

Also, petition of the Tennessee River Improvement Association, for appropriation to improve the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of New York Board of Trade, against H. R. 19745 (Hepburn amendment to the Sherman antitrust act)—to the Committee on the Judiciary.

Also, petition of Harlem Council, No. 346, and Coffeyville Council, No. 991, Knights of Columbus, of New York City, favoring H. R. 7539, making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of American Paper and Pulp Association of New York City, protesting attack on the association by Ridder, Seitz, Norris press combination—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of Local Union No. 191 of International Brotherhood of Stationary Firemen, of Bellows Falls, Vt., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. HAYES: Petition of A. E. Yoell, against extention of the right of naturalization—to the Committee on Immigration and Naturalization.

Also, petition of Joint Conference Board of the Allied Printing Trade, for repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. HITCHCOCK: Petition of citizens of Blair, Nebr., favoring the Acheson bill, prohibiting all interstate commerce in liquor—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of Local Union No. 236, International Typographical Union, of Ogden, Utah, favoring repeal of duty on white paper and wood pulp, etc.—to the Committee on Ways and Means.

By Mr. HUFF: Petition of hundreds of prominent citizens of Pennsylvania, for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Pennsylvania, favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. JENKINS: Petition of I. L. M. and T. A., No. 743, of Superior, Wis., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of sundry citizens of Brooklyn, N. Y., for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Industrial Club of Chicago, with cooperation of other organizations and prominent citizens of the city, against resuming transmission of the mails on the streets by means of wagons—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petitions of citizens of Dekerville and Carsonville, Mich., for a national highways commission and for Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. MCKINLEY of Illinois: Petition of Trades and Labor Assembly of Decatur, Ill., against further extention of the rights of naturalization and for stricter exclusion laws—to the Committee on Immigration and Naturalization.

Also, petition of old soldiers at Waynesville, Ill., and vicinity, against discontinuance of the pension agency at Chicago, Ill.—to the Committee on Appropriations.

By Mr. McKINNEY: Petition of Tri-City Labor Congress, of Rock Island and Moline, Ill., and Davenport, Iowa, for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. MACON: Paper to accompany bill for relief of Isaac Shoemaker—to the Committee on Invalid Pensions.

By Mr. OLCOTT: Petition of New York Board of Trade and Transportation, against H. R. 19745 (the Hepburn amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of William Montgomery—to the Committee on War Claims.

By Mr. RICHARDSON: Paper to accompany bill for relief of heirs of J. P. McGaha—to the Committee on War Claims.

Also, petition of Tennessee River Improvement Association, for improvement of the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: Petition of sundry citizens of the county of Oneida, N. Y., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. SMITH of Arizona: Petition of Bisbee (Ariz.) Board of Trade, for a revision of the mining laws of the United States—to the Committee on Mines and Mining.

By Mr. SMITH of Michigan: Petition of Twentieth Century Club, of Detroit, Mich., for an amendment to the census bill (H. R. 7597), for appointment of the clerical force in accordance with civil-service law—to the Committee on the Census.

By Mr. STEVENS of Minnesota: Petition of the Twin City Implement, Vehicle, and Hardware Club, against advance in freight rates without hearing before the Interstate-Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petitions of George Goetz, of St. Paul, Minn., and Cigarmakers' Union No. 98, favoring pending legislation concerning wage-earners—to the Committee on Labor.

Also, petition of American Institute of Homeopathy, of Boston, Mass., favoring H. R. 6089, relating to status of the Homeopathic Pharmacopœia—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: Papers to accompany bills for relief of estate of Willis Lowe and estate of Samuel W. Lancaster—to the Committee on War Claims.

By Mr. WEEMS: Petition of Thomas W. Hine, of the Island Creek and Pleasant Hill Church, Island Creek Township, Jefferson County, Ohio, for legislation to prevent nullification of State liquor laws and for the Littlefield bill—to the Committee on the Judiciary.

## SENATE.

WEDNESDAY, April 22, 1908.

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

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

The VICE-PRESIDENT. The Journal stands approved.

## FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of John A. Norris *v.* United States; and

In the cause of George H. Bellamy, administrator of the estate of John H. Thees, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

## MESSAGE FROM THE HOUSE.

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

H. R. 17506. An act to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897; and

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, and it was thereupon signed by the Vice-President.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Local Union of Sandy Hill, and Local Union No. 4, of Palmer, of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, in the State of New York; of Local Union No. 30, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Berlin, N. H.; of Local Union No. 37, of East Millinocket; of Local Union No. 12, of Millinocket; of Local Union No. 26, of West Enfield, and of Local Union of Solon, all of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, in the State of Maine, and of Local Union No. 113, International Brotherhood of Stationary Firemen, of Palmer, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. STEPHENSON (for Mr. LA FOLLETTE) presented sundry affidavits to accompany the bill (S. 4521) to correct the military record of Frederick E. Burgess, which were referred to the Committee on Military Affairs.

Mr. PLATT presented petitions of sundry citizens of Binghamton, Brooklyn, Elmira, New York City, Norwich, Oneonta, and Poughkeepsie, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Watertown, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented the memorial of P. M. Lennon, of New York City, N. Y., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of the Minnesota Retail Jewelers' Association, remonstrating against the enactment of legislation to regulate the stamping of watch cases, which was referred to the Committee on Patents.

Mr. SCOTT presented a petition of sundry citizens of Point Pleasant, W. Va., and a petition of sundry citizens of Cameron, W. Va., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Point Pleasant, W. Va., praying for the enactment of such legislation as will be equitable to all branches of organized labor, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of sundry citizens of Chico, Cal., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

Mr. WETMORE presented memorials of Local Division No. 1, Ancient Order of Hibernians, of Westerly; of the Emmet Club, of Providence; of John Dillon Branch, No. 212, Irish National Foresters' Benefit Society, of Providence, and of the Wolf Tone Literary Association, of Providence, all in the State of Rhode Island, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Arlington Woman's Christian Temperance Union, of Providence, R. I., and a petition of the Anna Gordon Woman's Christian Temperance Union, of East Providence, R. I., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a petition of the Scientific Association of Middletown, Conn., praying for the enactment of legislation providing for the preservation of the national forests and other natural resources, which was ordered to lie on the table.

Mr. du PONT presented resolutions adopted at a mass meeting of citizens of Wilmington, Del., and signed by J. E. McClintock, chairman, and A. R. Saylor, secretary, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of sundry teachers and students of the Home Economics Department of the University of Nebraska, of Lincoln, Nebr., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was ordered to lie on the table.

