosynary institutions, charitable institutions, and there is no sense in claiming that because there are old soldiers who desire and deserve to attend these charitable institutions the Government and the State should maintain a bar at which they can get their drinks. The condition of the American soldier is an entirely different situation. If it is true that cutting out the Army canteen has resulted in drunkenness among the American soldiery, as the gentleman from Kentucky intimates, we should give the matter our immediate and thoughtful attention. But that is not the question here. We take care of those old soldiers in these institutions because they have not the means with which to provide for themselves, and it is perfectly ridiculous for the gentleman from Kentucky or any other State in the Union to stand up and say we can not maintain order and keep these people from getting drunk unless we maintain a bar for them. If we can not keep them in health and comfort without maintaining a bar, if they can not lead orderly and sober lives there when they are cared for at the expense of the Government and the State, they should be permitted to go forth and look for themselves. [Applause.]

Mr. TAWNEY. Mr. Chairman, I offer as a substitute to the amendment on page 17, line 17, to strike out after the word "cents" the remainder of the paragraph.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all the paragraph beginning with the word "*Provided*" on line 17, page 17, down to and including the word "sold," line 5, page 18.

The CHAIRMAN. The question is on the substitute to the amendment.

Mr. BUTLER of Pennsylvania. What is the purpose of the substitute to the amendment?

Mr. TAWNEY. The purpose of the substitute is to strike out the language of the bill which is entirely immaterial. It is the custom in reporting a deficiency appropriation to quote the entire law under which the original appropriation was made. My amendment simply eliminates the language that is not material, because it relates to a deficiency that occurred in the fiscal year 1905.

Mr. BUTLER of Pennsylvania. I want to ask the gentleman another question. Does your substitute include this language, "that no part of this appropriation shall be apportioned to any State or Territorial Home," etc.?

Mr. TAWNEY. It strikes that out; but I will say to the gentleman from Pennsylvania this—he does not understand it——

Mr. BUTLER of Pennsylvania. I want to understand it; that is my purpose.

Mr. TAWNEY. If you will give me your attention for a moment——

Mr. BUTLER of Pennsylvania. I can listen with the side of my head toward the gentleman.

Mr. TAWNEY. The appropriation for the fiscal year 1905 was not sufficient to meet the obligations of the Government to these State Homes. Now that fiscal year has passed. This money has been earned by all the State Homes, and we are now appropriating for that deficiency.

Mr. BUTLER of Pennsylvania. Mr. Chairman, the bill reported from the committee contained the provision that there should be no further rum in these Homes. If the gentleman will look or listen——

The CHAIRMAN. Will the gentleman from Minnesota give attention to the gentleman from Pennsylvania?

Mr. BUTLER of Pennsylvania. When the committee reported this bill the committee evidently intended that the provision which has been discussed for five or ten minutes should become a law. Do you propose now to strike it out?

Mr. TAWNEY. It is the law to-day.

Mr. BUTLER of Pennsylvania. Then why do you include it?

Mr. TAWNEY. Because, as I stated at the outset, it is the custom in reporting deficiency appropriations to repeat the language of the original appropriation.

Mr. BUTLER of Pennsylvania. The gentleman is always clear and polite in his statements. Now, let me ask him a question further. Does the condition proposed in this bill now prevail at these Homes?

Mr. TAWNEY. Yes.

Mr. BUTLER of Pennsylvania. And if this item succeeds, will this be the result, that no part of the appropriation made shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold?

Mr. TAWNEY. It will be apportioned just as the law stands to-day.

Mr. BUTLER of Pennsylvania. But my friend can answer the question yes or no and satisfy me.

Mr. TAWNEY. It will be apportioned to Homes only that comply with the law as it stands on the statute book to-day.

Mr. BUTLER of Pennsylvania. Then there is no occasion for this provision. We already have the prohibitory law.

Mr. TAWNEY. None at all.

Mr. GROSVENOR rose.

Mr. CRUMPACKER. Mr. Chairman, I believe I have been recognized.

Mr. GROSVENOR. I just wanted to ask one question. The amount of it is this: There is no deficiency, nor money to be used, in any State Home in which there is a bar or canteen?

Mr. TAWNEY. None whatever.

Mr. GROSVENOR. Therefore this appropriation will go exactly as a limitation upon the original appropriation?

Mr. TAWNEY. Certainly it does; and that limitation stands as a law until it is repealed.

Mr. CRUMPACKER rose.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] is recognized.

Mr. CRUMPACKER. Mr. Chairman, I fully agree with the gentleman from Minnesota, the chairman of the Committee on Appropriations, in his interpretation of the legal effect of his proposed amendment. This paragraph contains an appropriation to cover a deficiency that occurred during the fiscal year 1905, a year that has already passed and gone, so an appropriation covering that deficiency, without containing the limitations that were upon the original appropriation bill, probably would have been sufficient. But since the committee has seen fit to report the appropriation with the conditions contained in the original bill, and in view of the argument made by the gentleman from Kentucky [Mr. SHERLEY] that action here would have some moral effect, it may be construed by managers of Soldiers' Homes and by the public generally that it is the judgment of Congress that State Soldiers' Homes ought to be permitted to maintain canteens. The question is now so presented that this committee can not strike out the limitations upon the appropriation without having its action construed to mean that, in the judgment of the committee or the House of Representatives, the canteen ought to be reestablished and maintained at State Soldiers' Homes.

Mr. PERKINS. Will the gentleman kindly yield for a question?

Mr. CRUMPACKER. Yes; for a question.

Mr. PERKINS. Suppose the committee, when they reported the bill, had omitted the section which is confessedly surplusage. What harm would it have done?

Mr. CRUMPACKER. None at all.

Mr. PERKINS. Then what harm is done by striking out the surplusage now?

Mr. CRUMPACKER. Simply because, Mr. Chairman, the argument has been made that this provision which the gentleman from New York denominates as surplusage ought to go out for the moral effect upon the country, to let the country know that it is the opinion of Congress that it was a mistake to abolish the canteen in State Soldiers' Homes. I have the honor to represent a district in the State of Indiana in which is located a Soldiers' Home that allows the wives and widows of veterans of the civil war to find shelter and protection, and the law of the State of Indiana prohibits the establishment and maintenance of saloons within a mile of that institution. This provision might go out without affecting the State Soldiers' Home at Lafayette, Ind. But I do believe, Mr. Chairman, in view of the argument that was made and the action of Congress a year ago and two years ago upon this question, that that action should not be reversed now, and the House ought to take no action that might be construed as a change of its judgment on the question until there has been a full, free, and thorough investigation and until we have had more information in respect to the influence of canteens upon these splendid institutions than we now have. Therefore I oppose the amendment of the gentleman from Minnesota. The provision he seeks to strike out was put in originally largely through the influence of Governor Lind, who represented the capital district in the State of Minnesota in the last Congress. I object to the amendment on account of the effect it would have—the interpretation the public would put on the action of Congress in this particular—and I sincerely hope it will be voted down.

Mr. LITTLEFIELD. I want to ask the gentleman from Indiana this question, so as to fix the effect of his argument before the committee. I understand your position to be this: That while it may be true, as a matter of law, in undertaking to control the disposition of this appropriation that it may not have been necessary for the committee to introduce this matter in the urgent deficiency bill, inasmuch as my distinguished friend from Kentucky raised the position that any construction by the committee would be regarded as a formal expression on the part of the House adverse to the legislation, and whether it had any effect or not it would look that action had been taken. Your view is that the construction that the country will get and the idea the men in the Homes will get will be the idea that the House is adversely inclined to this restriction.

Mr. CRUMPACKER. The gentleman has stated my views with admirable precision and clearness and much better than I could have said it.

Mr. LITTLEFIELD. I will say that if inadvertently I impugned the motives of the gentleman, my friend, a few moments ago I regret it very much. It seems to me that there is a great deal of force in the suggestion of the gentleman from Indiana. I do not think, after the explanation of the chairman of the committee, that this language is necessary. I am inclined to think that this urgent deficiency bill would have acted precisely as the appropriation carried before, but inasmuch as it was in the bill, I do not see how the House can avoid being placed on record, under these circumstances, if it goes out.

The CHAIRMAN. Debate is exhausted.

Mr. LITTLEFIELD. I move to strike out the last word.

Now, if it is to be considered as being adverse to this restriction upon the maintenance of canteens in State Homes, the gentleman from Vermont very appropriately said, and my distinguished friend thinks it does not affect the condition of the anticanteen with reference to the United States Army, but simply relates to the State Homes—we have none of them in my State and I know nothing about it. The people that do have them think it very unwise to allow a bar to be maintained by the people running these Homes; and that is the purpose of this restriction. Under these circumstances, while it may not be effective legislation on account of the moral effect that it would have, I certainly hope the House will decline to sustain the amendment and let the proviso stand exactly as it is.

Mr. TAWNEY. I wish to say that my purpose in offering this substitute for this paragraph was, if any of it should be eliminated, to eliminate all; but inasmuch as the Members of the House think that the construction of this provision is going to create an impression here or elsewhere as to what the impression and sentiment of this House is on the subject, I withdraw my amendment. [Loud applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky, to strike out on page 18——

Mr. SHERLEY. Mr. Chairman, I rise for the purpose of saying that I want to suggest——

The CHAIRMAN. The gentleman has once been heard.

Mr. LITTLEFIELD. I ask unanimous consent that the gentleman be allowed to proceed.

Mr. SHERLEY. I am not going to debate the question. If the Chair will indulge me a few moments he will see that I am facilitating the committee and not handicapping it.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. SHERLEY. I desire to say that inasmuch as some Members whose views accord with mine on this question do not feel it is wise to raise the question, whether it would have any practical effect, I withdraw the amendment I offered. [Loud applause.]

The CHAIRMAN. If there be no objection, the amendment will be withdrawn. The Chair hears none.

The Clerk read as follows:

NAVY DEPARTMENT.

To enable the Secretary of the Navy to complete the distribution of the medals commemorative of the naval and other engagements in the waters of the West Indies and on the shores of Cuba, to the officers and men of the Navy and Marine Corps who participated in any of said engagements, as provided by public resolution No. 17, approved March 3, 1901, $10,000: *Provided*, That the medals herein authorized shall be delivered to the person entitled to the same at the place where he is located at the time of presenting the same.

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out all after the word "dollars," in line 19, and insert the following: "*Provided*, That the medals herein authorized shall be delivered at the place of residence to the person entitled to the same."

The CHAIRMAN. Will the gentleman from Georgia give his attention? Does the gentleman intend to strike out the proviso and insert what he sent up in its stead?

Mr. LIVINGSTON. Yes, sir.

The CHAIRMAN. Then it is so understood.

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

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURTIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 1365. An act providing for the placing of an elevator in the public building at Boise, Idaho.

URGENT DEFICIENCY APPROPRIATION.

The committee resumed its session.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Coal and transportation: Purchase of coal and other fuel for steamers and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants for the fiscal years as follows:

For the fiscal year 1906, $500,000.

Mr. FITZGERALD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 19, line 6, add: "*Provided*, That the amount hereby appropriated shall be expended without regard to the provisions of an act approved April 28, 1904, entitled 'An act to require the employment of vessels of the United States for public purposes.'"

Mr. LITTAUER. Mr. Chairman, I make the point of order against that amendment that it is a change of existing law.

Mr. FITZGERALD. Mr. Chairman, all I wish to say on the point of order is that this amendment is a limitation upon the expenditure of this appropriation.

Mr. TAWNEY. It may be a limitation, but still it changes existing law.

The CHAIRMAN. The amendment is out of order. The Chair sustains the point of order.

Mr. MACON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That no part of said sum herein appropriated shall be used for the payment of transportation charges upon American vessels where said transportation charges are more than 20 per cent in excess of similar transportation charges upon foreign vessels.

Mr. LITTAUER. Mr. Chairman, a point of order against that amendment for the same reason as before.

Mr. MACON. Will the gentleman from New York withhold his point of order for a minute? I should like to be heard on the amendment.

Mr. LITTAUER. Does the gentleman desire to have me reserve the point of order?

Mr. MACON. Yes.

Mr. LITTAUER. I will reserve the point of order.

Mr. MACON. Mr. Chairman, I think that this amendment is only a limitation upon the appropriation, and I am inclined to think the Chair will say that; but still the Chair is better informed upon questions of that character than I am, and hence I am going to leave that part of the work to him.

The CHAIRMAN. Can the gentleman from Arkansas point the Chair to the statute upon this subject?

Mr. MACON. This simply seeks to limit the appropriation.

The CHAIRMAN. Not the amendment which the gentleman has submitted; but is there not a general statute upon the subject of carrying coal in American vessels?

Mr. MACON. There is a statute which provides that it shall be carried in American vessels, and I do not seek to say in this amendment that it shall not be carried in American vessels; but I simply want to call the attention of the House to the fact that in the hearings before the Committee on Appropriations it was shown that before Congress passed a law requiring coal to be transported upon American vessels—and we had the right to transport it upon foreign vessels—the price charged was only $4.50 a ton. Since the passage of this law requiring the coal to be transported upon American vessels it has gone up 75 per cent, or, in other words, we have to pay at this good day and hour the sum of $7.50 per ton. That, sir, in my judgment, works a great wrong upon the American people; and while they are willing to contribute something toward the building up of American vessels, I do not think they are willing to pay as much as 75 per cent extra for that purpose. I know it is not just to require them to do so. Therefore my amendment seeks to limit this appropriation to the point that whenever an American vessel will not carry coal for a sum not in excess of 20 per cent of the charge made by a foreign vessel, then no part of the appropriation shall be paid to such American vessel. It certainly will open their eyes and awaken them to a proper sense of the situation and cause them to be reasonable in their charges for the transportation of coal. [Applause.]

The CHAIRMAN. The Chair believes that the proviso offered by the gentleman from Arkansas may be a change of the statute of April 28, 1904, which is as follows:

[Public—No. 198.]

An act to require the employment of vessels of the United States for public purposes.

Be it enacted, etc., That vessels of the United States or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: *Provided*, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

SEC. 2. That this act shall take effect sixty days after its passage.

Approved April 28, 1904.

Of course the Chair does not desire to become involved in a discussion of the question of fact as to whether American vessels charge more than 20 per cent in excess of the amount charged for like service by foreign vessels, but believing that the amendment offered by the gentleman may work a change in existing law, the Chair will sustain the point of order.

Mr. RIXEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended in the transportation of coal except upon contracts to the lowest bidders after due advertisement inviting full and free competition from all sources, and if it appears from said bids that the discrepancy in charges is more than 10 per cent higher in American bottoms the facts shall be laid before the President for his opinion as to whether the charges are not excessive and unreasonable.

Mr. LITTAUER. To that, Mr. Chairman, I make the point of order.