Mr. HOPKINS presented petitions of Local Union No. 182, International Molders' Union, of Belleville; of Local Union No. 90, of Danville; of the Local Union of East St. Louis; of the Local Union of Chicago, all of the American Federation of Labor, and of local branches, Glass Bottle Blowers' Association, of Alton, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GORE presented a memorial of the legislature of the State of Oklahoma, which was referred to the Committee on Indian Affairs and ordered to be printed in the Record, as follows:

*To the Congress of the United States:*

Whereas the segregated coal and asphalt commission, provided for by resolution of the constitutional convention of the State of Oklahoma,

have submitted their report to the governor and the legislature of the State of Oklahoma; and

Whereas the report shows that there are about 444,000 acres of land in the Chickasaw and Choctaw nations in the State of Oklahoma that are segregated from the lands of said nations and are not subject to sale, lease, or settlement; and

Whereas this land is situated almost entirely in Coal, Pittsburg, Latimer, Le Flore, and Haskell counties, and as long as it is held as it is it is nontaxable, making it very difficult for the counties to maintain their county organization; and

Whereas it is desired by the people of the State of Oklahoma to further investigate the extent and the value of the coal and asphalt deposits on said lands with a view of purchasing the same provided the same can be lawfully done; and

Whereas it is the desire of the said Chickasaw and Choctaw nations to have the surface of said lands and the coal and asphalt deposits sold to one purchaser; and

Whereas the best interests of the State of Oklahoma demand that the State own the said segregated lands provided the same can be purchased at a reasonable and fair price: Now, therefore be it

*Resolved by the house of representatives (the senate concurring),* That the Congress of the United States be, and are hereby, requested to enact the necessary legislation permitting the State to enter into negotiations with the said nations and with the proper officers of the Government of the United States looking to the purchase of the said lands by the State of Oklahoma and that full and complete authority be conferred upon the said nations and the proper officers of the United States to complete and carry out the sale of said lands to the State.

J. C. GRAHAM,  
*President pro tempore of the Senate.*  
WILLIAM H. MURRAY,  
*Speaker of the House of Representatives.*

O. H. PITTMAN, *Chief Clerk.*

#### INDIAN ALLOTMENTS.

Mr. CURTIS. I present the memorial of S. M. Brosius, agent of the Indian Rights' Association, remonstrating against the enactment of legislation authorizing the issuance of fee-simple patents for Indian allotments and subjecting them to taxation as a punishment to drunkards and to Indian parents who refuse to permit their children to attend school. I move that it be printed as a document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, reported it with amendments and submitted a report (No. 554) thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate \$375 to pay the Government of Sweden for the proportionate share of the United States on account of a claim of a Swedish subject in Samoa under the convention of November 7, 1899, between the United States, Great Britain, and Germany, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 6460) to establish a shad hatchery on the Kennebec River, in the State of Maine, reported it with an amendment and submitted a report (No. 555) thereon.

Mr. DAVIS, from the Committee on Public Lands, to whom was referred the bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes, reported it without amendment and submitted a report (No. 556) thereon.

#### MONUMENT TO GEN. WILLIAM CAMPBELL.

Mr. DANIEL. From the Committee on the Library, I report back favorably with amendments the bill (S. 5295) for the erection of a monument to the memory of Gen. William Campbell, and I submit a report (No. 557) thereon. I ask for the present consideration of the bill.

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

The amendments were, on page 1, line 12, after the word "time," to strike out "and inscribe thereon their names as" and insert "A suitable inscription shall be made thereon, under the direction of the Secretary of War, to the memory of Gen. William Campbell and;" in line 14, after the word "and," to strike out "practically resulted in" and insert "largely contributed to;" and on page 2, line 1, after the name "Lord Cornwallis," to insert "at Yorktown," so as to make the bill read:

*Be it enacted, etc.,* That there shall be erected in the town of Abingdon, Va., a statue to the memory of Gen. William Campbell and comrades; and for the purpose of procuring and erecting said statue, with a suitable pedestal, and for the preparation of a site, the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of War or such officer as he may designate and in such sums as the work may re-

quire from time to time. A suitable inscription shall be made thereon, under the direction of the Secretary of War, to the memory of Gen. William Campbell and the heroes of the battle of Kings Mountain, which destroyed one wing of the British army and largely contributed to the defeat and surrender of Lord Cornwallis at Yorktown; and the Secretary of War, or authorized agent, is empowered to select a site for the statue authorized by this act on ground belonging to the Government.

The amendments were agreed to.

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

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

#### BILLS INTRODUCED.

Mr. NIXON introduced a bill (S. 6783) to establish a fish-cultural station in the State of Nevada, which was read twice by its title and referred to the Committee on Fisheries.

Mr. MCCREARY (by request) introduced a bill (S. 6784) granting a pension to Margaret H. Flint, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 6785) granting an increase of pension to James A. Grant, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. KITTREDGE) introduced a bill (S. 6786) to correct the military record of David Crotty, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HOPKINS introduced a bill (S. 6787) making the 12th day of October of each year a national holiday and designated Discovery Day, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. BOURNE introduced a bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. DICK introduced a bill (S. 6789) granting an increase of pension to Robert Zeek, which was read twice by its title and referred to the Committee on Pensions.

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

A bill (S. 6790) granting an increase of pension to Louisa Thavis, with accompanying papers; and

A bill (S. 6791) granting a pension to J. L. Cooper.

Mr. FOSTER introduced a bill (S. 6792) granting a pension to Susann D. Cross, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE (by request) introduced a bill (S. 6793) for the relief of Mary E. Pillow, which was read twice by its title and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 6794) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BEVERIDGE introduced a joint resolution (S. R. 79) authorizing the widening of the channel of Michigan City Harbor, which was read twice by its title and referred to the Committee on Commerce.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment providing that hereafter the collector of customs for the district of Georgetown, in the District of Columbia, in lieu of fees he is now receiving, shall be paid the same salary that collectors of customs at other points are paid under the act of June 22, 1874, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURKETT submitted an amendment providing that the Brightwood Railway Company shall, after November 1, 1908, run its cars in connection with the Washington Railway and Electric Company through Ninth street to the Center Market from the point on Brightwood avenue opposite the Walter Reed Army General Hospital at intervals of not less than six minutes, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

#### AMENDMENTS TO THE OMNIBUS CLAIMS BILL.

Mr. DICK submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to be printed and, with the accompanying papers, ordered to lie on the table.

#### AMENDMENT TO OMNIBUS PUBLIC-BUILDINGS BILL.

Mr. NELSON submitted an amendment proposing to increase the appropriation for the United States post-office, court-house, custom-house, and site at Duluth, Minn., from \$125,000 to \$220,000, intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### SEAL ISLANDS IN ALASKA.

On motion of Mr. HEYBURN, it was

Ordered, That the Secretary of Commerce and Labor be allowed to take from the files of the Senate the original copy of Senate Document No. 376, Sixtieth Congress, first session, the same being the file copy of the Department.

#### PROVIDENCE WASHINGTON INSURANCE COMPANY.

Mr. WETMORE. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to require the Commissioner of Internal Revenue to examine and report to the Senate the amount twice paid by the Providence Washington Insurance Company, of Providence, R. I., as taxes on the same identical income or profits under the acts of Congress approved July 1, 1862; June 30, 1864, and July 14, 1870, and amendments thereto.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CULBERSON. I have no objection to the present consideration of the resolution, but I notice that it assumes the facts in the case, except as to the amount. Of course if the Senator from Rhode Island can assure us that the fact of the double payment is not disputed, I will not suggest an amendment. I call his attention to the form of the resolution, in which it assumes that double payment has been made upon the identical property rather than asks for the facts of the case as to whether there has been a double payment of taxes on the same property.

Mr. WETMORE. The resolution is drawn in the exact language of previous resolutions for the same purpose. I have one here, for instance, adopted in 1903, that the Senator from Massachusetts [Mr. Lodge] submitted.

Mr. CULBERSON. Relating to this same company?

Mr. WETMORE. No; to another company. The resolution simply follows the language of previous resolutions for the same general purpose.

Mr. CULBERSON. I will ask the Senator if there is any question about a double payment having been made?

Mr. WETMORE. I understand there is none, but the Commissioner of Internal Revenue will report as to that. In case there has not been, he will report that it is not so. The amount involved is a very small one, I think four or five hundred dollars altogether. I am perfectly willing to have the resolution lie over so that the Senator can look into the matter, if he would prefer that course.

Mr. CULBERSON. I do not care to have the resolution go over; but the Senator does not seem to be able to state positively that a double payment was made. He says he understands so.

Mr. WETMORE. I have here a sworn statement that such is the case, if the Senator would like to examine it.

Mr. CULBERSON. In view of the statement of the Senator from Rhode Island, as I presume we can get the real facts, although I do not yet believe that the resolution is in proper form, I do not object to its present consideration.

The resolution was considered by unanimous consent and agreed to.

#### HOUSE BILLS REFERRED.

H. R. 17506. An act to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, was read twice by its title and referred to the Committee on Finance.

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota, was read twice by its title and referred to the Committee on Indian Affairs.

#### COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. Mr. President—

The VICE-PRESIDENT. The Chair lays Senate bill 6206 before the Senate.

The SECRETARY. A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of the United States Infantry.

Mr. WARNER. Mr. President, yesterday on the close of my remarks, I had stated that certain of the Americans of Browns-

ville objected to the coming of the colored troops and that the Mexicans of that city did not object, in fact affiliated with the colored people as with their own race. The testimony of many witnesses was introduced in which an expression of the feeling of opposition to the coming of the colored troops was given. That I remarked in the introduction only for one purpose, and that is to show a motive upon the part of the citizens for attacking the soldiers, but it could not be for the purpose of showing a motive for one class of the citizens to attack another class of the citizens.

Some of the Americans who were opposed to the coming of the negro troops expressed their disapproval in vigorous and unjustifiable language. Captain Kilburn, of the Twenty-sixth Infantry, the battalion which was relieved by the three companies of the Twenty-fifth Infantry, testified that some time in May, 1906, after it was known that the negro troops had been ordered to Fort Brown, he heard a Mr. Tillman, in his place of business in Brownsville—and remember, Mr. Tillman's place was the place in which the barkeeper, Frank Natus, was killed—in the presence of several persons, say:

We will run the negro troops out of town in three weeks, and have the white troops back.

I am inclined to the opinion that this officer drew largely upon his imagination in this statement, for on the 11th day of September, 1906, some seven months before giving this testimony before the committee, he made an affidavit for the Constitutional League, in which the conversation with Mr. Tillman is given in these words:

On one occasion in particular, Mr. Tillman, a citizen of Brownsville, in a conversation with me expressed his doubt about the advisability of sending colored troops to Brownsville.

Captain Kilburn's exaggeration of the language of Mr. Tillman may be accounted for by his low estimate of the people of Brownsville, he having testified that there were not in that city more than 12 or 14 families "who had some of the natural innate refinement of ladies and gentlemen." This I submit is rather a severe indictment against a town of from six to eight thousand inhabitants; but, from facts before the committee, Captain Kilburn's social standing while stationed at Brownsville was not such as to qualify him as a judge to pass upon "the natural innate refinement of ladies and gentlemen." Lieutenant Thompson, of the same regiment with Captain Kilburn, testified that after it was learned that the battalion of the Twenty-fifth Infantry was to garrison Brownsville he heard citizens make many derogatory remarks with reference to the colored soldiers, such as:

We don't want the damn niggers here; niggers will always make trouble; to hell with the colored soldiers; we want white men.

Sergeant Huron, of Company M, Twenty-sixth Infantry, testified that after the order was promulgated that the colored troops were to come to Brownsville he heard a Mr. Weller say that—

He did not want these colored soldiers to come there; that no one in Brownsville wanted them to come there, and that he did not think they would stay there very long when they did come. People will not stand for them being here; they will not have them, or something like that. That was the meaning of his words; I am not positive of the exact words.

Huron added:

That the people did not say how they would get rid of the negro troops.

This witness further testified that—

Victorianna Fernandez, a policeman of Brownsville, said to him in the presence of other parties: "I see, sergeant, they are going to send those negro soldiers down here," and I told him they were. He tapped his pistol that he carried on his side, saying, "I want to kill a couple of them when they get here," and that this remark the policeman repeated to him.

When asked if he paid much attention to the remark of Fernandez, he replied:

No, sir; I thought it was more of brag at the time;

that he regarded it as "idle talk." Those of the committee who saw Fernandez I think came to the conclusion that he was as harmless and inoffensive an individual as ever swung a policeman's "billy."

Corpl. John E. Kimmel, a company cook, of the Twenty-sixth Infantry, testified that he heard a saloon keeper by the name of Weller, in speaking of the coming of the colored troops, say:

Well, I don't think they will be here very long.

He did not indicate how they would get rid of them; and that about the same time a Mr. Moore, who ran the Miller Hotel in Brownsville, at the company kitchen, in the presence and hearing of Private Fisher in talking about the change of troops at Fort Brown, said he did not like a nigger anyway, and that they would not be very long getting rid of them.

In answer to the question—

But your idea was they were going to try to get them removed through their influence in Washington?

he replied:

My idea was that they very likely intended to put in a petition to have this done; that was my idea.

The Private Fisher referred to by Corporal Kimmel corroborates the statement as to the remarks attributed to Mr. Moore. Private Fisher had served a term in the penitentiary under sentence of a general court-martial on the charge of desertion.

A Mr. Otis C. West, private in the Twenty-sixth Infantry, testified that shortly after the arrival of the colored troops at Fort Brown a Mexican boy, between 10 and 12 years of age, asked him for a ride. When driving out of the fort this youthful desperado got in the wagon; he noticed that he had in his hat cartridges, and between him and the boy the following occurred:

Q. Did you have any conversation with him?—A. Nothing more than I said, "Kid, what are you going to do with those?" and he kind of looked up at me and grinned and said, "I am going to take them down town to sell them to kill niggers with." I thought nothing of it then.

\* \* \* \* \*

Q. How old would you judge he was?—A. I should judge he was 10 or 12 years old, perhaps.

\* \* \* \* \*

Q. You heard no hostile remarks made at all?—A. No more than what I have mentioned, sir.

Q. This little boy of 10 or 12?—A. He made nothing more than just made that expression and kind of grinned at me. Whether he meant it or not I don't know.

Q. He did not look very vicious when he made the remark?—A. No.

Q. He just laughed and said he was going to sell them to kill niggers?—A. That is all. I thought nothing of it.

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Q. Did it strike you as very singular that this little boy should have so many cartridges?—A. Not at all. That is a common thing, to see them have them.

This trifling instance serves to illustrate the industry employed in running down every expression of citizens of Brownsville that could in any way be tortured into a threat against the colored troops.

There will be found in the evidence other expressions voicing the opposition of a portion of the people of Brownsville to the coming of the colored troops, but in most of the cases the impression left upon the witnesses who heard the remarks was that the negro troops were to be gotten away from Brownsville through the influence of Senators and Representatives; this, and nothing more.