Mr. RIXEY. I would like to be heard, Mr. Chairman, on the point of order. Mr. Chairman, the law referred to by the Chair just now provides that—

Vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: *Provided*, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

The amendment which I send to the desk provides that when the evidence shows that the charges for carrying coal in American bottoms is more than 10 per cent of what it would be if put out to competitive bids the facts shall be laid before the President in order that he may decide as to whether the charges by the owners of the American ships are unreasonable. The amendment does not change existing law. It simply directs that the bureau chief shall lay the facts before the President in order that he, in compliance with this law, may decide whether the charges are excessive and unreasonable. If he holds that they are excessive, then the law which was enacted more than a year ago directs that the contract need not be given to American ships. That is all, Mr. Chairman, I care to say on the point of order.

The CHAIRMAN. For the same reasons the Chair gave in the previous ruling the Chair sustains the point of order.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York in charge of the bill what is this $710,000 for?

Mr. LITTAUER. The entire appropriation is $710,000, composed of $210,000 which represents a deficiency for 1905.

Mr. PERKINS. Deficiency in what?

Mr. LITTAUER. Deficiency certified to by the Department for the purchase of coal and its transportation, and $500,000 represents an anticipated deficiency during the present fiscal year, the apportionments having been made and waived by the Secretary of the Navy.

Mr. PERKINS. Does it include coal and the transportation of coal for the Philippines?

Mr. LITTAUER. Yes; in part coal and in part transportation to the Philippines, the Asiatic stations, and to coal depositories along the Atlantic and Pacific seaboards.

Mr. PERKINS. Mr. Chairman, I withdraw the pro forma amendment.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to ask the gentleman from New York an explanation of this deficiency. Have there been any unforeseen conditions since the original appropriation was made for the year 1906? And, if so, I would be glad if the gentleman would give the House the benefit of his information.

Mr. LITTAUER. Is the gentleman referring now to the deficiency for 1905 or for the current fiscal year?

Mr. WILLIAM W. KITCHIN. For both; I see that one follows the other.

Mr. LITTAUER. For 1905 the explanation is that that amount of coal was purchased and was transported, and that there is $210,000 now due because thereof. The 1906 deficiency, which is controlled by the new law demanding an apportionment. The apportionment has been waived for the reasons that the amount of coal in the Philippines station had run very low, and it was necessary to replenish it, and in addition because many coaling stations had been established along our coast, in the West Indies, at Guantanamo, San Juan, Narragansett Bay, and Key West. The Department thought it necessary to accumulate a stock of coal at these places, and in consequence the appropriation of $2,750,000 was not sufficient. The Department submitted an anticipated deficiency of $1,250,000, which in our judgment was excessive. We determined that

$500,000 would be quite enough to carry out the administration of this fund during the current fiscal year, and so recommended to the House.

Mr. WILLIAM W. KITCHIN. Does the gentleman mean by that statement that the Department has seen fit, or necessity has arisen, to purchase more coal than the Department originally recommended, or has this deficiency been caused in part, and if so, what part, by the increased price in the transportation rates?

Mr. LITTAUER. Both of these deficiencies have in part been caused by the increased price of transportation rates.

Mr. WILLIAM W. KITCHIN. That is a point on which I would like to have an explanation. What part has been caused by increased price of transportation?

Mr. LITTAUER. We were advised that during the year 1905 50,000 tons were transported to the Asiatic stations, the Philippines, and others at an increased cost of about $2.62½ a ton on the average. During 1905 coal which had cost $662,000, at the rate of $2.50 per ton alongside the wharf, cost for transportation $930,000, and this increased expenditure was caused because of the law requiring transportation in American ships.

Mr. WILLIAM W. KITCHIN. Is it a fact, as has been stated here this afternoon by another Member, that the increased price in transportation per ton has been in the neighborhood of $3?

Mr. LITTAUER. It was increased, as we were informed, from about $4.87½ a ton to $7 or $7.50 a ton under the operation of law.

Mr. WILLIAM W. KITCHIN. Something over $2.50 per ton, owing to that law.

Mr. LITTAUER. Yes.

Mr. WILLIAM W. KITCHIN. That amounts to how much in a year?

Mr. LITTAUER. I can only tell the gentleman that during the year 1905 we were informed that 50,000 tons of coal were so transported.

Mr. WILLIAM W. KITCHIN. During that year the increase must have been something over $120,000.

Mr. LITTAUER. Yes; the deficiency asked for is $210,000.

Mr. WILLIAM W. KITCHIN. Has the gentleman or his committee anything to recommend to relieve such a situation?

Mr. LITTAUER. Simply the amendment which the committee has proposed to insert in the last paragraph of this bill, amending section 3797, which will restrict the waiver of appropriation in the future as far as we believe good administration will permit.

Mr. WILLIAM W. KITCHIN. Nothing in that amendment will tend to reduce the price of transportation on coal, will it, or relieve the necessity of shipping in American bottoms, although the increased price is $2.50 a ton?

Mr. LITTAUER. The Appropriations Committee is not constantly concerned with the change of existing laws. If the Naval Committee desires to take up such a matter and correct the abuses that become evident under the operation of law, it has its opportunity in turn.

Mr. WILLIAM W. KITCHIN. I desire to state to the gentleman that my recollection is that this original law which caused this great increase in transportation rates did not come from the Committee on Naval Affairs.

Mr. LITTAUER. No; I believe it came from the Committee on Merchant Marine and Fisheries.

Mr. WILLIAM W. KITCHIN. I am not prepared to state. It seems to me a very grievous error.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 6, page 19, the words: "*Provided*, That no part of the amount hereby appropriated shall be expended for transporting coal between New York, N. Y., and Manila, P. I., at a rate greater than $5 a ton."

Mr. LITTAUER. Mr. Chairman, I make the point of order against the amendment. It changes existing law.

Mr. FITZGERALD. Mr. Chairman, I think it is clearly a limitation upon this appropriation.

The CHAIRMAN. Is there any present statutory provision upon the subject?

Mr. FITZGERALD. None other than the law.

Mr. LITTAUER. This is fixing a price for work now already provided for by law.

Mr. LITTLEFIELD. The discretion as to which is expressly vested in the President, and this deprives him of that discretion.

Mr. LITTAUER. It seems to me that we already have a provision of law placing it within the discretion of the President to make any exceptions when coal shall not be transported in American bottoms.

The CHAIRMAN. Can the gentleman from New York [Mr. LITTAUER] point me to any statute relating to this transportation other than the one to which he has referred? The Chair rather inclines to the opinion that this is a limitation.

Mr. LITTAUER. I ask, then, that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection; and the Clerk again reported the amendment.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, this is an important question. It transpired in the hearings before the Committee on Appropriations that so long as it had been possible to accept bids of foreign shipowners it was possible to transport coal from Atlantic coast ports to Manila for $4.50 a ton. The highest price ever paid while it was possible to transport in foreign bottoms was $4.87½ a ton. On the 28th of April, 1904, a law was enacted providing "that vessels of the United States or belonging to the United States, and no others, should be used in the transportation by sea of coal, provisions, fodder, or supplies of any description purchased pursuant to the law for the use of the Army and Navy, unless the President shall find that the rates of freight charges by said vessels are unreasonable and excessive."

After that law went into effect and it became necessary to transport coal in American vessels the cost of transporting coal from Atlantic coast ports to Manila increased from $4.50 a ton to $7.50 a ton. The next item in this bill is an appropriation of $210,000 for transportation of coal for the fiscal year 1905. One hundred and fifty thousand dollars of that sum is required because of the passage of the law just mentioned. During the fiscal year 1905 144,000 tons of coal were sent from New York to the Philippine Islands. Ninety thousand tons were sent in foreign bottoms at $4.50 a ton and 50,000 tons were sent in American bottoms at $7.50 a ton. Coal that cost the Government of the United States and this country about $360,000 cost to transport to the Philippine Islands $900,000, and if this law had been in effect, so that the 90,000 tons transported in foreign bottoms had been transported in American bottoms, it would have cost more than $1,200,000 to transport $360,000 worth of coal to Manila. This law of April 28, 1904, provides that American vessels shall be used unless the President shall find the price excessive.

The Chief of the Bureau of Equipment testified that his Bureau is to-day receiving bids from foreign shipowners to transport this coal at $4.50 a ton. He also states that it is unnecessary for American shipowners to enter a combination, because the prices that they are now charging the Government are so high that there is no necessity for a combination to take advantage of the Government. If this amendment be adopted it will enable the American shipowners to obtain an increase over the price that foreign shipowners are willing to charge of 50 cents a ton. This is about an 11 per cent increase. There is nothing in this law which shows how great an increase in the cost will be considered unreasonable, and, whatever excuse there may be for legislation to encourage the American merchant marine, I am unable to see any justification for appropriations that, under the operations of this act, compel the great mass of the American people to contribute to the enrichment of a very restricted class of citizens owning ships. Mr. Chairman, if this amendment be adopted, instead of using the $500,000 provided in the item now before the House, it is very likely that at least $250,000 will be saved to the Government. I am not aware that the country is in such a prosperous condition that we can afford to pay these excessive prices and to squander money in this way.

Mr. LITTAUER. Mr. Chairman, if this amendment be adopted I do not believe that the Government would save one cent. The only object of the amendment is an attempt by the gentleman from New York to limit the shipment of coal from the port of New York. His amendment declares that only $5 per ton shall be paid on the shipment of coal from New York, N. Y., to Manila, P. I. Now, coal is generally shipped from other ports than New York, N. Y. Our principal ports of coal supply are the Chesapeake Bay, Baltimore, Newport News, and Lamberts Point, consequently it amounts simply to an attempt at a limitation in connection with the port of New York, N. Y.

Mr. FITZGERALD. Mr. Chairman, I will change the amendment I sent up.

Mr. LITTAUER. And I do not believe that the object sought to be achieved here would be anything but a matter of bothera-

tion to the Department; that it would achieve no good result. We have a law which specifically states that this coal is to be transported in American bottoms——

Mr. LITTLEFIELD. And the price is regulated in the discretion of the President.

Mr. LITTAUER. And the price is regulated within the discretion of the President as far as the application of the law goes.

The CHAIRMAN. Is there objection to the gentleman from New York withdrawing his amendment and substituting another in its place? [After a pause.] The Chair hears no objection. Now, will the gentleman submit the amendment in the form he desires?

The Clerk read as follows:

Insert after "New York" the words "and other ports on the Atlantic coast of the United States."

Mr. LITTAUER. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman from New York makes the point of order against the amendment.

Mr. GROSVENOR rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GROSVENOR. I rose to oppose this amendment.

The CHAIRMAN. The Chair will dispose of the point of order first.

Mr. GROSVENOR. I hope the Chair will sustain the point of order and relieve me of the responsibility.

The CHAIRMAN. The modified amendment does not change the amendment, it seems to the Chair, and the point of order is overruled.

Mr. RIXEY. Mr. Chairman, if this amendment is adopted it will not, in my opinion, affect the efficiency in any way of the naval establishment. The hearings before the Committee on Appropriations show that at the beginning of the present fiscal year there were at Manila only 7,000 tons of coal. Since that time the Department has sent to Manila enough coal to furnish our ships with what they needed and to provide a depot there with a surplus of from sixty to seventy thousand tons of coal. There is now that quantity at Manila—more than sufficient to answer all of our purposes at the place during the present fiscal year even if not another ton is sent there.

Mr. TAWNEY. I would say that that is the judgment also of the Committee on Appropriations, and one of the reasons why we reduced the estimates.

Mr. RIXEY. I am glad to hear the statement of the chairman of the committee.

Mr. BUTLER of Pennsylvania. How much coal did the gentleman say the Government now has at Manila?

Mr. TAWNEY. Sixty thousand to 70,000 tons.

Mr. BUTLER of Pennsylvania. That is a good bit of coal.

Mr. RIXEY. Now, Mr. Chairman, I am glad to hear the statement of the chairman of the Appropriations Committee that we have that quantity of coal there, and that it is more than enough to carry us until the 1st day of July, 1906. Therefore there is no necessity for us to hire any more American ships during this year to carry the coal to Manila at an exorbitant price. If these American ships are willing to carry it there at a dollar a ton more than we pay to foreign ships, then there is no prohibition upon the Department preventing it from adding to this supply, already large enough however; but if the American bottoms will not carry the coal to the Philippine Islands for $5 a ton, which is $1 per ton more than it would cost in foreign bottoms, and more than we paid when the present law went into operation, then the Department would not be embarrassed, because we have sufficient coal there to answer our purpose until after the end of the present fiscal year.

Mr. LITTAUER. I would like to call the attention of the gentleman to some testimony in the hearings.

The CHAIRMAN. Does the gentleman from Virginia [Mr. RIXEY] yield to the gentleman from New York?

Mr. RIXEY. Yes.

Mr. LITTAUER. On page 107 Admiral Manney states:

We have to continue the purchase, but not to such an extent. For instance, at Manila 9,000 tons a month is about what they draw on the Cavite station. But when we are stocking up, putting in 70,000 tons a year where there was but 7,000 tons, the expenditure is greater than when we were just keeping up the supply.

Mr. RIXEY. Will not the gentleman also refer to page 106, where the statement is made:

And that increased the deposit to between 60,000 and 70,000 tons, which amount we now have there.

Mr. LITTAUER. That is not sufficient at the rate of 9,000 tons a month.

Mr. RIXEY. To carry us until July? I think so.

Mr. LITTAUER. It is, of course; but we can not permit our entire coal supply there to be wiped out. The gentleman knows that it takes months to replenish it. Any accident on the way might delay or injure the service of the Navy.

Mr. RIXEY. If we did not get another ton there between this time and the 1st of July, we would have then more coal in the Philippine Islands than was there the 1st day of last July.

Mr. LITTAUER. I quite agree with the gentleman.

Mr. RIXEY. We can not afford to go on piling up this coal at Manila at this enormous cost of transportation and to the extent that the Navy Department wishes. For instance, in the hearings it is stated that the General Board of the Navy Department recommends that there should be a depot there with a stock on hand of 200,000 tons. Unless some protection is afforded against exorbitant charges for freight we should call a halt, and we can do so and still have at Manila a sufficient supply for all purposes.

Now, Mr. Chairman, I agree with the gentlemen in this House who hold that the rehabilitation of the merchant marine is one of the greatest and most important problems before the country to-day; but the statement was made before the Naval Committee by Admiral Manney that since the law went into operation providing that coal should only be shipped in American bottoms the number of ships at the service of the Government was less than when the law went into operation. He stated that the American steamers had so much of other business to attend to that they did not care for this; that there was practically no competition; and it is the opinion, so far as I can see, of the bureau chiefs that there ought to be some provision made by Congress which would protect the Government against extortionate freight charges and bring some competition in the bids. This unrestricted law that all coal for the Government shall be carried in American bottoms seems not to build up the merchant marine, but does cost many hundreds of thousands of dollars, and there should be some limit fixed for the protection of the Government.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. RIXEY] has expired.

Mr. GROSVENOR. I think if the gentleman from Virginia [Mr. RIXEY] would understand this entire question he would not favor the amendment that he has proposed. I speak only on one phase of the question, leaving the discussion of the fairness or unfairness of the prices asked by the American ships for this transportation to other gentlemen. If I wanted to close up all the mines of the American continent from New York to Galveston, situated upon all the streams emptying into the Atlantic ocean, so as to stop their output from going to the oriental markets, I would favor this amendment; for not one ton of coal will ever be shipped to the Orient if that sort of limitation is put upon it, and for the manifest reason that an abundance of coal is to be had right on the line of these ships at a price far below what it would cost to carry it from the American mines at the price the gentleman is proposing. The Pacific Mail Steamship Company understands the situation tolerably well, and is operating eight large ships, four very fine large ships, and buy their coal not even at San Francisco. They buy it at Nagasaki, Hongkong, and other points.

The ship on which the Taft party came home—the *Korea*—one of the finest ships in the Pacific Ocean, and, by the way, the whole line is about to be sold out, practically, to the Japanese Government; and furthermore, the Oceanic Line with them, so that our flag will go entirely off the Pacific Ocean in a very short time if these contracts are carried out. That ship upon which we traveled took in its coal at Nagasaki—2,500 tons. It cost on board the ship trimmed and ready for our departure, less than $7 a ton. I will say to the gentleman that coal was put on board by the labor of 1,200 men, women, and children. They began at 9 o'clock in the morning and finished about 7 o'clock in the evening. The process was astonishing to every American on board that ship.

Mr. RIXEY. I would like to ask the gentleman if this coal——

Mr. GROSVENOR. Let me finish my statement. The coal was brought to the ship in different barges. Each barge had its narrow point against the ship, and the discharge of the coal from these barges occupied almost the entire length of the ship, and 1,200 men, women, and children—and a great many of them women—handed that coal in baskets up the sides of the ship, then on board the ship, and trimmed it in the bunkers of the ship. This was done by labor at the cost of 15 cents a day to the women and 25 cents a day to the best men, making about 20 or 23 cents a day for the labor. That was the coal that brought our ship over and that was the coal that would take the same ship back again. Now, I will yield to the gentleman.

Mr. RIXEY. I am a little surprised that the gentleman

would come on a ship where the coal was furnished from some other country.

Mr. GROSVENOR. Walking was a little troublesome. [Laughter.]

Mr. RIXEY. I would like to ask the gentleman what country this coal came from?

Mr. GROSVENOR. Why, it came from Japan.

Mr. RIXEY. Was it coal that was mined in Japan or in some other country?

Mr. GROSVENOR. I presume it was mined in Japan; there are great quantities of coal in Japan. I want the gentleman to know that this was an American ship under an American register, and I will want to say further to him that it is one of the last of our ships that fly the American flag on the Pacific Ocean.

Mr. RIXEY. I want to read to the gentleman what the Chief of the Bureau of Equipment said in reply to a question on coal supply:

The native coal of Japan is not a good quality of coal for military purposes. It is hard on the boilers and makes so much smoke as to interfere with ship maneuvering and signals.

Mr. GROSVENOR. I have said nothing about that.

Mr. RIXEY. I think the gentleman has stated that we could use coal from Japan.

Mr. GROSVENOR. I have not; but every ship carrying the American flag on the Pacific is using it.

Mr. RIXEY. But here is what the Chief of the Bureau of Equipment says about its quality.

Mr. GROSVENOR. Now, the gentleman must not presume that I do not know something of the character of coal. More than one-third of all the coal products of Ohio is produced in my Congressional district; so when I am talking about coal I know something about what I am talking about.

Mr. FITZGERALD. Did I understand the gentleman to say that he would favor this amendment under certain conditions?

Mr. GROSVENOR. I did not say anything of the kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I would like to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman proceeding five minutes? [After a pause.] The Chair hears none.

Mr. GROSVENOR. And I would like to have gentlemen let me alone unless they have something to talk about.

Mr. FITZGERALD. I understood the gentleman from Ohio to state that he would favor such an amendment if it would have the effect of preventing ships of another country carrying this coal.

Mr. GROSVENOR. I said if I wanted to stop all the coal traffic of the United States in this direction I would vote for such an amendment as that.

Mr. FITZGERALD. Does the gentleman think——

Mr. GROSVENOR. I am trying to make myself understood, and the gentleman need not catechise me about it. I think everybody knows what I am trying to get at.

The CHAIRMAN. The gentleman declines to yield further.

Mr. GROSVENOR. I do not understand anything that the gentleman is talking about.

Mr. FITZGERALD. The gentleman from New York is not responsible for that condition of the gentleman from Ohio.

Mr. GROSVENOR. Well, I think he is. What I have been trying to say was that this was to put a stumbling block, an impediment in the way of the traffic in American coal that ought not to be permitted, and I wanted to say—and that is what I took the floor for—this whole question of limitation upon freight rates between the United States and the Philippine Islands is a question that has been under discussion in the two committees of the House and Senate having these matters in charge, for seven years. In my opinion it is probable they made a mistake in the passage of the bill in the last session of Congress, in extending the navigation laws of the United States to the Philippine Islands at so early a date as we put them, and whatever the committee may do—I can not speak for them—I shall advocate a postponement over to the end of the treaty time of 1909, so that the competition that seems to be strangled by the operation of the law of last year shall be gotten rid of. Therefore, in the meantime, it seems to me that it is ill advised for us to undertake, in an appropriation bill, and an emergency deficiency bill at that, to fix rates upon the transportation of coal. That is all I wish to say.

Mr. CRUMPACKER. I should like to have the opinion of the gentleman upon this proposition: The amendment proposes to fix the rates from Atlantic ports in the United States to the Philippine Islands. What is the gentleman's information as to that proposition violating the post-preference clause of the Constitution of the United States?

Mr. GROSVENOR. It is clearly unconstitutional, and not alone unconstitutional, but clearly wrong and discriminative in its character and ought not for a moment be considered. I do not know exactly what the coal facilities of the Pacific coast may be—how rapidly coal can be gotten to a shipping point on the Pacific coast; but if it should so happen that it is available to deliver this coal to a shipping point on the Pacific Ocean and you then undertake to strangle it by this legislation upon the Atlantic coast, you have clearly violated the law in the first place and you have violated propriety in the second place.

Mr. CRUMPACKER. I do not know whether the port of Philadelphia or the port of Baltimore can be technically called Atlantic ports, because they are not on the ocean.

Mr. GROSVENOR. Neither can New Orleans be called an Atlantic port.

Mr. CRUMPACKER. It seems to me it is quite clearly a violation of the post-preference clause of the Constitution.

Mr. GROSVENOR. And out of New Orleans can be brought the mighty coal supplies of the Ohio and Tennessee and Kentucky rivers.

If the gentleman will allow me to say a single word and then I am through, this legislation ought to be carefully considered by the committees of the House and not put in here in the form of an amendment to an appropriation bill.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in regard to what the gentleman from Ohio [Mr. GROSVENOR] has just said, I desire to call his attention to the fact that the purpose of this resolution is not to require the Government to purchase coal in the open market, or to purchase Welsh coal, or any other, but it merely affects the transportation of coal from this country to Asiatic ports.

Mr. GROSVENOR. That is very true; but whenever you interfere with the rate of transportation you have interfered with the propriety of purchase.

Mr. WILLIAM W. KITCHIN. But the gentleman will understand that the normal rate of transportation before the passage of the act of April 28, 1904, was much less than the limitation carried by this amendment.

Mr. GROSVENOR. I disagree utterly with the reports that have come to us upon this subject.

Mr. WILLIAM W. KITCHIN. According to all the testimony. Another thing, I understood the gentleman from Ohio to say that he would favor this amendment if he desired to close up all the mines on the Atlantic coast.

Mr. GROSVENOR. So far as oriental traffic is concerned.

Mr. WILLIAM W. KITCHIN. Does the gentleman seriously intend this House to understand that the purchase in a foreign country of all the coal necessary at Manila would perceptibly affect the mines of this country?

Mr. GROSVENOR. My statement was that if we wanted to close up the mines of the United States, so far as the oriental traffic was concerned, it wouldn't amount to a drop in the bucket.

Mr. WILLIAM W. KITCHIN. I understood the gentleman to leave the impression that the adoption of this amendment would have a tendency to close up the mines.

Mr. GROSVENOR. It would not close a single mine.

Mr. WILLIAM W. KITCHIN. Of course it would not, and it would not appreciably affect the mines of this country. The real question is whether it would not be better for the United States, the people at large, to adopt this amendment. The Department claims that at Manila something like 100,000 tons a year are needed. Now, the purpose of this amendment is to get that coal transported from this country at $5 a ton instead of $7.50 a ton. The gentleman from Virginia has well stated that even if during the remainder of this fiscal year there is not another ton transported we will not be harmed, because now there are 70,000 tons of coal at Manila, all put there by virtue of the last appropriation act. That is more than sufficient to supply the needs of the Department until the end of the fiscal year and leave a greater surplus than there was at the beginning of the fiscal year.

Mr. LITTLEFIELD. Does the gentleman assume that the Navy Department will go on accumulating coal unnecessarily without justification? If they will not go on, then what is the object of the gentleman's amendment?

Mr. WILLIAM W. KITCHIN. Oh, the gentleman will not get us off from the main question. The question is not whether you are going to accumulate unnecessarily, but whether you will pay an unnecessary rate of transportation on that coal. I brought in the amount of coal to show that you could not be harmed even if during the remainder of this fiscal year there was not another ton of coal transported from this country to Manila. But why does the gentleman presume that no more coal will be transported under this limitation?

Mr. LITTLEFIELD. I am getting information from the gentleman myself.

Mr. WILLIAM W. KITCHIN. The information given to the Committee on Appropriations is that under the present conditions shipowners expect the United States to pay the entire cost of ships going to Manila and returning to this country when they carry our coal. Instances have been cited in which these owners would carry a cargo of coal to Manila and coming back bring part of a cargo that was shipped from this country to Honolulu at a less rate than the Government paid for the trip from this country to Manila. And, again, none of the coal from Ohio, as I understand, goes to the Philippines. If I recollect the printed testimony correctly, this coal is shipped from Baltimore, Lamberts Point, and Newport News, all on Chesapeake Bay. It is Pocahontas coal, Georges Creek coal, and New River coal. It seems to me that no industry of this country can be harmed by this amendment, but the public Treasury will save a vast amount of money by being relieved from the necessity of paying any price that the American shipowner may exorbitantly charge for the transportation of coal. They charge $7.50 a ton, when it used to be transported for less than $5 a ton.

Mr. LOUDENSLAGER. Mr. Chairman, I do not believe it would be the part of wisdom for this committee to adopt this amendment. The restriction in the amendment, in my judgment, would prohibit the Department from purchasing coal. I am inclined to think that undue interest has been manifested here in regard to the difference charged for transporting coal. I remember distinctly the testimony of the admiral, and I remember his reply when the question was asked him if the foreign shipowners were not induced at this time to offer a lower rate of freight than they had previously charged from the fact that they felt that they could not get any of the coal to transport. He stated that perhaps that might be the reason. The difference in the cost of transporting this coal in our American bottoms is not so great as has been stated here upon the floor of the House, or as can be inferred by the statement of the admiral, when you compare it with the charges made previous to the passage of this act.

The report of Admiral Manney on the charges for transporting coal from the Atlantic coast to Manila, which was all transported in foreign bottoms from 1889 to 1904, was that it averaged $6.53 a ton.

Mr. FITZGERALD. May I make a suggestion to the gentleman there?

Mr. LOUDENSLAGER. Certainly.

Mr. FITZGERALD. Admiral Manney stated to the subcommittee——

Mr. LOUDENSLAGER. I am quoting his report of those years.

Mr. FITZGERALD. He stated that the highest price paid in foreign bottoms was $4.87½ a ton and the average price was $4.50 a ton.

Mr. TAWNEY. The gentleman from New York wants to be entirely fair?

Mr. FITZGERALD. I do.

Mr. TAWNEY. He stated that the price was made at a time when there was a rate war between the steamship companies.

Mr. FITZGERALD. And he said $4.87½ was the highest price ever paid, whether there was a rate war or not.

Mr. LITTAUER. Will the gentleman permit me a moment?

Mr. LOUDENSLAGER. Yes.

Mr. LITTAUER. Permit me to read from the testimony before the committee. Colonel Edwards states as follows——

Mr. FITZGERALD. Colonel Edwards has nothing to do with the transporting of coal.

Mr. LITTAUER. No; but he also comments on freight rates, and he gives us the following:

When I first went into the office I found that the freight rates were $12.50 a ton. That was in 1899. I had to ship out the printing plant, which cost something over $200,000 at that rate. I found the combination there then. That combination was finally broken and we got a rate of $10, then $8.20, then $7, and then near $6. Then the rate war came on, which was very destructive; no money was made at all, and the rate went down to $4.50. That was, if I recollect aright, in 1903. Since then they have gone back to what they call a living rate, $7.

Mr. FITZGERALD. That is not on the transportation of coal for the Navy at all. It is the transportation of other freight for the Philippine government.

Mr. LITTAUER. Permit me to continue.

Mr. LOUDENSLAGER. Mr. Chairman——

The CHAIRMAN. The gentleman from New Jersey has the floor.

Mr. LOUDENSLAGER. Mr. Chairman, I want to state to the gentleman from New York [Mr. LITTAUER] that I understand full well the testimony of Admiral Manney, both before the Committee on Appropriations and the Committee on Naval Affairs, and that he made the statement that foreign bottoms were offering to carry coal at $4.50 and that American bottoms at $7.50, but that he replied to a question that perhaps the foreign owners were making these offers because they did not believe they would get a cargo of coal, and it seems to me that the figures for that Bureau for the years preceding the passage of this law show conclusively that that inference could be honestly obtained; and if this amendment is carried with those facts as they are, it would be entirely prohibitive, and the Navy Department would find it impossible to transport coal from the Atlantic to the port of Manila. While there may be at the present time, as stated, 70,000 tons of coal there now, yet that is an infinitesimal amount in case of emergency and our battle ships demanding a recoaling. It would be very unwise for us to permit them to get below thirty or forty thousand tons or even fifty thousand tons, and I hope that the facts stated here in the report that the lowest average for the years previous to the passage of this law was $6.53 will be sufficient, and that the committee will not favor this amendment.

Mr. RIXEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. LOUDENSLAGER. Certainly.

Mr. RIXEY. Did not Admiral Manney also state that for the years before this law went into effect the highest price he paid for the transportation of coal to Manila was $4.50 a ton?

Mr. LOUDENSLAGER. I think not. I did not so understand him.

Mr. RIXEY. I think he did; and did he not also state that the passage of this law had not given them any more ships in which to transport coal, and that there were fewer American ships to-day willing to take this coal to Manila than there were when it was passed?

Mr. LOUDENSLAGER. I did not so understand it, in that broad sense, but I did understand it that he was unable, as he desired to transport the coal, to find them as conveniently at some times in the season as at others.

Mr. RIXEY. Did he not also state that there was practically no competition by the owners of these ships in the carrying of this coal?

Mr. LOUDENSLAGER. He said, on the other hand, that so far as he was able to judge there was no combination.

Mr. RIXEY. Did he not state that the price was exactly the same that was offered in each case?

Mr. LOUDENSLAGER. He said practically the same, but that he had given the matter some thought and he said positively in regard to the matter that there was no combination.