It is undoubtedly true that the soldiers were subjected to indignities—indignities that naturally created a spirit of resentment, if not of retaliation. In one instance, Adair, a negro soldier, returning from Matamoras, had in his possession a penholder which he had bought there. An overzealous custom-house inspector took the penholder from the negro with the remark that he did not intend to let "a damn nigger smuggle." Again, a soldier by the name of Reed, on his return from Matamoras, being (as the evidence would indicate) intoxicated, was pushed by one Baker, an inspector of customs, from the gang plank of the ferryboat into the water and mud.

Lieutenant Thompson, in his affidavit to which I have referred, says he was informed by Teofilo Crixell, a saloon keeper in Brownsville, that when one Bates, a custom-house official, was at the bar drinking in the White Elephant saloon, a colored soldier entered and asked for a drink, whereupon Bates turned upon him saying, "No nigger could drink at the same bar with him," and upon the soldier remarking that he was as good as any white man, Bates drew his revolver and hit the soldier over the head.

Another soldier by the name of Newton was struck over the head with a revolver by a Mr. Tate, also an inspector of customs, because, as Tate claims, Newton jostled rudely against his wife, who was standing on the sidewalk with some other ladies. In my judgment Tate's assault upon this soldier was drastic and unjustifiable.

Upon the arrival of the colored troops in Brownsville an order went out among all the saloons which were American that no negroes should be permitted to drink at the same bar with white customers. In some of the saloons they were not permitted to enter at all, while in others they were given a separate bar in the rear of the saloon, which could be reached by a back door from the alley. This treatment was resented by the soldiers, and even those of them who did not frequent saloons necessarily resented the race prejudice which insisted on such exclusion and restrictions.

Jacob Frazier, first sergeant of Company D, and a man of intelligence, after testifying that he believed that citizens of Brownsville shot up the town, said:

Q. What made you think that the citizens of Brownsville had such an antipathy for the soldiers of Companies B, C, and D as to shoot up the town?—A. I will tell you.

Q. That is what I want to know?—A. Before they were ordered there, there were white soldiers there; they got all their money—that is, them that is supposed to want to go to these saloons to spend their money; they got the biggest part of their money. Well, when we got

down there the men found out after we got down there that they were not allowed to go to their bars and drink; that is, in front; well, they would not go at all if they could not go in front. Now they were not going to get their money. There was one man there that was discharged out of Company B; he started up a saloon on the outside of the post; we were paid off on Saturday and they all go to this colored saloon.

Q. That would be Saturday, the 11th?—A. Yes; they all go there; you could not find a man in the rest of the saloons. They were not getting any of their money. It took four or five men to wait on the customers in this colored saloon, and they just looked at it this way: Well, now, we had white soldiers here and we got their money; these colored soldiers, we are not going to get it and the best thing we can do is to get them away. We will get white soldiers here. We will get white soldiers here and then our town will go on just as it has been. That is my belief (p. 79).

Q. Do you know of any other reason that occurs to you why the citizens of Brownsville would shoot up their own town except in order to get rid of the colored troops so as to make more trade at the bar rooms of the town?—A. No, I don't know any other reason. I have stated my reasons thoroughly, just what my belief is; and that is what I believe (pp. 79-80).

Q. Certainly I am just getting your belief, Mr. Frazier. Now, Companies B, C, and D were paid off on Saturday?—A. Yes, sir.

Q. The 9th I believe that was?

Senator FORAKER: The 11th.

Q. The 11th, I mean; and you say this colored man who had been discharged, who had opened a saloon, was doing such a rushing business that it took four or five barkeepers to wait on his customers?—A. Yes, sir.

Q. To wait upon the members of Companies B, C, and D, who went in there?—A. Yes, sir.

Q. And that continued on Saturday, Sunday, and Monday, did it?—A. On Saturday and Sunday, and on Monday of course there were not quite so many there, but still— (p. 79).

The saloon referred to by Sergeant Frazier was opened by one Allison, a discharged soldier of the colored battalion. This saloon was located on Garrison road some four or five blocks east of the main entrance of the fort, and its pernicious influence, in my judgment, was largely responsible for the shooting up of the town of Brownsville.

The indignities to which the colored soldiers were subjected in Brownsville were, as might naturally be expected, a matter of common barracks talk. To contend that the negro soldiers did not feel resentful at the treatment to which they had been subjected would be to contend that they were less than human, and I have no disposition to minimize the feelings of opposition to the coming of the colored troops by the citizens of Brownsville, nor to attempt to justify their treatment of them. These indignities, however, it must be remembered, save that of excluding the soldiers from the saloons, were all offered by custom-house officers, not one of them being the act of a private citizen of Brownsville or of a member of the police force of that city.

The most serious of the occurrences previous to the night of August 13 was the assault upon a Mrs. Evans, a resident of Brownsville, who, upon returning from the station to her home, said she was pulled from her horse to the ground by a colored man in the khaki uniform of a soldier, and that upon her giving an outcry the man ran away. Some time during the day of the 13th of August the husband of Mrs. Evans, with the mayor, Doctor Combe, visited Major Penrose and made to him complaint of this attack. This assault was on August 12, and was published in the Brownsville newspapers of the next day, thus coming generally to the attention of the population of the city. It was also known among the troops. The conversation between Major Penrose, the mayor, and Mr. Evans was overheard by a man by the name of Voshelle, a teamster, and the interview was witnessed by Elmer Brown, an enlisted man.

By reason of the Evans assault Major Penrose issued an order that no enlisted men should be out of the reservation after 8 o'clock; prior to that time they were permitted to be out until check roll call, which was 11 o'clock.

It was known to the soldiers that the Evans incident was the cause of the issuance of the order requiring all men to be in the fort by 8 o'clock.

Corporal Wheeler asked Captain Macklin, the officer of the day, the cause for the issuance of the order and received the reply:

People are trying, it seems like, to give us some trouble; a lady has reported that she was insulted, that she was troubled by some of the soldiers, but we do not believe anything of the kind. (Mess. p. 244.)

This language on the part of the officer was calculated to inflame rather than allay the feeling of resentment on the part of the rank and file. Sergt. Maj. Spottswood W. Taliaferro, testified that while he was sitting at the supper table Sergeant Wheeler came in and said:

All passes have been cut off and the men are all ordered to be in barracks by 8 o'clock, and none allowed to leave after that hour. He said: "It is reported that some soldier frightened a white lady on a horse down town" and the people are very angry, and there is likely to be trouble," and I said "I haven't heard anything of this; where did you get your authority for that?" And he said "Captain Macklin was here a short while ago and told me these things."

The witness also testified that—

The mail orderly who came into the fort about 8 o'clock, upon being asked if everything was quiet in town said: "There was a crowd around the post office that tried to engage me in a conversation concerning the newspaper reports of the assault on Mrs. Evans" and he said that he told them he didn't know anything about it, and tried to get rid of them as best he could, and they seemed to want trouble, and finally just as he was leaving one of them said to him, "It's a good thing that your commanding officer has ordered you all in tonight," and he said, "some of you were going to get killed," to which the mail orderly replied: "He didn't guess they would do anything and he guessed the killing would not be all on one side." (P. 1497.)

This threatening language, if the evidence is to be believed, was not reported to any commissioned officer of the battalion.

In view of these instances there is not the slightest doubt, however much individual witnesses may deny it, that the whole command was on edge and was incensed at the people of Brownsville for the indignities which they had put upon the troops and felt a resentment growing out of an outraged sense of justice.

Major Penrose, the day after the occurrence, said:

That the enlisted men have been subjected to indignities since their arrival here, there can be no doubt, and this has caused a good deal of feeling among them. (Mess. p. 32.)

And in speaking of the assault on Newton and the Evans case, he says:

These two instances have served to cause bad blood between the citizens and the soldiers. (Mess. p. 33.)

After a thorough examination of the evidence I am convinced that the attitude of the Brownsville people toward the colored troops was unjust and that the feeling of deep resentment against the citizens which the soldiers had was but natural, yet such resentment, however just, could furnish no excuse for the attack which was made by soldiers, but the record of troops at other army posts in the south and west, whether the troops were white or colored, shows such an outbreak and shooting up of a town to be a method of revenge that naturally suggests itself to men who have arms at hand and have been trained in their use.

It is a fact that no sooner had the order been issued that the colored soldiers of the Twenty-fifth Infantry were to be sent to Brownsville, than it was known that the citizens of that city objected to their coming; but the War Department decided, and properly, I think, that questions of local sentiment ought not to influence the disposition of the troops, and accordingly Companies B, C, and D, were ordered from Fort Niobara, where they had been stationed for many months, to Fort Brown. While on their way to Texas an order was issued that they should take part in maneuvers with the National Guard of Texas, at Camp Mabry, near Austin. The order elicited a protest from the commanding officer, Colonel Hoyt, and the other officers of the regiment, on the ground that there was great danger of a collision between the Texas National Guard and the Twenty-fifth Infantry, the State troops in previous maneuvers having charged that some of the colored soldiers had used ball cartridges during the maneuvers and on that account refused to drill with colored troops.

This protest of Colonel Hoyt led to a change of the order by the War Department and the troops were ordered directly from Fort Niobrara to Fort Brown. That this change of order was known to the members of the colored battalion there can be no doubt, and it led them to believe that their reception at Fort Brown would not be of a friendly character. This was shown by remarks made by soldiers to the conductor of the train that conveyed the battalion from a place called Sinton to Brownsville, a distance of about 162 miles. The conductor of the train, a Mr. Lunkenheimer, a Pennsylvanian, testified that soldiers engaged him in conversation, making certain references to women which were of a character not even to be printed in the RECORD, much less to be mentioned on the floor of the Senate. In the course of this conversation the soldiers said:

"Any colored there?" I said, "No, I didn't think there was a half dozen families in the town." He said, "Christ, ain't there any saloons there?" I says, "Oh, yes; saloons galore." He says, "Any colored saloons?" I says, "No; if there is I don't know it, but I have got some boys working for me that drink there." \* \* \* He says, "Well, we don't care whether there is any of them or not; we will drink in any of these damn bars; we will do like we did in so and so [mentioning the place they were from]." (P. 3171.)

More of this same character of conversation was testified to by this witness.

It is true that Samuel Wheeler and Winter Washington, soldiers of the battalion, testified that they occupied the car named by the conductor and talked with him, but they heard no such conversation. This was the only attempt made to contradict the evidence of Mr. Lunkenheimer.

Israel Harris, first sergeant of Company D, and a man of intelligence, in his testimony gave evidence of the feeling of the men of the command regarding their assignment to Fort Brown,

after testifying to difficulties that had occurred between the colored troops and citizens while in Texas in previous years. His testimony reads:

Q. So when your companies went down in Texas you knew of this feeling when you were ordered down to Fort Brown?—A. Yes, sir.

Q. Did you hear any discussion, Mr. Harris, that you did not expect to stay there long?—A. No, sir; I didn't hear any discussion; the only discussion that I heard in regard to the matter at all was the different men, and I myself said, as soon as my time was out I would leave there; I would reenlist for some other place; I did not like to go down in there.

Q. You would leave there? Why?—A. I didn't care to reenlist to serve down in that section of the country.

Q. Why?—A. Because the people down there seemingly had no use for the soldiers.

Q. Unfriendly?—A. Yes, sir; they were very unfriendly toward the soldiers, and that is why I didn't want to stay there.

Q. And therefore there would be a feeling between the soldiers and citizens?—A. Yes, sir.

Q. You realized that when you went there?—A. Yes, sir. (P. 42, vol. 1.)

That the negro soldiers strongly resented the treatment they received, there is abundant evidence. Wm. Forster, a discharged soldier who had served in the Army nine years, leaving it with an honorable record and with the rank of sergeant, testified to hearing a Mr. Voshelle, a white man, the corral boss, give expression to very violent language regarding the citizens of Brownsville. This conversation came up in relation to the striking of Private Newton by Custom-House Officer Tate, of which I have spoken. I submit a portion of his testimony:

Q. Were you in Brownsville on the 13th of August, at the time of what we term "the shooting up of Brownsville"?—A. I was at Fort Brown, sir.

Q. What were you doing there then?—A. I was living at Fort Brown as a teamster.

Q. You were a teamster in the quartermaster's corral?—A. Yes, sir.

Q. In the employ of the Government?—A. Yes, sir.

\* \* \* \* \*

Q. Who was the corral boss?—A. A man by the name of Voshelle.

Q. What was his given name?—A. I don't know, sir.

Q. Voshelle, the corral boss?—A. Yes, sir.

Q. You heard the Tate incident spoken of, did you not?—A. Yes, sir; I heard of it.

Q. Did you have any talk with Mr. Voshelle, or did he make any remarks about it?—A. I heard him say the morning after that incident that he hoped the niggers would go down there and shoot the town up; he cursed and swore, and so forth.

Q. Did you hear any other talk of Mr. Voshelle?—A. Yes, sir; I heard him in Tillman's saloon make a remark.

Q. What was that and when?—A. I believe it was the next day; I think it was about the 7th.

Q. The next day after what?—A. I think it was about the 7th of the month.

Q. Of August?—A. Yes, sir.

Q. What did you hear him say then?—A. Mr. Adams asked him how the niggers were behaving; he said they were behaving all right now, but just wait until pay day and they will come out here and shoot this damn town up. (P. 2656.)

Another discharged soldier, William Henry Adams, who had served through the Spanish-American war in the Second United States Infantry, corroborates the testimony of Sergeant Forster as to the conversation in Tillman's saloon. This witness was in the employ of an ice company and among other customers that he served was Allison, the discharged colored soldier who kept the saloon on Garrison road. While in Allison's place of business a day or two after the affray he said, in a conversation regarding the shooting:

Why, what was the matter with these fellows?

To which Allison replied:

Oh, the Lord knows; I guess they were having a little spree shooting up the town. (P. 2672.)

A Mr. Walter Billingsley, engaged in the dairy business at Brownsville, testified that when in Mr. Crixell's saloon in that city on the morning of the 13th of August, when Captains Lyon and Macklin were there, the following conversation occurred between himself and the proprietor.