Mr. FITZGERALD. Will the gentleman let me read just what he said about the price?

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 46, noes 81.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding the following: "*Provided*, That no rates or amounts shall be paid for carrying coal in American ships in excess of one and one-fifth times what it would cost to make the same shipment in a foreign vessel."

Mr. LOUDENSLAGER. Mr. Chairman, it seems to me that that is in effect new legislation. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. DE ARMOND. But I would like to be heard.

The CHAIRMAN. The Chair does not care to hear the gentleman.

Mr. DE ARMOND. I do not care. The gentleman cares to be heard and he ought to be heard. It is not material to the gentleman whether the Chair hears him or not.

The CHAIRMAN. The provision is clearly legislative, and so clearly so that the Chair did not care to waste the time in listening to the gentleman discussing it.

Mr. DE ARMOND. The Chair has his privilege of ruling upon the point of order.

The CHAIRMAN. Certainly, and the Chair has the privilege of hearing it discussed. If the gentleman desires to discuss it, the Chair will hear him, but it was so perfectly clear that the Chair thought the gentleman would hardly care to discuss the matter.

Mr. DE ARMOND. But the gentleman at that time had assured the Chair that he did care to discuss the matter.

The CHAIRMAN. Very good; the Chair will hear the gentleman.

Mr. DE ARMOND. Mr. Chairman, ordinarily one does not care much to discuss a question after it has been decided, so far as the decision itself goes. I take this amendment to be a limitation upon this appropriation. The provision of the law, as I understand, is for the carrying of coal in American ships. The provision in this bill is for an appropriation for deficiencies for that kind of service. It has been developed in discussion here, and admitted, that coal can be carried in foreign ships for, say, in round numbers, two-thirds of the cost of carrying it in American ships. The excess, it seems to me, is an unreasonable one. A limitation that came in some other way, I suppose, would hardly, in the judgment of the Chair, be regarded as a change of law. I think it would be proper, as a matter of law, after providing that conveyance shall be made in American ships, to provide that the payment should not be greater than the average charge for conveyance in foreign vessels. This provision, however, is that it shall not be more than one-fifth greater; that there may be given an absolute bonus of not more than 20 per cent, or one-fifth, to the American shipowner over the foreigner. If that be not a limitation of an appropriation, I do not know what it is. If it were to say that there should be given $1,000 less or $100 less or 1 cent less in certain contingencies, I think it would be a limitation. Stating it by percentage, it seems to me the same thing, but whether it is to be disposed of by the ruling of the Chairman upon the point of order or by the vote of the committee on partisan lines, as other propositions have been disposed of here to-day, is of comparatively slight consequence. The result is practically the same—that you provide for carrying coal only in American ships, that you know that you are paying more for carrying it than you would have to pay otherwise, that you refuse to put in a provision that you shall not pay more than one-fifty more, and desire to have it stand so you may pay one-half more, or twice as much, or four times as much, if the American shipowner chooses to exact it; that is what will be decided. That is all I care to say, either about the merits of the amendment or upon the point of order. Let it all be disposed of as you please. [Applause on the Democratic side.]

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Freight, Bureau of Supplies and Accounts: All freight charges pertaining to the Navy Department and its bureaus, except the transportation of coal for the Bureau of Equipment, $75,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 20, line 9, insert:

"Bureau of Steam Engineering—Steam machinery: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving, and training vessels; repair and care of machinery of yard tugs and launches, $500,000."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The gentleman from Minnesota reserves the point of order.

Mr. FITZGERALD. Mr. Chairman, that is the language of the appropriation bill for the present fiscal year, and there was an estimate for deficiency of $1,000,000.

Mr. TAWNEY. Do you put it in as a deficiency or as an original appropriation?

Mr. FITZGERALD. It is estimated for as a deficiency.

Mr. TAWNEY. I say, does your amendment specify that it is to supply a deficiency?

Mr. FITZGERALD. No more than these other amendments do. It follows the same form for the different bureaus as provided in here.

The CHAIRMAN. Will the gentleman from New York inform the Chair upon what page of the sundry civil bill of last year this provision can be found?

Mr. FITZGERALD. The Chair will find that in the naval appropriation bill, on page 22.

The CHAIRMAN. Will the gentleman send to the Chair the provision?

Mr. LITTAUER. Mr. Chairman, the appropriation for this year under this heading was $3,950,000, Bureau of Steam Engineering.

Mr. FITZGERALD. He has that.

The CHAIRMAN. It seems to the Chair that this is offered as a supplemental appropriation for the conduct of work which was provided for in the act of March 3, 1905, and therefore it is in order as an appropriation to be expended during the year ending June 30, 1906. The Chair therefore overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I wish to make a very brief statement regarding this amendment. Last year the estimate for the Bureau of Steam Engineering was $4,095,000. The Committee on Naval Affairs allowed $3,905,000. The work of the Bureau has been such that by the 1st of January, 1906, $2,300,000 had been utilized in keeping in repair machinery of vessels in commission. For the second half of the fiscal year—that is, from January 1, 1906, to June 30, 1906—the Bureau has left $1,600,000. The Chief of the Bureau of Steam Engineering submitted, through the Secretary of the Navy and Secretary of the Treasury, an estimate for a deficiency of $1,000,000. He stated to the committee in response to an inquiry that the amount of money that he had at his disposal if apportioned monthly would not be sufficient to do the work the Bureau must necessarily do. The importance of providing additional money for this Bureau is due to this fact: A number of vessels are sent into the navy-yards to be overhauled; the Bureau of Steam Engineering, the Bureau of Construction, and Bureau of Equipment, and the other bureaus all work hand in hand; if, because of lack of funds, one bureau must stop its work, it necessarily makes necessary the stoppage of the work in other bureaus.

There have been sent into the different yards several vessels upon which large repairs have been ordered, and unless additional money is provided work will necessarily stop to a great extent in the navy-yards. The fact that this Bureau is spending a great sum of money is due to the fact that there are in commission a great number of naval vessels. The horsepower of the machinery of these naval vessels has, during the past few years—from 1901–1905—increased threefold, while the appropriations have increased but 1.5 times. These vessels, if put in perfect condition and laid up in ordinary, would then be ready for an emergency at a moment's notice. But under the policy of keeping them in active service, of making these vessels participate in maneuvers, so that the officers and crew will be in a highly efficient state, the wear and tear upon the machinery and the necessary repairs are greatly increased.

Mr. Chairman, I have inserted here but one-half of the amount the Bureau has estimated as necessary. This is one of the Bureaus that has been criticised for not having followed the apportionment under the law of last year; but it is utterly impossible to anticipate the repairs that will be necessary to machinery unless it is definitely determined just how much service the different vessels will be called upon to perform. For these reasons I hope, in order to keep the work of this Bureau going, and not to cripple it and the different naval stations of the country, that this amendment will be adopted.

Mr. TAWNEY. Mr. Chairman, I want to say in reply to the gentleman from New York [Mr. FITZGERALD] that the committee gave very careful consideration to this item. In the first place, the Bureau has now $1,600,000 available. They went to the Committee on Naval Affairs, or they came to Congress, before the beginning of the present fiscal year, and they estimated that they would require for this fiscal year $4,095,000. Congress gave them within $190,000 of what they asked, and now they come here with a deficiency of $1,000,000.

Now, Mr. Chairman, there are several reasons why the committee declined to allow this deficiency estimate. In the first place, if the apportionment made by the Secretary of the Navy at the beginning of this fiscal year had been adhered to, there would have been no deficiency. But the necessity for the waiver, as stated by the Secretary, was that it was necessary to maintain the machinery of the vessels in proper shape.

I read yesterday morning in the Washington Post, under the heading of "Army and Navy News," a statement which I think more accurately explains the reason for the deficiency than that given by the Secretary. It is as follows:

The battle ship *Indiana* will be ready for service, it is expected, by February 3, and will immedately join the fleet in the West Indies. The crew of the *Massachusetts*, which recently went out of commission, will be transferred to the *Indiana*. The *Massachusetts* will be repaired at a cost approximating $750,000, and in all probability will be laid up at the New York Navy-Yard for two years or more.

The Chief of the Bureau told us, when he was before the committee, that they had recently overhauled a number of large naval vessels. I stated at the opening of this debate that in our investigation we found that we have to-day two systems of naval construction, one authorized by Congress and the other authorized by the Secretary of the Navy under the word "overhauling." I do not know, and we could not get the information in time, as to what the cost of overhauling a naval vessel is, but, according to this item, the cost of overhauling the *Massa-*

chusetts, or reconstructing her, will be $750,000, equaling almost the aggregated expenditure authorized by Congress for the building of four naval vessels in the Forty-seventh Congress, and almost twice as much as the cost of any one of the vessels authorized between 1873 and 1876; twice as much as the cost of the *Alert*, which is an iron ship, or the *Ranger*, built between 1873 and 1876.

Now, Mr. Chairman, I submit that if we are to go on appropriating money for the maintenance and repairs of machinery, and then allow the Navy Department to divert that appropriation for the purpose of reconstructing the Navy, there is no telling to what extent the deficiencies will hereafter occur in the naval appropriation bills, or to what extent it will be necessary for us to make appropriations for carrying out the orders of the Secretary of the Navy in respect to the reconstruction of naval vessels. This deficiency arises not because of any extraordinary emergency, but it arises because the apportionment was waived in order that the reconstruction of vessels might be carried on under the direction of the Secretary of the Navy. If we are going to have two kinds of naval construction in the United States, then let both be under the jurisdiction and under the authority of Congress. I asked the Chief of this Bureau when before the committee if he did not think the Navy Department or the Secretary, when he desired to reconstruct, or, as he called it, "overhaul," naval vessels to come to Congress with his estimates as to what the cost would be, when that cost involves an expenditure of hundreds of thousands of dollars, and secure the approval or authority of Congress before making that expenditure. The only objection, he said, was that it might cause delay in the rebuilding or reconstruction of the battle ships.

Mr. FITZGERALD. Does not the gentleman know that under the law no repairs can be made upon any vessel in the Navy that exceeds 10 per cent of its appraised cost?

Mr. TAWNEY. There is no such law; there is no law on the subject. There was an old law that applied to wooden vessels, but there is no law to-day that applies to a naval ship in respect to the amount that may be expended for that purpose; and for that reason this deficiency was omitted.

[Here the hammer fell.]

Mr. BUTLER of Pennsylvania. I will ask unanimous consent that the gentleman have sufficient time to answer the question that I would like to ask him.

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

Mr. BUTLER of Pennsylvania. What is the purpose of this amendment?

Mr. TAWNEY. To supply a deficiency of a million dollars for the maintenance and repair of machinery.

Mr. BUTLER of Pennsylvania. Does the gentleman know whether this item has been submitted to the Committee on Naval Affairs?

Mr. TAWNEY. It is a deficiency. The Committee on Naval Affairs in the last appropriation allowed the Navy Department $190,000 less than they estimated.

Mr. BUTLER of Pennsylvania. Yes.

Mr. TAWNEY. Now there is an estimated deficiency of $1,000,000. This $500,000 proposed by the gentleman from New York is to make up that part of the deficiency, which deficiency the Committee on Appropriations declined to allow for the reasons I have given.

Mr. BUTLER of Pennsylvania. We allowed them what we thought they should have, and it was not intended that a deficiency should be created. If there is one, there should be some way to prevent a repetition of it. Last year we appropriated more than $100,000,000 for the maintenance of the naval establishment, and it was not intended that there should be a single deficiency.

Mr. TAWNEY. I am very glad to have that statement from a member of the Committee on Naval Affairs.

Mr. WALDO. Mr. Chairman, I understand this deficiency appropriation is asked for by reason of the fact that repairs were necessary, not only to the particular ship mentioned by the gentleman from Minnesota, but others, which necessitated the use of a portion of the appropriation intended for new ships. Now, it ought to be understood that there are several thousand men at work in the New York Navy-Yard, and a large portion of these men will have to be laid off if appropriations are not made so as to keep them employed, and this expert labor will be disseminated all over this country and perhaps in foreign countries. The Navy Department is opposed to that. Now, there may possibly be something in what the gentleman from Minnesota has said about the battle ship *Massachusetts;* but if he had taken his information from the Navy Department instead of out of some paper that he happened to read this morning, I should perhaps pay more attention to it. It seems to me now that this additional appropriation asked for in the amendment of the gentleman from New York [Mr. FITZGERALD] ought to be allowed for the benefit of the Navy Department, in order to keep that force at work there, so that this work may be done and that the battle ships under construction may proceed.

Mr. TAWNEY. Just one word in reply. I want to say that this is one of two cases where the Committee on Appropriations felt that there had been a clear evasion of the law enacted by the last Congress to prevent deficiencies. That was one of the reasons why this deficiency item was not included in this bill.

Mr. PERKINS. Was it not a violation of the law?

Mr. TAWNEY. No; not technically; but it was a violation of the spirit of the law.

Mr. BUTLER of Pennsylvania. I move to strike out the last word. I think it is well for this committee to understand where we are on the subject of navy-yards. The estimates sent to the Navy Department from our navy-yards, covering the next fiscal year, amount to how much, do you suppose? They amount to more than $42,000,000. They have, of course, been reduced. We have been struggling in the Committee on Naval Affairs for two weeks to get away from the reduced estimates. I want to repeat, so that you will understand—$42,000,000; and if navy-yard officials are "given their heads," they will absorb the American Treasury. Now is the time to halt. Of course a class of naval officials want thousands of men in the navy-yards. It is a part of their programme to fill the different yards with employees and to provide for their continuous employment. Now, I understand we made an appropriation for new machinery to be used on a certain ship, and it has been used for some other purpose not designated in the last naval appropriation bill.

I sincerely hope that the committee will not for one instant make the appropriation provided for in the amendment and thereby clearly defeat the aim which our committee is now making. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question being taken, on a division (demanded by Mr. FITZGERALD) there were—ayes 18; noes 67.

Accordingly the amendment was rejected.

The Clerk read as follows:

GEOLOGICAL SURVEY.

To enable the Director of the Geological Survey to complete the investigation of the useful values contained in the black sands of the United States, under the conditions prescribed in the sundry civil act approved March 3, 1905, $25,000, of which not exceeding $2,000 may be expended for rent of rooms.

Mr. LITTLEFIELD. I should like to inquire the circumstances with reference to this appropriation, and how it becomes necessary.

Mr. LITTAUER. In the sundry civil act of last year $25,000 was appropriated to make an investigation of useful mineral values contained in the black sands about placer mines. The investigation was carried on at the Portland exhibition, much of the machinery being furnished by manufacturers free. There were many tons of samples brought there, also at the expense of those who sent them. It was found that very valuable minerals were contained in these sands, particularly platinum, which at the present time is exceedingly scarce and in great demand, because of its use in electrical development. Now, this experiment has gone on to the point of determining that there were great values not only of platinum but other minerals in these sands, but a method of extracting them had been found. Many samples were yet to be examined, the examination of which would enable the expert in charge to further perfect the method of extracting the ores, and that these experiments could be completed by an additional appropriation of $25,000.