I have stated that as being on the morning of the 13th. Possibly that is an error. It may have been on the afternoon of the 13th. Therefore I make the suggestion now. But here is the conversation that he had with Mr. Crixell. He asked him:

Q. Have you heard anything more about the Evans affair?

And he (Crixell) says:

"Nothing in particular," and I says, "What do these officers say about it," and he says, "Nothing particular," and I say, "Have they done anything or do they act like they are going to do anything in regard to the matter," and he says, "I don't think they will do anything," and I says, "Well, there ought to be something done somehow," I says, "At the rate these fellows are carrying on here I don't think the soldiers or officers either ought to be allowed in town if they don't do something to help or assist us or to stop these men from conducting themselves the way they are acting in the city." Then I turned around and walked out. That is all I said to him. (Pp. 2475-2476.)

In giving his narration of that conversation, Crixell testified that Captain Macklin, after Mr. Billingsley had left the saloon, said:

Yes, these niggers will surprise this fellow yet. (P. 2485.)

Mr. Crixell's saloon was one in which neither the white nor the black soldiers were welcome. It was the one saloon in the town of Brownsville that the commissioned officers patronized. Mr. Crixell testified as to a further conversation with Captain Macklin, as follows:

Q. Now, returning to the Tate incident, you know Captain Macklin?—A. Yes, sir.

Q. Did he patronize your place?—A. Yes, sir; from the first day he got into the town.

Q. Did you see him in your house after the Tate incident when that matter was being spoken of?—A. Yes, sir.

Q. What did he say there, if anything, as to the result, the probable result, of such conduct by the citizens, as that of Mr. Tate, in striking the colored soldier and knocking him down with a pistol?—A.

On the 13th, between 2 and 4 o'clock in the afternoon, Captain Macklin and Captain Lyon and Lieutenant Lawrason came into the saloon and they asked me to serve them three gin fizzes, and while I was mixing up the drinks, he asked me, he says, "Joe, have you ever heard anything about a nigger being hit over the head with a six-shooter around here lately?" I said, "Yes, I heard a little about it." He said, "Have you heard the particulars about it?" I said the only thing I heard was that Mr. Tate, this customs officer, hit a nigger over the head with a six-shooter because the nigger would not give the sidewalk to some ladies.

Senator FORAKER. Speak a little louder.

A. (Continuing.) I told them that I had heard about the nigger being hit over the head with a six-shooter, and he asked me if I had heard any of the particulars, and I told him that I had heard that Mr. Tate had hit the nigger over the head with a six-shooter because the nigger had pushed his wife, or some other lady that was with him, off the sidewalk or something like it. Captain Macklin told me then, he says, "Yes, that is what they claim; but," he says, "Major Penrose and myself have investigated this thing thoroughly, and we have found out that these negro soldiers have been imposed on by the citizens and Federal officers of this town," he says, "and this thing has got to be stopped." He says, "Now, Joe, suppose these niggers would jump that barracks fence and shoot this damn town up any of these nights." He says, "We could not prevent it." (Pp. 2484-5.)

It is true that the officers mentioned as being present at that time denied that such a conversation took place, yet there is no intimation to be found in the evidence that Mr. Crixell is not a truthful and reliable man, and it is difficult to imagine why he should attempt to manufacture a story of this kind out of whole cloth, but I submit the conversation as given in the evidence, leaving it to the Senate to determine the question of veracity between the parties.

William C. Nolan, a private, first class, in the Hospital Corps, testified that when Newton, the soldier who was assaulted by Mr. Tate, reported to the hospital for treatment, in answer to the question as to how he got hurt, said he went by the post-office and some one ran out and hit him with a six-shooter. I asked him if that was all he did, just to go by the post-office, and he said that it was, and I asked him who it was that hit him, and he said:

Oh, that's all right, we'll get them — of — some day. (P. 2654.)

It is fair to assume that Newton's comrades shared with him a spirit of resentment at the unjustifiable assault upon one of their comrades. Especially is this true when Newton's account of the assault made it more wanton and aggravating than the facts would warrant.

A lad, Bernard Kowalski, some 16 years of age, was attending a young people's party at the Cowan house on the night of the shooting. Young Kowalski testified that he was sitting in the window of the Cowan house when some negroes passed by within a few feet of him, and one of them said:

They are having a fine time in there, but in about a half an hour they will not have such a nice time.

Within an hour after this the house was riddled with bullets. Mr. Kowalski had gotten to his home, some seven blocks away from the Cowan house, when the shooting commenced. In answer to the question:

When you heard that shooting did you make any remark to your mother or any one as to who it was doing the shooting? he answered:

Yes, sir; when I heard the shots this came to my mind right away what I had heard, and my mother was awake, and in the door I said, "Mamma, those are the negroes doing the shooting."

And in answer to the question:

Were those colored men that you heard make this remark dressed in soldier's uniform?

he answered:

Yes, sir.

Of the scores of witnesses examined by the committee none impressed its members with his absolute truthfulness more than this young man, Kowalski.

Mr. Cowen, whose house was the scene of the children's party, testified that about a week previous to the shooting he had been notified by an old colored man, a former servant in his father's household, that after pay day the negroes would shoot up the town, and that by reason of this information he purchased a Winchester, model of 1876, .45 caliber, and also purchased cartridges, but at the time his house was riddled

with bullets his rifle was at home and he was down in the town. The testimony on this point was in part as follows:

Q. You have no idea why they should have singled out your house and shot into it, have you?—A. I do not know of anything.

Q. That fact was something of a surprise to you, was it not?—A. It was not a surprise to me.

Q. Why was it not a surprise to you?—A. Well, I had been notified that the negroes would shoot up the town of Brownsville.

Q. You had been notified by whom, and when?—A. By a negro man by the name of William Henry.

Q. William Henry?—A. Yes, sir.

Q. He is the man who testified before the grand jury?—A. I believe he did; yes, sir.

Q. Well, what did he tell you and where did he tell you?—A. He met me on the street and he said: "Mr. Louis, I want to tell you something." I said: "What is it, Billie," and he said: "You had better be prepared; I don't know that you can do anything, but they say—the negroes say—they will shoot up the town after pay day."

Q. After pay day?—A. Yes.

Q. About when was it he told you this?—A. About a week prior to the shooting.

Q. Well, can you give us the day of the month?—A. Seven days before the 13th; I will not say it was just seven days; I said about a week.

Mr. President, at the risk of being considered tedious, I have given substantially all the expressions of ill feeling between the colored battalion on the one side, and the citizens and police of Brownsville on the other. That there was an effort by the witnesses to minimize the feeling of ill will of each toward the other, no one who reads the evidence will doubt.

This brings us, Mr. President, to a consideration of the oral evidence before the committee bearing upon the issue as to whether or not the shooting up of the town of Brownsville on the night of August 13-14 was the act of any of the members of Companies B, C, and D. In the taking of the evidence the committee assumed, though not exactly correctly, that the military reservation lies south of the city of Brownsville, and is separated from it by what is known as Garrison road, about 30 feet in width. Between this road and the reservation, immediately in the rear, is a brick wall ranging from 3 to 5 feet in height. Three two-story barracks buildings, each 150 feet in length, with 30 feet of interval between them, lie parallel with the wall and 85 feet therefrom. Of these barracks the western was occupied by D Company, the next by B Company, and the third by C Company. Elizabeth street, the principal commercial street of the city, ran at right angles with the garrison wall, and was continued into the reservation through a large gate between D and B Company barracks. The street next east of Elizabeth ran at right angles with the wall and was called Washington street. Midway between these streets was what was known as Cowen alley, 20 feet in width and parallel with Washington and Elizabeth streets, and about 120 feet from each. Fourteenth, Thirteenth, and Twelfth streets, in the order named, were the next cross streets to Garrison road. The distance from Garrison road on the Cowen alley to Fourteenth street was about 200 feet, the blocks between Fourteenth and Thirteenth and Twelfth streets being about 300 feet in length, these cross streets having a width of 40 feet.