Mr. LITTLEFIELD. So this makes $50,000 in all appropriated for that purpose?

Mr. LITTAUER. It makes in all $50,000 for this purpose.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For the necessary transportation of Indian goods, provisions, and other supplies for the Indian service for the fiscal year 1905, $10,000.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of Indian supplies," fiscal year 1905, $9,693.86.

Mr. MACON. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of the bill for an explanation of these two paragraphs.

Mr. LITTAUER. In reference to the paragraph—

For the necessary transportation of Indian goods, provisions, and other supplies for the Indian service for the fiscal year 1905, $10,000—

The supplies had been purchased and transported to the Indian agencies, where they were distributed. A deficiency arose

in the year 1905, a deficiency of $10,000, to pay for such transportation.

Mr. MACON. In the next paragraph is an appropriation to pay amounts found due by the accounting officers of the Treasury on account of the transportation of Indian supplies, $9,693.

Mr. LITTAUER. The latter paragraph contains amounts that have already been audited, while the former is for deficiencies yet to be provided for.

Mr. MACON. One is a finding and the other is an appropriation direct?

Mr. LITTAUER. The other is an appropriation to meet a deficiency which the Department advises us is actually necessary. The second item is an appropriation to pay accounts that have been audited.

Mr. MACON. One is an estimate and the other is an account already adjudicated?

Mr. LITTAUER. One is an estimate and the other is an account audited.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the care and support of insane persons in the Indian Territory until the close of the fiscal year 1906, and to be expended under the direction of the Secretary of the Interior: *Provided, however,* That the Indian citizens in said Territory shall be cared for at the asylum in Canton, Lincoln County, S. Dak., $25,000, or so much thereof as may be necessary.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 27, line 16, after the word "necessary," insert: "For asylum for insane Indians, Canton, S. Dak., 1906: For the equipment and maintenance of the asylum, for incidental and other necessary expenses for its proper conduct and management, including pay of employees and necessary expenses of transporting insane Indians to and from said asylum, $3,500."

Mr. LITTAUER. I will state that this is an item that came to us after the bill had been reported to the House, and it seems to be perfectly proper.

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

The Clerk, proceeding with the reading of the bill, read as follows:

DEPARTMENT OF JUSTICE.

To reimburse the appropriation "Miscellaneous expenditures" of the Department of Justice for the fiscal year 1906, the amount expended for a portrait of ex-Attorney-General P. C. Knox, $2,615.

Mr. JAMES. Mr. Chairman, I make a point of order that this appropriation is not authorized by existing law.

Mr. LITTAUER. Mr. Chairman, I can not appreciate how a point of order can be raised at this time. This is a reimbursement for an appropriation for miscellaneous expenditure—expenditures that have already been made—and is a character of expenditure that has been made in the past constantly under the authorization for this miscellaneous expenditure.

Mr. JAMES. It appears to me that the argument of the gentleman from New York is an admission that this appropriation is not authorized by existing law. The only reason he gives why it should be allowed is that at other times such expenditures have been made. If a wrong has been committed in former times by ordering pictures painted of distinguished men, that is no reason why it ought to be committed again. If this gentleman wants his picture hung on frescoed walls, he is able to pay for it.

Mr. LITTAUER. The gentleman from Kentucky must know that the picture has been hung and that the amount has been paid, and that this is to reimburse the miscellaneous account.

Mr. JAMES. It ought not to be hung at the expense of the American people.

The CHAIRMAN. The Chair would inquire of the gentleman in charge of the bill whether, in his judgment, this does not conflict with the provision in last year's appropriation bill prohibiting the expenditure of any money by the head of any Department?

Mr. LITTAUER. It was waived by the Attorney-General and his waiver sent to Congress.

The CHAIRMAN. What provision of law permits the Attorney-General to waive a law of Congress?

Mr. LITTAUER. The law itself contains such a provision.

Mr. TAWNEY. I will state, Mr. Chairman, that, in my judgment, the only question that pertains to this matter is whether it is an expenditure authorized by law—whether it is such an item as can be properly construed to be a contingent expense incident to that particular Bureau under the language of the appropriation.

Mr. LITTAUER. And further, Mr. Chairman, the law states that this appropriation was for miscellaneous expenditures, enumerating various articles, current books of reference, periodicals "and other necessaries directly ordered by the Attorney-General."

Mr. JAMES. I would like to ask the gentleman if this is a necessary expenditure?

Mr. PERKINS. Does the gentleman claim that this is a necessity?

Mr. LITTAUER. No; I do not claim that.

Mr. JAMES. I would suggest that if anybody wants to see the picture of the ex-Attorney-General they can see the real article at the other end of the Capitol. If he should pass away, they could put a statue in the hall of fame to commemorate him. I do not think, therefore, the picture of ex-Attorney-General Knox is a necessity now; I think the point of order should be sustained.

The CHAIRMAN. The Chair will sustain the point of order.

The Clerk read as follows:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, and other necessaries, directly ordered by the Attorney-General, for the fiscal year 1905, $413.45.

Mr. MACON. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill about these periodicals and their necessity and why they are considered necessary in the conduct of the Attorney-General's Office.

Mr. LITTAUER. This is a deficiency occuring in the fiscal year of 1905 of $413.45. It is exactly in the terms of the law. Periodicals are provided for under the law.

Mr. MACON. As necessary articles?

Mr. LITTAUER. Not as necessary. The law, with which we have no concern here, simply reads "periodicals and other necessaries."

Mr. MACON. Does that mean that the Department has a right to purchase any periodical it wants for private reading?

Mr. LITTAUER. It gives them the right to purchase periodicals. That law was passed for the fiscal year of 1905, and a deficiency exists thereunder.

Mr. MACON. Under the circumstances, Mr. Chairman, it is impossible for me to give any relief by moving to strike out the word "periodicals."

Mr. LITTAUER. The expenditure has already been incurred.

Mr. MACON. As I say, we can give no relief by striking it out; but it strikes me as being a rank evil to give under the law the Departments the right to purchase periodicals or any old thing they want.

Mr. LITTAUER. Will not the gentleman reserve his motion until the legislative bill is up again, when he can offer an amendment?

Mr. MACON. I do not make any motion; I was making a few remarks in the time I had under the five-minute rule, and only moved to strike out the last word. I am not making any motion; but it strikes me as being a crying evil to allow such an extravagance as periodicals purchased by the heads of Departments to amuse themselves with when they have nothing else to do, and incidentally at any time, and therefore I simply called the attention of the Committee on Appropriations to the fact, not that I expect to right it at this time, but that the committee might correct the wrong in its next bill. I am simple enough to think that it is wrong to tolerate such a proceeding. Mr. Chairman, I withdraw the pro forma amendment.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the urgent deficiency bill (H. R. 12320) and had come to no resolution thereon.

APPOINTMENT OF JANITORS, ETC., TO COMMITTEES.

Mr. CASSEL. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Pennsylvania presents a privileged resolution from the Committee on Accounts, which the Clerk will read.

The Clerk read as follows:

[House resolution No. 182, Fifty-ninth Congress, first session.]

Mr. CASSEL, from the Committee on Accounts, reported, in lieu of H. Res. No. 18, H. Res. No. 109, H. Res. No. 79, H. Res. No. 107, H. Res. No. 101, H. Res. No. 74, H. Res. No. 111, H. Res. No. 148, H. Res. No. 95, H. Res. No. 71, H. Res. No. 83, H. Res. No. 84, H. Res. No. 113, H. Res. No. 19, H. Res. No. 147, H. Res. No. 21, H. Res. No. 78, H. Res. No. 40, H. Res. No. 26, H. Res. No. 36, H. Res. No. 156, H. Res. No. 44, H. Res. No. 58, H. Res. No. 150, and H. Res. No. 127.

Resolved, That the chairmen of the Committees on (first) Education, (second) Levees and Improvements of the Mississippi River,

(third) Mines and Mining, (fourth) Patents, (fifth) Industrial Arts and Expositions, (sixth) Coinage, Weights, and Measures, (seventh) Railways and Canals, (eighth) Militia, (ninth) Expenditures on Public Buildings, (tenth) Expenditures in the Department of Justice, (eleventh) Expenditures in the Navy Department, (twelfth) Expenditures in the Department of Commerce and Labor, and (thirteenth) Pacific Railroads, be, and they are hereby, authorized to appoint a janitor to each of said committees to serve during the sessions of the Fifty-ninth Congress, whose compensation shall be paid out of the contingent fund of the House, at the rate of $60 per month, and said janitors, under the direction of the Doorkeeper, shall also have the care of the rooms of the following-named committees and offices and shall perform all of the duties required of messengers, namely:

First. Revision of the Laws, and Labor.

Second. Reform of the Civil Service, and the room of the index clerks.

Third. Expenditures in the Department of Agriculture, and Irrigation of Arid Lands.

Fourth. Expenditures in the Treasury Department, and Mileage.

Fifth. Manufactures.

Sixth. Disposition of Useless Papers in the Executive Departments.

Seventh. Private Land Claims, and Expenditures in the Post-Office Department.

Eighth. Census, and Ventilation and Acoustics.

Ninth. Alcoholic Liquor Traffic, and Immigration and Naturalization.

Tenth. Election of President, Vice-President, and Representatives in Congress.

Eleventh. Lieutenants, and guard rooms of the Capitol police and the room formerly used by the Committee on Examination and Disposition of Documents.

Twelfth. Expenditures in the State Department and Expenditures in the War Department.

Thirteenth. Expenditures in the Interior Department.

The pay of such janitors shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of said chairman.

Resolved, That the Clerk of the House is hereby authorized to appoint a janitor to perform service in the office of the file, journal, and printing clerks of the House, to be paid out of the contingent fund of the House, at the rate of $60 per month.

Resolved, That the chairmen of the following-named committees are hereby authorized to appoint clerks to such committees to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely, Census, Pacific Railroads, Private Land Claims, and Election of President, Vice-President, and Representatives in Congress: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

Resolved, That the chairmen of the following-named committees are hereby authorized to appoint assistant clerks to such committees to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely: District of Columbia, Enrolled Bills, Indian Affairs, and Pensions: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

Resolved, That the chairman of the Committee on the Judiciary is hereby authorized to appoint a messenger to said committee, to serve during the present Congress, whose compensation shall be paid out of the contingent fund of the House at the rate of $60 per month from and after December 4, 1905.

Resolved, That the Doorkeeper of the House is hereby authorized to employ Hugh Williams as a page in the press gallery of the House during the remainder of the present fiscal year, to be paid out of the contingent fund of the House at the rate of $75 per month from and after December 4, 1905.

Resolved, That the Clerk of the House is hereby authorized and directed to pay to Mrs. Sarah M. Henshaw, daughter of Norton McGiffin, deceased, late a folder on the rolls of the Doorkeeper of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding $250, on account of the funeral expenses of said Norton McGiffin, said amounts to be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Thomas W. Conway, brother of Joseph R. Conway, deceased, late a laborer in the Doorkeeper's department of the House, a sum equal to six months' salary at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of the funeral expenses of said Thomas W. Conway, said amounts to be paid out of the contingent fund of the House.

Resolved, That the compensation of the assistant clerk to the Committee on Interstate and Foreign Commerce, whose employment was authorized by a resolution adopted by the House December 19, 1905, is hereby authorized to be paid out of the contingent fund of the House.

Resolved, That the Doorkeeper of the House is hereby authorized and directed to employ a lady attendant in the ladies' reception room, Statuary Hall, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House, at the rate of $60 per month.

[House Report No. 526, Fifty-ninth Congress, first session.]

The Committee on Accounts, to whom was referred sundry resolutions providing for the employment of janitors, clerks, assistant clerks, etc., to certain committees of the House, having had the same under consideration, recommend the adoption by the House of the following resolutions in lieu thereof, viz:

"1. *Resolved*, That the chairmen of the Committees on (1) Education, (2) Levees and Improvements of the Mississippi River, (3) Mines and Mining, (4) Patents, (5) Industrial Arts and Expositions, (6) Coinage, Weights, and Measures, (7) Railways and Canals, (8) Militia, (9) Expenditures on Public Buildings, (10) Expenditures in the Department of Justice, (11) Expenditures in the Navy Department, (12) Expenditures in the Department of Commerce and Labor, and (13) Pacific Railroads be, and they are hereby, authorized to appoint a janitor to each of said committees to serve during the sessions of the Fifty-ninth Congress, whose compensation shall be paid out of the contingent fund of the House at the rate of $60 dollars per month; and said janitors, under the direction of the Doorkeeper, shall also have the care of the rooms of the following-named committees and offices and shall perform all of the duties required of messengers, namely:

"(1) Revision of the Laws, and Labor;

"(2) Reform in the Civil Service, and the room of the index clerks;

"(3) Expenditures in the Department of Agriculture, and Irrigation of Arid Lands;

"(4) Expenditures in the Treasury Department, and Mileage;

"(5) Manufactures;

"(6) Disposition of Useless Papers in the Executive Departments;

"(7) Private Land Claims, and Expenditures in the Post-Office Department;

"(8) Census, and Ventilation and Acoustics;

"(9) Alcoholic Liquor Traffic, and Immigration and Naturalization;

"(10) Election of President, Vice-President, and Representatives in Congress;

"(11) Lieutenants' and guard rooms of the Capitol police, and the room formerly used by the Committee on the Disposition of Documents;

"(12) Expenditures in the State Department and Expenditures in the War Department;

"(13) Expenditures in the Interior Department.

"The pay of such janitors shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of said chairmen.

"2. *Resolved*, That the Clerk of the House is hereby authorized to appoint a janitor to perform service in the office of the file, journal, and printing clerks of the House, to be paid out of the contingent fund of the House at the rate of $60 per month.

"3. *Resolved*, That the chairmen of the following-named committees are hereby authorized to appoint clerks to such committees, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely, Census, Pacific Railroads, Private Land Claims, and Election of President, Vice-President, and Representatives in Congress: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

"4. *Resolved*, That the chairmen of the following-named committees are hereby authorized to appoint assistant clerks to such committee, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely: District of Columbia, Enrolled Bills, Indian Affairs, and Pensions: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

"5. *Resolved*, That the chairman of the Committee on the Judiciary is hereby authorized to appoint a messenger to said committee, to serve during the present Congress, whose compensation shall be paid out of the contingent fund of the House, at the rate of $60 per month from and after December 4, 1905.

"6. *Resolved*, That the Doorkeeper of the House is hereby authorized to employ Hugh Williams as a page in the press gallery of the House during the remainder of the present fiscal year, to be paid out of the contingent fund of the House, at the rate of $75 per month from and after December 4, 1905.

"7. *Resolved*, That the Clerk of the House is hereby authorized and directed to pay to Mrs. Sarah M. Henshaw, daughter of Norton McGiffin, deceased, late a folder on the rolls of the Doorkeeper of the House of Representatives, a sum equal to six months' pay, at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of the funeral expenses of said Norton McGiffin, said amounts to be paid out of the contingent fund of the House.

"8. *Resolved*, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House to Thomas W. Conway, brother of Joseph R. Conway, deceased, late a laborer in the Doorkeeper's department of the House, a sum equal to six months' salary, at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of the funeral expenses of said Thomas W. Conway, said amounts to be paid out of the contingent fund of the House.

"9. *Resolved*, That the compensation of the assistant clerk to the Committee on Interstate and Foreign Commerce, whose employment was authorized by a resolution adopted by the House December 19, 1905, is hereby authorized to be paid out of the contingent fund of the House.

"10. *Resolved*, That the Doorkeeper of the House is hereby authorized and directed to employ a lady attendant in the ladies' reception room, Statuary Hall, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House, at the rate of $60 per month."

Taking up these resolutions in their order, your committee begs leave to state:

First. That we find 36 rooms, including committee rooms and certain offices connected with the House of Representatives, without janitor service, namely: Alcoholic Liquor Traffic; Census; Coinage, Weights, and Measures; Disposition of Useless Papers in the Executive Departments; Education; Election of President, Vice-President, and Representatives in Congress; Expenditures in the Department of Agriculture; Expenditures in the Department of Commerce and Labor; Expenditures in the Department of Justice; Expenditures in the Interior Department; Expenditures in the Navy Department; Expenditures in the Post-Office Department; Expenditures in the State Department; Expenditures in the Treasury Department; Expenditures in the War Department; Expenditures on Public Buildings; office of the file, journal, and printing clerks; Immigration and Naturalization; index clerk's office; Industrial Arts and Expositions; Irrigation of Arid Lands; Labor; Levees and Improvements of the Mississippi River; Manufactures; Mileage; Militia; Mines and Mining; Pacific Railroads; Patents; Private Land Claims; Railways and Canals; Reform in the Civil Service; Revision of the Laws; Ventilation and Acoustics; lieutenants and guards' room, and the room formerly used by the Committee on the Disposition of Documents.

The resolution reported herewith provides for the care of these thirty-six rooms and offices by the employment of fourteen janitors, who are

to be appointed by the chairmen of certain committees named in the resolution, whose compensation shall be $60 per month during the sessions of the Fifty-ninth Congress. The pay of these janitors is to begin from the time they entered upon the discharge of their duties, which is to be ascertained and evidenced by the chairmen authorized to appoint them. This resolution, if adopted, will provide every committee room and every office in the House wing of the Capitol with janitor service that are not now so provided. And by assigning each janitor to two or more rooms, and by requiring that they shall also perform messenger service, we believe to be a proper, an equitable, and at the same time an economical arrangement. Janitors appointed under this resolution will have the care of the groups of committees indicated by the numbers, and they will be directly responsible to the chairmen appointing them for the proper discharge of their duties in all of the rooms to which assigned, and inefficiency, inattention to duty, or misconduct on the part of any janitor should be reported to the chairman of the first-named committee of the group of committees to which such janitor may belong.

In the last Congress (Fifty-eighth) nine janitors in addition to the regular force were provided for by resolutions reported from the Committee on Accounts and adopted by the House. They were assigned as follows:

Alcoholic Liquor Traffic, Election of President, Vice-President, and Representatives in Congress, and Expenditures in the Department of Agriculture, one janitor; Expenditures in the Department of Justice, Expenditures in the Interior Department, and Expenditures in the Navy Department, one janitor; Expenditures in the Post-Office Department, Expenditures in the State Department and Expenditures in the Treasury Department, one janitor; Expenditures in the War Department, Expenditures on Public Buildings, Mileage, and Ventilation and Acoustics, one janitor; Education, Enrolled Bills, and Levees and Improvements of the Mississippi River, the House document room, and the library of the House.

Of the foregoing the House document room, the library of the House, and the Committee on Enrolled Bills are the only rooms now provided with janitors, the two first mentioned having been provided for by law and the latter by resolution of the House of December 19, 1905.

It will be seen that nine janitors in the last Congress had the care of eighteen committee rooms and offices. They were employed for the entire Congress, including the recess between sessions, and their compensation, at $60 per month each, aggregated $7,896. We now propose to employ fourteen janitors at the same rate of pay, but to confine their employment to the sessions of the present Congress. This will be an apparent increase of five janitors, but an actual increase of only two chargeable to the contingent fund of the House, for the reason that three committees, namely, Labor, Industrial Arts and Expositions, and Revision of the Laws, are taken care of in our resolution which are entitled, according to custom, to janitors by law, but provision for same having been omitted from the current legislative appropriation act, we have included them in the plan now recommended. But while there is a total increase of five janitors over the number provided in the last Congress the number of rooms to be cared for is increased from eighteen in the Fifty-eighth Congress to thirty-six in the present Congress—just double the number of rooms. And while nine janitors in the last Congress cost $7,896, it is now proposed that fourteen janitors shall cost, it is estimated, $5,880 for the present session, carrying it until the end of the fiscal year, $300 during the recess, and $2,520 for the second session, making the total for this Congress $8,700, an increase of only $904 over the last Congress for double the amount of service.

Considerations of health, cleanliness, the comfort of Members, the dispatch of the public business, and the fact that some Members of the House have themselves been paying for janitor service induced your committee to recommend this general provision for janitors, leaving nothing of this kind to be done during the remainder of this Congress, and in so doing we have had due regard for economy as well as for the other purposes to be subserved.

SUMMARY.

Number of janitors recommended, 14.
Number of rooms provided for, 36.
Number of janitors, Fifty-eighth Congress, by resolution, 9.
Number of rooms, Fifty-eighth Congress, 18.
Apparent increase of janitors, 5.
Actual increase chargeable to contingent fund, 2.
Increased number of rooms to be cared for, 18.
Amount paid for 9 janitors, Fifty-eighth Congress, $7,896.
Amount estimated for 14 janitors, Fifty-ninth Congress, $8,700.
Estimated increase by proposed resolutions, $904.

Estimates are based on employment during first session Fifty-ninth Congress, until June 30, 1906, whereas if Congress sooner adjourns the expenditure will be less.

We recommend that resolutions numbered 18, 109, 79, 107, 101, 156, 74, 111, and 148 lie on the table.

Second. The janitor authorized by this resolution for the office of the file, journal, and printing clerks of the House, an overcrowded room wherein a great volume of important public business is transacted, is undoubtedly necessary. This janitor is included in the foregoing general statement relative to janitors.

We recommend that House resolution No. 95 lie on the table.

Third. This resolution authorizes the appointment of clerks during the sessions of the Fifty-ninth Congress to the Committees on Census, Pacific Railroads, Private Land Claims, and Election of President, Vice-President, and Representatives in Congress, at the usual per diem compensation of $6, and in order to equalize their salaries with those of session clerks to committees whose employment is authorized by law we provide that they shall be paid an amount which, in the aggregate, shall equal that paid such session clerks. It is also provided that the pay of these clerks shall begin from the time they entered upon the discharge of their duties.

The current legislative, executive, and judicial appropriation act provides for eleven session clerks to committees, which clerks have already been assigned by resolution to that many committees, leaving certain other committees unprovided for, among them the four committees above named, three of which, namely, Census, Pacific Railroads, and Private Land Claims, were provided for in the Fifty-eighth Congress by resolution. It is now proposed to add the Committee on the Election of President, Vice-President, and Representatives in Congress to this class. This committee has had referred to it in the present session a number of important bills pertaining to its jurisdiction, which the chairman of that committee states will receive consideration, and the services of a clerk will therefore be necessary. For these reasons we recommend this additional clerk.

During the time these clerks are on the roll the chairmen of the committees named will be denied, under the law, the usual allowance for personal clerk hire, so that, while their total compensation will be $7,087 for the entire Congress from the contingent fund of the House, a saving of $4,000 will be effected in personal clerk-hire allowances, which will revert to the Treasury from the appropriation for clerks to Members. Thus the actual net expenditure for these four clerks will be $3,087.

SUMMARY.

Number of clerks recommended, 4.
Number of these authorized in Fifty-eighth Congress, 3.
Increase, 1.
Estimated expenditure from contingent fund, $7,087.
Amount of clerk-hire allowance deducted, $4,000.
Net expenditure from Treasury, $3,087.

Fourth. This resolution provides assistant clerks during the sessions of the Fifty-ninth Congress for the Committees on the District of Columbia, Enrolled Bills, Indian Affairs, and Pensions. This is an increase of one assistant clerk—to the Committee on Pensions—and this we are convinced is necessary for the proper and expeditious transaction of the business of that committee, for the reasons set forth in the following letter from its chairman, viz:

HOUSE OF REPRESENTATIVES, COMMITTEE ON PENSIONS,
Washington, D. C., January 15, 1906.

DEAR SIR: I am very anxious to have your committee take favorable action on resolution No. 40, which I introduced for the appointment of a session clerk to facilitate the work of this committee.

When I became chairman of this committee, in the Fifty-fourth Congress, it had 661 bills referred to it for consideration. Since that time the work has steadily increased, and particularly since the Spanish-American war. At the last session we had 1,519 bills, and at this session, up to this time, we are 34 per cent ahead of last Congress at the same stage of the term, and if the present rate of increase should continue during the term we will have at least 2,000 bills to consider.

The handling of this large volume of business requires close and painstaking work, involving much time and care. The miscellaneous character of the work coming before the committee embraces all of the ramifications of the pension system, and the papers to be considered are voluminous and complicated. Much of the time of the limited clerical help attached to the committee is taken up in answering questions and furnishing blanks and information for the use of Members. The hours of labor have heretofore and will doubtless hereafter be greatly increased, often extending into the night, and the additional help provided for in the resolution is necessary, not only to the committee, but in aid of the individual Members who come to the committee for help concerning their pension matters generally.

Yours, truly,

H. C. LOUDENSLAGER, *Chairman.*

Hon. H. B. CASSEL,
Chairman Committee on Accounts, Washington, D. C.

The expenditure for the four assistant clerks recommended will be $7,087 for both sessions of the present Congress, from which there will be no reduction on account of personal clerk-hire allowance, for the reason that the chairmen of the committees named are granted personal clerk-hire allowance by law.

SUMMARY.

Number of assistant clerks recommended, 4.
Number of these authorized in Fifty-eighth Congress, 3.
Increase, 1.
Estimated expenditure for entire Fifty-ninth Congress, $7,087.
Increase over Fifty-eighth Congress, $1,772.

We recommend that House resolutions numbered 71, 83, 84, 113, 19, 147, 21, 78, and 40, providing for clerks and assistant clerks, be laid on the table.

Fifth. This resolution authorizes the chairman of the Committee on the Judiciary to appoint a messenger to said committee at $60 per month. Such messenger was granted in the last Congress and is shown to be necessary in this Congress, and we therefore recommend the adoption of the resolution. The amount involved is $660.

We recommend that House resolution numbered 57 be laid on the table.

Sixth. This resolution authorizes the appointment of Hugh Williams as a page in the press gallery of the House. It has been customary to so name him and to pass a resolution providing for this position. Service of this kind has been shown to be necessary in the press gallery and it is recommended by the members of the press gallery committee. We therefore recommend the adoption of the resolution.

We also recommend that House resolutions numbered 26 and 36 be laid on the table.

Seventh. Authorizes payment out of the contingent fund of the House to Mrs. Sarah M. Henshaw, daughter of Norton McGiffin, late a folder, of a sum equal to six months of his salary and not exceeding $250 for funeral expenses. This resolution is in due form and is in accordance with the practice relative to payments on account of deceased employees.

Eighth. Same as No. 7, except that the proposed beneficiary is Thomas W. Conway, brother of Joseph R. Conway, late a laborer. The amount involved in this and in the preceding paragraph is $1,320, both men having received at the time of their death $720 per annum each.

We recommend that resolutions numbered 44, 58, and 150 be laid on the table.

Ninth. This resolution simply makes effective the resolution of the House adopted December 19, 1905, providing an assistant clerk to the Committee on Interstate and Foreign Commerce, by authorizing payment out of the contingent fund of the House in accordance with the joint resolution approved January 17, 1906, relating to contingent expenses of the House of Representatives.

Tenth. This resolution authorizes the Doorkeeper to appoint a lady attendant in the ladies' reception room, at a salary of $60 per month, during the sessions of the Fifty-ninth Congress. A portion of Statuary Hall has been set off, by direction of the Speaker of the House, as a public reception room, from whence ladies may send in their cards to Members of the House. This room has been fitted up with the necessary appurtenances, and it is quite evident to your committee that a lady attendant there is not only proper, but necessary. We therefore favorably recommend the resolution, and that resolution numbered 127 be laid on the table. The amount involved is estimated to be $500.

For the further information of the House we would state that it is estimated that the resolutions adopted by the House December 19 and 20, 1905, will involve a total expenditure for the present session, carrying the session to the end of the fiscal year, of $4,440.50.

RECAPITULATION.

Salaries of 14 janitors	$8,700
Salaries of 4 clerks to committees	7,087
Salaries of 4 assistant clerks to committees	7,087
Salary, messenger to Committee on Judiciary	660
Salary, page, press gallery	515
Payments on account of deceased employees	1,310
Salary, attendant ladies' reception room	500
Total	25,859
Less amount of clerk hire reverting to Treasury	4,000
Net total	21,859

During the reading of the above,

Mr. CLARK of Missouri. Mr. Speaker, I rise to a parliamentary inquiry. Is this thing that is being read now a privileged report?

The SPEAKER. The Chair has not been paying very close attention to the reading, but presumably it is.

Mr. CLARK of Missouri. If it is not, I desire to object and end it right now.

Mr. CASSEL. It is a privileged report, Mr. Speaker; it carries an appropriation.

Mr. CLARK of Missouri. I serve notice on the gentleman, Mr. Speaker, that he may as well withdraw it, for if he does not I shall fight it, roll call and all.

The SPEAKER. The Clerk will proceed.

The Clerk concluded the reading of the report.

Mr. CASSEL. Now, Mr. Speaker, I desire to say that the Committee on Accounts has prepared this resolution and report with a very great deal of care; that we have had before us the various resolutions which have been introduced into the House and after careful consideration have prepared the report; that we have had prepared a detailed statement of all of these appointments, and I now ask that this report of the committee be printed in the RECORD so that each Member of the House can have a full copy of it in the morning, and that the matter be left open for further discussion at that time.

The SPEAKER. The gentleman asks that the report accompanying the resolution be printed in the RECORD. Is there objection?

Mr. CLARK of Missouri. That is all right. I did not propose to have any such resolution as that come up at this time.

Mr. PAYNE. The gentleman asks that the matter go over to be called up again?

Mr. CASSEL. Yes; as unfinished business or as a privileged resolution.

There was no objection.

FRENCH SPOLIATION CLAIMS.

The SPEAKER. The Chair lays before the House a request coming from the Committee on Claims and also the Committee on War Claims, taking from the Committee on Claims certain Executive documents touching findings of the Court of Claims in the matter of the French spoliation claims, and asking that the reference be changed from the Committee on Claims to the Committee on War Claims. The effect of this, if done, would be to change the jurisdiction of the respective committees as that jurisdiction has been heretofore exercised. If the change should be made, about which the Chair does not intimate any opinion as to the propriety thereof, the Chair will feel justified in the future, if not incidentally authorized when similar communications come, to refer the same to the Committee on War Claims instead of to the Committee on Claims. With the explanation given, is there objection to the request?