Within the territory I have named the shooting occurred. The rendezvous of the raiders was near the garrison wall in rear of B Company barracks, and between Cowen alley and Elizabeth street.

The uncontradicted evidence is that a number of shots were discharged near this point, and further that not a single bullet was fired at or into the barracks or in such a way as to endanger the life or limb of a soldier, while, on the other hand, three houses on the Brownsville side of Garrison road, namely, the telegraph office at the corner of Garrison road and Elizabeth street, the Martinez residence, and the Yturria house were fired into, the bullet holes being silent witnesses to the fact that all of the shots were fired from the direction of the fort toward the town and not one from the town toward the fort. The men who did the shooting proceeded from Garrison road north by the Cowen alley to Fourteenth street, on their way firing at least ten shots into the Cowen home, a small house standing back 5 feet from the alley and fronting on Fourteenth street; three shots were fired into the Garza house, which stood on the same side of Fourteenth street as the Cowen house, and on the opposite side of the alley and some distance back; two shots were fired into the Leahy Hotel, which extended back from Elizabeth street on the north side of Fourteenth street.

The chief object of the raiders in their march from Garrison road to Fourteenth street was the Cowen house, occupied by a man named Louis Cowen, of mixed Mexican and American blood. At the time of the shooting his wife and five children were in the house. This man Cowen had been intemperate and bitter in his talk against the negro soldiers. He was especially emphatic in his denunciation of the assault charged to have been committed upon Mrs. Evans, declaring to his neighbors that if any woman of his family or of his friends were insulted in any

way by a negro soldier, he would take his Winchester and go down and kill him. Mr. Cowen talked a great deal—in fact, from the evidence talking seems to have been his principal occupation.

The Cowen home, as will be seen from the map, was less than 200 feet from the garrison wall. The girls of his family are described as "boyish." One witness testified to having overheard a conversation between one of them and a soldier on guard. On being asked by the soldier whether she was half Mexican or half negro, she replied that she was neither. The soldier said that she looked like it, to which she replied that the soldier "looked like an ape." Whether this furnishes any excuse for the firing into the Cowen house is a question for the Senate.

Major Blocksom, in his report, states that he was frequently informed that the Cowen children had made fun of the "nigger soldiers." In this connection it is but just to remark that Mrs. Cowen in her testimony said that the relations between her children and the soldiers were of the most friendly character.

The next house fired into with deadly intent was the Miller hotel on the south side of Thirteenth street and on the west side of Cowen alley at the corner. This hotel was run by a man by the name of Moore, who was pronounced in his objection to the coming of the negro soldiers to Brownsville. He, like Mr. Cowen, was emphatic in his declarations that they would get rid of the negro soldiers. The next assault was made on Tillman's saloon, also located on Cowen alley and about midway between Thirteenth and Twelfth streets and fronting on Elizabeth street. The attack on this saloon was made from the rear. One witness, and the only eyewitness to what occurred there, testified that four or five colored soldiers entered the courtyard from the alley at the back of the saloon, and when just inside of the gate leading to the alley fired the shot that killed Frank Natus, the bartender. Tillman, the proprietor, was one of the most pronounced of those who denounced the coming of the colored troops, and had in his saloon a separate bar in the rear with entrance from the alley for negroes, no negro soldiers being permitted to enter by the front. After the killing of the bartender at the Tillman saloon the raiders proceeded on to the Weller saloon, owned by a man by the name of Weller, who also had been bitter in his denunciation of the coming of the colored troops.

Mr. BULKELEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. WARNER. With pleasure.

Mr. BULKELEY. Will the Senator kindly give us the name of the witness to whom he alluded as having seen the shooting of Frank Natus in the Tillman saloon?

Mr. WARNER. I shall come to that in a few moments, I will say to the Senator, and the Senator will understand just how I am coming to it.

Mr. BULKELEY. I asked the question simply for information.

Mr. WARNER. It is always a pleasure to be interrupted by the Senator, but I will come to that in a moment.

Weller also maintained a separate bar in his saloon for negroes.

The attacking force next fired into the house of a Mr. Starck. The Starck house was next to and of exactly the same construction and appearance as the house occupied by Mr. Tate, the man who had struck the negro soldier, Newton, with a revolver a few days before. Some eight or ten bullets were fired into the Starck house.

When at the corner of Cowen alley and Thirteenth street the raiding party saw the lieutenant of police, Ignacio Dominguez, who was mounted on a light gray horse, and fired at him a number of shots, killing his horse and shattering his arm so that it had to be amputated. While, as I have stated, there is no evidence showing any difficulty between the police of Brownsville and the colored troops, yet the evidence does show that the officers and soldiers of the Twenty-sixth Infantry, which was succeeded by the colored troops at Fort Brown, were bitter in their denunciation of the Brownsville police. How much of the bitterness was transferred to the Twenty-fifth Infantry is simply a matter of conjecture.

The fact, Mr. President, stands out prominently in the evidence that the men engaged in the Brownsville affray directed no attack upon the soldiers, but their attacks were against persons who had been known to be hostile to their coming, those who either by word or act had taken part in the indignities to which the colored soldiers were subjected, all of which the soldiers naturally resented.

The shooting on the night of the 13th can find its expression in general and special motives of the soldier, but I submit, in

the thousands of pages of evidence taken by the committee, together with the reports of the two courts-martial proceedings of Major Penrose and Captain Macklin and the evidence taken by inspectors at the instance of the President, there is an entire absence of evidence to show a motive on the part of anyone else to do the shooting. The people whose houses were attacked and whose lives were endangered were the people whose attitude toward the soldiers was known by the soldiers to be hostile.

The contention that the saloon keepers of Brownsville shot up the town finds no support in the evidence—in fact, the claim that the saloon keepers, in order to get rid of the colored troops, fired into the homes of their friends with a reckless disregard of their lives, while they were careful of the lives of the soldiers, is too great a tax on one's credulity. It is inconceivable that in order to rid the town of the negro soldiers the saloon keepers should attack their friends and sympathizers.

The raiding party started from the fort, making the attack upon the town and not upon the fort, upon citizens and not upon soldiers, riddling homes with bullets, but leaving no scar of a bullet upon any barrack or upon other buildings in the fort.