Mr. GARRETT. Mr. Speaker, may I ask who it is that presents this request?

The SPEAKER. It comes with the indorsement of the gentleman from Kansas [Mr. MILLER], the chairman of the Committee on Claims.

Mr. FINLEY. Mr. Speaker, I would like to have some explanation giving the reason for this. Some of us know that the jurisdiction of these various committees is a matter of very great moment sometimes, and I would like to have some explanation of the necessity for it.

The SPEAKER. The gentleman from Kansas not being present, with the permission of the House the matter will go over until another day.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted as follows:

To Mr. SMITH of Maryland to withdraw from the files of the House, without leaving copies, the papers in the case of Charles Chaille Long, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. CALDERHEAD to withdraw from the files of the House, without leaving copies, the papers in the case of Eliza M. Burke, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. MOON of Tennessee to withdraw from the files of the House, without leaving copies, the papers in the case of Asa Faulkner, O. B. Spurlock, and others, Forty-ninth Congress, no adverse report having been made thereon.

BILLINGS LAND DISTRICT.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8994) to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the "Billings land district," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That all that portion of the State of Montana included within the present boundaries of Yellowstone and Carbon counties and all that portion of the ceded and unceded part of the Crow Indian Reservation lying within the limits of Rosebud County, is hereby constituted a new land district, and that the land office for said district shall be located at Billings, in said Yellowstone County.

With the following committee amendment:

In line 7, after the word "county," insert the following: "west of the Big Horn River."

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. As I understand it, the general law provides for the arrangement of land districts by the President of the United States.

Mr. SMITH of Kentucky. Mr. Speaker, I desire to reserve the right to object before any discussion is had.

Mr. PAYNE. I have reserved the right to object.

Mr. SMITH of Kentucky. I did not hear the gentleman.

Mr. PAYNE. I understand the President has full authority to create a land district or change a land district. Why the necessity of this special act?

Mr. DIXON of Montana. The President does not have the right to create a new land district. He does have the right when the business of old districts has become very small to consolidate old districts or move the land office. In this case the Crow Reservation is to be opened this coming August, and the Department has asked that this land office be created at Billings right at the head of the Crow Indian Reservation.

Mr. PAYNE. And it is shown there is a necessity for this office?

Mr. DIXON of Montana. Absolutely. There is a report from the Commissioner of the General Land Office, and it is unanimously reported by the Committee on Public Lands.

Mr. PAYNE. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, I did not hear the colloquy which ensued between the gentleman from New York and the gentleman from Montana. Still reserving the right to object, I want to know the necessity for this piece of legislation.

Mr. DIXON of Montana. As I have just explained, the great Crow Indian Reservation is to be opened this coming August under the act passed two years ago. At the present time there is no land office within a hundred and fifty miles on one side of the reservation and probably a hundred and thirty or a hundred and forty on the other. This is the creation of a new land office asked for by the Department and unanimously reported by the Committee on Public Lands to establish a new land office on the edge of the Crow Indian Reservation soon to be opened for settlement.

Mr. SMITH of Kentucky. How many acres are there in the Crow Reservation?

Mr. DIXON of Montana. About 1,300,000.

Mr. SMITH of Kentucky. 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 engrossed for a third reading, was read the third time, and passed.

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

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2159. An act authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana; and

S. 321. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah.

LEAVE OF ABSENCE.

Mr. ANDRUS, by unanimous consent, was granted leave of absence for three days on account of death in the family.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned to meet on Wednesday, January 24, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for enlarging the Army Building at New York City—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for pay of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for a heating, power, and light plant for the new custom-house building at San Francisco—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for post exchange and amusement hall, general hospital, Presidio, San Francisco, Cal.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for pay of Military Academy—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for completion of revenue steamer for Albemarle and Pimlico sounds, North Carolina—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for Mountain Branch, National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Red River of the North from Fargo to the international boundary line—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11543) to correct the military record of Benjamin F. Graham, reported the same with amendment, accompanied by a report (No. 497); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11976) for the relief of the Compañía de los Ferrocarriles de Puerto Rico, reported the same without amendment, accompanied by a report (No. 500); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11108) for the relief of Benjamin F. King, reported the same without amendment, accompanied by a report (No. 501); which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1863) for the relief of M. A. McCafferty, reported the same without amendment, accompanied by a report (No. 502); which said bill and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8952) for the relief of the trustees of Weir's Chapel, Tippah County, Miss., reported the same without amendment, accompanied by a report (No. 503); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5217) for the relief of Agnes W. Hills and Sarah J. Hills, reported the same with amendment, accompanied by a report (No. 504); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3997) for the relief of John A. Meroney, reported the same with amendment, accompanied by a report (No. 505); which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 2299, reported in lieu thereof a resolution (H. Res. 161) referring to the Court of Claims the papers in the case of W. M. Justice, of Hunt County, Tex., accompanied by a report (No. 506); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 8838, reported in lieu thereof a resolution (H. Res. 162) referring to the Court of Claims the papers in the case of Joseph Loudermilk, of Monroe County, W. Va., accompanied by a report (No. 507); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1272, reported in lieu thereof a resolution (H. Res. 163) referring to the Court of Claims the papers in the case of the representatives of the estate of Reuben Dawkins, deceased, accompanied by a report (No. 508); which said resolution and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 2302, reported in lieu thereof a resolution (H. Res. 164) referring to the Court of Claims the papers in the case of the legal representatives of Jonathan Holmes, deceased, accompanied by a report (No. 509); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 6938, reported in lieu thereof a resolution (H. Res. 165) referring to the Court of Claims the papers in the case of Mrs. R. D. Smith, accompanied by a report (No. 510); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 12436, reported in lieu thereof a resolution (H. Res. 166) referring to the Court of Claims the papers in the case of the legal representatives of William A. Crawford, deceased, accompanied by a report (No. 511); which said resolution and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 2301, reported in lieu thereof a resolution (H. Res. 167) referring to the Court of Claims the papers in the case of the legal representatives of Dr. Thomas B. Waters, deceased, accompanied by a report (No. 512); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 2303, reported in lieu thereof a resolution (H. Res. 168) referring to the Court of Claims the papers in the case of estate of J. V. McDaniel, accompanied by a report (No. 513; which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 12408, reported in lieu thereof a resolution (H. Res. 169) referring to the Court of Claims the papers in the case of the estate of John Holleman, accompanied by a report (No. 514); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6978, reported in lieu thereof a resolution (H. Res. 170) referring to the Court of Claims the papers in the case of Robert Tillson & Co., a partnership company of Robert Tillson and Maitland Boon, accompanied by a report (No. 515); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4330, reported in lieu thereof a resolution (H. Res. 171) referring to the Court of Claims the papers in the case of Felix Weeden, accompanied by a report (No. 516); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was refered the bill of the House H. R. 10729, reported in lieu thereof a resolution (H. Res. 172) referring to the Court of Calims the papers in the case of estate of John North, deceased, accompanied by a report (No. 517); which

said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1278, reported in lieu thereof a resolution (H. Res. 173) referring to the Court of Claims the papers in the case of A. J. Smith, accompanied by a report (No. 518); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 11055, reported in lieu thereof a resolution (H. Res. 174) referring to the Court of Claims the papers in the case of Miller Smith, accompanied by a report (No. 519)); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1271, reported in lieu thereof a resolution (H. Res. 175) referring to the Court of Claims the papers in the case of Mary F. Casey Tucker, accompanied by a report (No. 520); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 1270, reported in lieu thereof a resolution (H. Res. 176) referring to the Court of Claims the papers in the case of the heirs of T. L. Scott, deceased, accompanied by a report (No. 521); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 4034, reported in lieu thereof a resolution (H. Res. 177) referring to the Court of Claims the papers in the case of A. G. Hawkins, administrator of estate of George H. Prince, accompanied by a report (No. 522); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 4238, reported in lieu thereof a resolution (H. Res. 178) referring to the Court of Claims the papers in the case of Jane Lemaster, accompanied by a report (No. 523); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 6230, reported in lieu thereof a resolution (H. Res. 179) referring to the Court of Claims the papers in the case of the heirs of Robert B. Love, deceased, accompanied by a report (No. 524); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 7989, reported in lieu thereof a resolution (H. Res. 180) referring to the Court of Claims the papers in the case of J. J. Miller, of De Soto County, Miss., accompanied by a report (No. 525); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 548) to reimburse A. J. Caufman, Girard, Erie County, Pa., in the sum of $300, together with interest thereon from October 16, 1862, for soldier furnished United States, being the amount paid by him to one Charles Morton, as a substitute, reported the same adversely, accompanied by a report (No. 498); which said bill and report were ordered laid on the table.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3343) for the relief of Daniel W. Boutwell, reported the same adversely, accompanied by a report (No. 499); which said bill and report were ordered laid on the table.

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. BABCOCK: A bill (H. R. 12844) to amend the Code of Law for the District of Columbia, relating to incorporations—to the Committee on the District of Columbia.

By Mr. MILLER: A bill (H. R. 12845) to consolidate the city of South McAlester and the town of McAlester, in the Indian Territory—to the Committee on Indian Affairs.

By Mr. ROBERTS: A bill (H. R. 12846) to reorganize and increase the efficiency of the Hospital Corps of the Navy of the United States and to define its duties and regulate its pay—to the Committee on Naval Affairs.

By Mr. NORRIS: A bill (H. R. 12847) for the erection of a public building at Grand Island, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. FLACK: A bill (H. R. 12848) for the establishment of a subport of entry at Massena, N. Y.—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: A bill (H. R. 12849) for the construction of a lock and dam in the Ohio River, below mouth of the Big Sandy River—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12850) providing for construction of an ice pier at Russell, Ky.—to the Committee on Rivers and Harbors.

By Mr. SMITH of Iowa: A bill (H. R. 12851) to provide for the enlargement of the court-house and post-office building at Council Bluffs, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 12852) providing for the erection of a public building at South McAlester, Ind. T.—to the Committee on Public Buildings and Grounds.

By Mr. SHARTEL: A bill (H. R. 12853) for the erection of a public building at Aurora, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. BENNETT of Kentucky: A bill (H. R. 12854) for the construction of two ice piers at Ashland, Ky.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12855) to establish a fish-hatching or fish-culture station in Greenup, Lewis, or Carter County, Ky.—to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKAID: A bill (H. R. 12856) to authorize the sale of isolated tracts of the public domain containing less than 320 acres—to the Committee on the Public Lands.

By Mr. ANDREWS: A bill (H. R. 12857) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds—to the Committee on the Territories.

Also, a bill (H. R. 12858) permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest—to the Committee on the Territories.

By Mr. SPARKMAN: A bill (H. R. 12859) increasing the pensions of those now receiving or entitled to pensions under the acts of Congress approved July 27, 1892, and June 27, 1902—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 12860) to establish a uniform rule of naturalization in the United States—to the Committee on Immigration and Naturalization.

By Mr. POLLARD: A bill (H. R. 12861) to require all corporations engaged in interstate commerce to secure license from the General Government, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BURGESS: A bill (H. R. 12862) to appropriate $50,000 to build a post-office building at Gonzales, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12863) to create a new division of the southern judicial district of Texas and to provide terms of court at Victoria, and for other purposes—to the Committee on the Judiciary.

By Mr. HULL: A bill (H. R. 12864) to provide for the purchase of certain coal lands in the Philippine Islands, and to authorize the lease of the same and the Batan Military Reservation, for the purpose of securing a local coal supply to the United States Government in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. SPARKMAN: A bill (H. R. 12865) in relation to claims arising under the provisions of the captured and abandoned property acts, and for other purposes, and to amend and revive the same—to the Committee on War Claims.

Also, a bill (H. R. 12866) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: A bill (H. R. 12867) to define and punish hazing at the United States Naval Academy, Annapolis, Md.—to the Committee on Naval Affairs.

By Mr. FASSETT: A bill (H. R. 12868) defining natural, pure, artificial, and carbonated wines; for preventing adulteration, misbranding, and imitation of wines; for imposing a tax upon and regulating the sale of artificial wines; for regulating interstate traffic and foreign trade therein, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 12869) to revise and amend the United States Statutes relating to the commitment of United States prisoners to reformatories of States or Territories—to the Committee on the Judiciary.

By Mr. CLARK of Missouri: A bill (H. R. 12870) appropriat-

ing money for continuing certain primary schools in the Indian Territory—to the Committee on Indian Affairs.

By Mr. VAN WINKLE: A bill (H. R. 12871) to bridge the Newark Bay—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: A bill (H. R. 12872) to amend an act entitled "An act to amend and codify the laws relating to municipal corporations in the district of Alaska," approved April 28, 1904—to the Committee on the Territories.

Also, a bill (H. R. 12873) to amend an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district"—to the Committee on the Territories.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 161) referring to the Court of Claims H. R. 2299—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 162) referring to the Court of Claims H. R. 8838—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 163) referring to the Court of Claims H. R. 1272—to the Private Calendar.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 164) referring to the Court of Claims H. R. 2302—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 165) referring to the Court of Claims H. R. 6938—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 166) referring to the Court of Claims H. R. 12436—to the Private Calendar.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 167) referring to the Court of Claims H. R. 2301—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 168) referring to the Court of Claims H. R. 2303—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 169) referring to the Court of Claims H. R. 12408—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 170) referring to the Court of Claims H. R. 6978—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 171) referring to the Court of Claims H. R. 4330—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 172) referring to the Court of Claims H. R. 10929—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 173) referring to the Court of Claims H. R. 1278—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 174) referring to the Court of Caims H. R. 11055—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 175) referring to the Court of Claims H. R. 1271—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 176) referring to the Court of Claims H. R. 1270—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 177) referring to the Court of Claims H. R. 4034—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 178) referring to the Court of Claims H. R. 4238—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 179) referring to the Court of Claims H. R. 6230—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 180) referring to the Court of Claims H. R. 7989—to the Private Calendar.

By Mr. HAMILTON: A resolution (H. Res. 181) providing for the consideration of the bill H. R. 12707—to the Committee on Rules.

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. BARTHOLDT: A bill (H. R. 12874) granting a pension to Ellen Dickens—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 12875) granting a pension to Martin Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12876) granting a pension to Nannie M. Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12877) granting a pension to Andrew Cooksey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12878) granting an increase of pension to Louisa January—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 12879) granting an increase of pension to Catherine Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12880) granting an increase of pension to Lorenzo D. Mason—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 12881) to pay Thomas P. Morgan amount found due to him by Court of Claims—to the Committee on Claims.

By Mr. CLARK of Missouri (by request): A bill (H. R. 12882) restoring John R. Owen to the pension roll—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 12883) granting an increase of pension to Benjamin Owen—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 12884) granting a pension to Lucinda Gain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12885) granting an increase of pension to John D. McFadden—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 12886) to remove the charge of desertion from the military record of (John) Jefferson Wilson—to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 12887) granting a pension to Mary Van Dyck—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 12888) granting an increase of pension to Jacob Sannar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12889) granting an increase of pension to James E. Jones—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 12890) granting a pension to Martha F. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12891) granting a pension to Martha F. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12892) granting an honorable discharge to Seth Davis—to the Committee on Military Affairs.

By Mr. GILLESPIE: A bill (H. R. 12893) for the relief of A. J. Bryson—to the Committee on War Claims.

By Mr. GLASS: A bill (H. R. 12894) for the relief of Edward S. Brown—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 12895) granting a pension to John Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12896) granting an increase of pension to John N. Fagan—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 12897) granting an increase of pension to Robert B. Malone—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 12898) to refund legacy taxes illegally collected from the estate of Jane E. Osgood—to the Committee on Claims.

By Mr. HUBBARD: A bill (H. R. 12899) granting an increase of pension to George W. Johns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12900) granting an increase of pension to James D. Havens—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 12901) granting an increase of pension to Milton T. Dougherty—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 12902) for the relief of Frank W. Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12903) granting an increase of pension to Daniel T. Ferrier—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 12904) to incorporate the American Institute for Drug Proving—to the Committee on the District of Columbia.

By Mr. McCLEARY of Minnesota: A bill (H. R. 12905) granting an increase of pension to Albert Steinhauser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12906) for the relief of Albert Steinhauser—to the Committee on War Claims.

By Mr. McKINLAY of California: A bill (H. R. 12907) authorizing and directing the Secretary of War to grant an honorable discharge to John McDermott—to the Committee on Military Affairs.

Also, a bill (H. R. 12908) granting an increase of pension to Lewis R. Anthony—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12909) authorizing and directing the Secretary of War to grant an honorable discharge to Benjamin Franklin Littlejohn—to the Committee on Military Affairs.

Also, a bill (H. R. 12910) authorizing the appointment of Henry G. Burton, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 12911) granting an increase of pension to A. S. Delaware—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 12912) granting a pension to James E. Howard—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12913) granting a pension to John G. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12914) granting a pension to Sarah Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12915) granting a pension to Betsey A. Crumley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12916) granting a pension to Julia A. Dugan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12917) granting a pension to Con. Frawley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12918) granting a pension to Reuben Vermillion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12919) granting a pension to Alban E. Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12920) granting a pension to Catherine M. Trusty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12921) granting a pension to Samuel Whitsett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12922) granting a pension to George W. Towe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12923) granting an increase of pension to Levi Maule—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12924) granting an increase of pension to John R. McMasters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12925) granting an increase of pension to Benjamin R. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12926) granting an increase of pension to T. M. Laughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12927) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12928) granting an increase of pension to Daniel Reasoner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12929) granting an increase of pension to Washington Siria—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12930) granting an increase of pension to Moses H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12931) granting an increase of pension to H. D. Craft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12932) granting an increase of pension to John H. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12933) granting an increase of pension to Henry C. Cavender—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12934) granting an increase of pension to William Jones—to the Committee on Invalid Pensions.

Also ,a bill (H. R. 12935) removing the charge of desertion from the military record of Samuel D. Richardson—to the Committee on Military Affairs.

Also, a bill (H. R. 12936) removing the disabilities from the military record of Newman Tennison, and granting him an honorable discharge—to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 12937) granting an increase of pension to James Hoover—to the Committee on Invalid Pensions.

By Mr. RIVES (by request): A bill (H. R. 12938) granting an increase of pension to William F. Dallas—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 12939) for the relief of Asher E. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 12940) granting a pension to James McClelland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12941) granting a pension to Attie Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12942) granting a pension to Samuel Paxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12943) granting a pension to Sarah D. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12944) granting a pension to Rosa Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12945) granting an increase of pension to Joshua Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12946) granting an increase of pension to William Mull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12947) granting an increase of pension to Silas Woodmansee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12948) granting an increase of pension to Frederick Bierley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12949) to correct the military record of Andrew M. Dunn—to the Committee on Military Affairs.

Also, a bill (H. R. 12950) to remove the charge of desertion from the record of Joseph F. Ford—to the Committee on Military Affairs.

Also, a bill (H. R. 12951) to refer to the Court of Claims the claim of Bernard Quinn for compensation for the loss of dwelling houses, fencing, stable, and other property in Dalton, Ga., by order of General Sherman—to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 12952) to correct the military record of John H. Moody—to the Committee on Military Affairs.

By Mr. SMITH of Maryland: A bill (H. R. 12953) for the relief of Pay Inspector Worthington Goldsborough, United States Navy—to the Committee on Naval Affairs.

By Mr. SMITH of Iowa: A bill (H. R. 12954) granting an increase of pension to William R. Keep—to the Committee on Pensions.

By Mr. SMYSER: A bill (H. R. 12955) granting a pension to Lyman Critchfield, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12956) granting an increase of pension to Joseph Brindley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12957) granting an increase of pension to Rebecca B. Eason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12958) granting an increase of pension to William P. Schott—to the Committee on Invalid Pensions.

By Mr. TOWNE: A bill (H. R. 12959) granting an increase of pension to James W. Brockway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12960) granting a pension to William F. Hewitt—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 12961) for the relief of Henry Hayden, John Kennedy, Wright H. Calkins, and James E. Barrett—to the Committee on Claims.

By Mr. TYNDALL: A bill (H. R. 12962) granting a pension to Anton Gockel—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 12963) for the relief of William Lanahan & Son, of Baltimore, Md.—to the Committee on Ways and Means.

Also, a bill (H. R. 12964) granting a pension to Thomas Rolle—to the Committee on Pensions.

Also, a bill (H. R. 12965) for the relief of the heirs of Henry Leef, deceased—to the Committee on Claims.

By Mr. WOOD of New Jersey: A bill (H. R. 12966) granting a pension to Lydia Van Marter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12967) granting a pension to Mary Ann Le Bars—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 12968) granting an increase of pension to William H. Jordon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12969) granting an increase of pension to Alexander Buck—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 12970) granting a pension to Drucilla Beekman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12971) granting an increase of pension to Matthew H. Brandon—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10862) granting a pension to Mary E. McCracken—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8169) granting an increase of pension to Eliza C. Jones—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2942) for the relief of the heirs of John Smith, deceased—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 10546) referring to the Court of Claims for adjudication and determination the claims of the widow and family of Marcus P. Norton and the heirs at law of others—Committee on Patents discharged, and referred to the Committee on Claims.

A bill (H. R. 12723) for the relief of the estate of Marcus

Walker, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 12735) for the relief of Green Edmondson—Committee on Invalid Pensions discharged, and referred 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 the SPEAKER: Petition of Master Grange, No. 853, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petition of Buffalo Lodge, No. 187, Brotherhood of Railway Trainmen, of Buffalo, N. Y., favoring bills H. R. 239 and 9328 and S. 1657—to the Committee on Interstate and Foreign Commerce.

Also, petition of T. D. Welch Division, No. 641, Brotherhood of Locomotive Engineers, of Hornellsville, N. Y., favoring bills H. R. 239 and 9328 and S. 1657—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: Petition of the Republican central committee of Bernalillo County, N. Mex., urging passage of the joint statehood bill—to the Committee on the Territories.

By Mr. BATES: Petition of Order of Railway Conductors. Division No. 32, of Meadville, Pa., favoring bills H. R. 239 and 9328—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Protective Association, of Titusville, Pa., opposing a parcels-post law—to the Committee on the Post-Offices and Post-Roads.

By Mr. BRICK: Petition of the Woman's Home Missionary Society of Goshen, Ind., against liquor selling in any Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURLEIGH: Paper to accompany bill for relief of David Davis—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Paper to accompany bill for relief of John R. Owen—to the Committee on Pensions.

By Mr. COUSINS: Petition of George W. Bettesworth, who respectfully avers that he has discovered the site of the Ancient Open Temple, where the Bible was written, from whence its learning was disseminated over the world; asks that its area, about two sections, be purchased and held as a public park in appreciative honor of the event; that as the legend of the North American Indian contains the highest exemplification of the arts and sciences of the Bible, a suitable school be erected thereon, where the learned men of the Indian tribes can meet and restore to us their secrets of those arts and sciences—to the Committee on Education.

By Mr. DALE: Paper to accompany bill for relief of Charles H. Shippey—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Archus M. Tompkins—to the Committee on Pensions.

By Mr. DOVENER: Petition of Union Council, No. 70, of Dallas, W. Va., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DRESSER: Petitions of Washington Camp, No. 372, Patriotic Order Sons of America, and citizens of Woodland, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Gray Chemical Company and the Keeler Chemical Company, against bill H. R. 7079—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of the Brandt Chemical Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Bartonville Grange, No. 589, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Western Fruit Jobbers' Association, to give the Interstate Commerce Commission power over railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of State Horticultural Society of Arkansas, relative to rebates on car lines—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Mary Van Dyck—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of the Union League Club of New York, for reduction of duties on works of art—to the Committee on Ways and Means.

Also, petition of the Society of Medical Jurisprudence of New York, for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of the National Guard Association, for increasing efficiency of State militia—to the Committee on Militia.

Also, petition of the Southwestern Medical Society, relative to medical efficiency of the United States Army—to the Committee on Military Affairs.

By Mr. FLOOD: Paper to accompany bill for relief of Mrs. Bettie Glick—to the Committee on War Claims.

Also, paper to accompany bill for relief of Martin Kline—to the Committee on War Claims.

By Mr. FOWLER: Petitions of Councils Nos. 4 and 5, and Overlook Council, No. 211, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of citizens of Alaska, concerning legislation for the Territory—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Mining Congress, for a National Department of Mines and Mining—to the Committee on Mines and Mining.

By Mr. GARRETT: Petition of citizens of Tennessee, for relief of the duty on hides—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the City Parks' Association of Philadelphia, for preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of J. Walter Hay, against legislation unfavorable to live stock in transit—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Cement Users, relative to structural materials—to the Committee on Public Buildings and Grounds.

Also, petition of the Western Fruit Jobbers' Association, relative to private car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANGER: Petition of the Society of Chemical Industry of Boston, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of West Kingston (R. I.) Grange, No. 10, Patrons of Husbandry, for bill H. R. 345—to the Committee on Agriculture.

Also, petitions of the First Methodist Episcopal Church of Woonsocket, the Methodist Episcopal Church of Middletown, the First Baptist Church of Block Island, the Woman's Christian Temperance Unions of Block Island, Middletown, Carolina, and Providence, all in Rhode Island, for prohibition in Indian Territory and Oklahoma as States—to the Committee on the Territories.

By Mr. KNOWLAND: Petition of Riverside Chamber of Commerce, California, for improvement of Yosemite Valley—to the Committee on the Public Lands.

Also, petition of the board of trustees of the Chamber of Commerce of San Francisco, for liberal legislation relative to the better classes of the Chinese coming to the United States—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of Paper Hangers' Union of Oskaloosa, Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LESTER: Paper to accompany bill for relief of Mary M. Blackwell—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Petition of J. C. Strittmatter, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Paper to accompany bill for relief of John H. Sothoron's heirs—to the Committee on War Claims.

By Mr. MANN: Paper to accompany bill for relief of A. S. Delaware—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of A. D. Bamyer and 100 others, relative to the statehood bill, etc.—to the Committee on the Territories.

By Mr. OVERSTREET: Paper to accompany bill for relief of William J. Drake—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of Maria Lester—to the Committee on War Claims.

Also, paper to accompany bill for relief of Thomas Dunn—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert P. Call—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James B. Chaffin—to the Committee on War Claims.

Also, paper to accompany bill for relief of James T. Reagan—to the Committee on War Claims.

By Mr. PATTERSON: Petition of Washington Camp, No. 112, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PRINCE: Petition of James Moore and others, against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. RIVES: Paper to accompany bill for relief of William F. Dallas—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of Paul G. Mehlen & Sons, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Mining Congress, for Government aid for State school of mines—to the Committee on Mines and Mining.

Also, petition of the American Mining Congress, for a Department of Mines and Mining—to the Committee on Mines and Mining.

Also, petition of the American Mining Congress, for a law regulating working of mines—to the Committee on Mines and Mining.

Also, petition of the Western Fruit Jobbers' Association, for a law repealing private car line companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Piano Manufacturers' Association of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Association for the Protection of Commerce, of New York, for an appropriation to deepen Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of Edward G. Janeway et al., for a pure-food law—to the Committee on Agriculture.

Also, petition of the Society of Medical Jurisprudence, for reform of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Union League Club of New York, for repeal of duty on art works—to the Committee on Ways and Means.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. RYAN: Petition of the Western Fruit Jobbers' Association, for increased power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. SCROGGY: Petition of citizens of Mount Carmel, Ohio, and Xenia Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 10 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of Bernard Quinn—to the Committee on War Claims.

Also, paper to accompany bill for relief of William Mull—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Paper to accompany bill for relief of Mary Christopher, heir of Lowell G. Spaulding—to the Committee on War Claims.

By Mr. SHERMAN: Paper to accompany bill for relief of O. De Witt—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: Petition of citizens of Bridgewater, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Petitions of Bozman Council, of Bozman; Ashbury Council, of Lawsonia; Harmony Council, of Cecilton; Parrieville Council, of Habnab, and South Mountain Council, of Boonsboro, all in Maryland, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SOUTHWICK: Petition of the Woman's Christian Temperance Union of Schenectady, N. Y., against sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. STEENERSON: Petition of J. J. Koare et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Western Fruit Jobbers' Association, for legislation in control of railway traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of Byron Grange, No. 375, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WANGER: Petition of Grange No. 2, Patrons of Husbandry, of Upper Providence, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Council No. 240, Order United American Mechanics, of Pottstown, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 658, of the Brotherhood of Painters, Decorators, and Paper Hangers, of Bryn Mawr, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEBB: Petition of the Wesleyan Methodist Church Conference, at High Point, N. C., relative to the evils of polygamy—to the Committee on the Judiciary.

Also, petition of Virgin Spring Council, Junior Order United American Mechanics, favoring restriction of immigraton—to the Committee on Immigration and Naturalization.

By Mr. WOODYARD: Petition of Center Point Council, No. 139, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *January 24, 1906.*

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

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

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims, amounting to $19,963.19, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

TRAVELING EXPENSES OF MIDSHIPMEN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, for inclusion in the urgent deficiency appropriation bill, an estimate of appropriation to pay the amounts found due by the Auditor for the Navy Department for traveling expenses of midshipmen from their homes to the Naval Academy in June, 1905, etc., $6,478.57; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House has passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the "Billings land district;" and

H. J. Res. 87. Joint resolution to authorize use of transport *Sumner* to convey members of Santiago Battlefield Commission and others to Cuba and return.

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 Vice-President:

S. 321. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah; and

S. 2159. An act authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Eleanor G. Swan and 52 other citizens of Independence, Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a memorial of the congregation of the Calvary Methodist Episcopal Church, of Hinsdale, N. H., remonstrating against the repeal of the present anticanteen law, and also 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 Military Affairs.

He also presented the petition of E. C. Lewis, of Boston, Mass., praying for the adoption of an amendment to the present pension law, increasing pensions for partial deafness; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation to regulate child