There is, Mr. President, direct evidence that the shooting was done by the soldiers. To this evidence I desire to direct the attention of the Senate. The first witness is Mr. G. W. Rendall, one of the survivors of the Perry expedition to Japan. As shown by the evidence, he was a man of character and one of the large property holders of the town of Brownsville. He and his wife occupied the second story of the telegraph office building on the northeast corner of Elizabeth street and Garrison road, directly opposite the gate entering the reservation from that street, his house being 35 feet from the garrison wall. He and his wife on the night of the shooting occupied the corner room, having a window facing Elizabeth street and another facing the Garrison road. He testified in part as follows (p. 2033):

Q. On the night of the 13th what was the first you knew of any disturbance?—A. I was asleep when the first shots were fired, and at the second shot, which probably was a second or two afterwards, I got up and went to my front window, which is the window facing toward the garrison.

Q. Toward the garrison?—A. Facing southeast; yes, sir.

Q. What is the width of the Garrison road at that point what you call Fifteenth street?—A. Thirty feet.

Q. Thirly feet?—A. Yes, sir.

Q. And what is the distance from your house to the brick wall of the garrison?—A. From the window where I was looking out it was about 35 feet.

Q. When you heard this shooting—the first shooting—I will get you to state if you saw any parties moving about there at the garrison?—A. I looked out of the window—well, probably in two seconds after the second shot was fired, I just got out of my bed—my bed was within two feet and a half of the window—and looked out of the window, and at my right, at the entrance of the big gate going into the garrison, there are two lights over that, two large lights, and my attention was naturally called toward those lights because the shots apparently were at the right-hand side of me, and I saw from three to five men coming apparently toward the big gate, as though they were coming out into Elizabeth street, but they were about halfway between the end of the barracks—D, I believe you call it; the lower one [indicating on map] they were about halfway betwixt there and here [indicating] when I saw them.

Q. That is the barracks that is nearest to the river?—A. Yes, sir; that is D. They were about there from the end of that barracks.

Q. Which end, the nearest to the gate?—A. About halfway to the entrance to the gate when I saw them. Just as I glanced at them there was a shot at the left and that drew my attention up that way.

Senator FORAKER. How many men did you say you saw there?

Senator WARNER. He said three to five.

Senator FORAKER. From three to five?

Senator WARNER. Yes.

The WITNESS. I looked up to the left and saw a number of men. I don't know how many, but I judge there were ten or twelve, and as my vision rested on those there were two shots fired, and I thought at the time that they were fired from a self-cocking pistol, and I think that the shots were fired from a pistol in the hands of one man. Now, I am not positive about that, but it was done just about as quick as a man would pull the trigger of a self-cocking pistol. These shots were elevated. I saw the flash from the weapon, and it was shooting up, nearly a north course, but elevated as though it was a signal of some kind, and I judged right away it was an alarm of fire.

Q. You thought it was an alarm of fire?—A. Yes, sir; seeing it elevated up, because I knew that the man was not shooting at anything. (P. 2033.)

Q. Were these shots inside of the inclosure of the barracks?—A. Yes, sir; they were inside. Those men were together—were grouped together at that time, and were about where that letter F is [indicating on the map].

Q. Now, will you please, in giving your answers, not say "right there" and "right here," but indicate it so that the stenographer may get down to something which will be intelligible? Will you mention what street it is on, or the location, as near as you can?—A. Well, they were about midway between the wall and the barracks.

Q. What barracks?—A. Barracks B; and they were moving that way, to the northwest, or the north [indicating]—the northeast I suppose it is. The line of this wall, I judge, runs nearly east and west. They were moving that way at the time those shots were fired. They were apparently coming together there from different places. (P. 2034.)

The witness then states that he went to the other side of his room and looked out to see if he could discover the light of a

fire, and seeing nothing returned again to the window looking out upon Garrison road. Continuing, he said:

Q. That is, you turned to the side fronting on Elizabeth street?—A. Yes, sir; going across that room 20 feet, looking out of one window and then back and looking out of the other, was the time that I was not looking at these men. Outside of that, until they went over the wall, I was looking at them all the time. When I looked at them again, when I turned back to the window overlooking the garrison, they were close to the wall.

Q. Close to the wall inside or outside of the garrison?—A. Inside of the garrison. There is a little building right up there [indicating].

Q. You say "right up in there." Can you not describe the location?—A. Well, right abreast of the alley there was a small building in there, and they were huddled in there. Those I could see from the reflection of the light were in there. That building is whitewashed.

\* \* \* The next thing I saw of these men they were going over the wall, and after they got out into the street—into Fifteenth street—I could not tell which way they went. They were out of my sight. Except when they went over the wall they were so far away from the lights at the entrance to the post that it was hard for me to tell who or what they were. I just saw the forms. The only men I identified sure were those that were close to the window.

Q. You say the only men you identified sure were what men?—A. The only men I identified sure were the first ones I saw when I was looking out of the window. They were close up under the light.

Q. How many of them were there?—A. I think there were five of them, but I am sure there were three. I think there were five. You see, I just glanced at those men knowing they ought to be there, and I did not—

Q. Were those white men or colored men?—A. Those were colored men, with the army uniform.

Q. Speak a little louder.—A. They were colored men, black men, with the army uniform on.

Q. You say they turned, as I understood, up to the left? That is, you mean to the left as you were looking into the gate from Fifteenth street?—A. Yes, sir.

Q. They turned up there?—A. Yes, sir.

Q. And then they seemed to collect together before going over the wall, with other parties?—A. They collected together apparently with the intention of going over the wall at one place, and that was just at the west side of that—I don't know what you call it—it is a water-closet. (P. 2035.)

\* \* \* Was your house shot into that night, Mr. Rendall?—A. Yes, sir; there was one shot entered the house in the lower end of the roof. The roof projects over the siding. It passed through five thicknesses of lumber on that side of the house, through my mosquito bar over my bed, and through four thicknesses of lumber on the other side of the house, and went out. (P. 2036.)

\* \* \* Now, you have only one eye, I believe?—A. That is all; only one good one and that is not extra.

Q. Are you quite clear, Mr. Rendall, that those three to five men that you saw there, that you speak of first, were colored men and soldiers, the men that you saw inside of the wall?—A. Positive that they were; yes, sir.

Q. Did you see any of the soldiers when they returned, if they were soldiers that you saw?—A. I did not. I was looking out of the window until the commissioned officer assembled the men and was calling the roll, and I did not see a man returning.

Q. Did you have any prejudice against the colored soldiers coming there?—A. No, sir; on the contrary, I was in favor of them coming there.

Q. You had no prejudice against them?—A. None whatever. (P. 2037.)

On cross-examination this witness testified:

Q. How many were there of these men all together, according to your present best judgment, who got over the wall?—A. Why, I can only say positively that I saw eight.

Q. You saw eight?—A. Yes, sir.

Q. How did you arrive at that conclusion—at that number?—A. Simply because they were so close. They were nearer me and nearer the light than the others that went over above. There is a little building there—

Q. I mean how many got over the wall altogether?—A. That is what I am speaking of.

Q. Eight got over the wall?—A. The only ones that I am positive that went over the wall, that I could judge by the number, was the group that was next to me, and there was eight in that crowd.

Q. About eight or exactly eight—did you count them?—A. Sir?

Q. Did you count them so that you know?—A. No; I did not count them. It was just a glance at them. I estimated the number.

Q. You testified before the court-martial that you could not tell anything about what kind of men were going over the wall—"only I supposed it was the same men that I saw here down below." That is correct, is it?—A. Yes, sir; that is a fact. As I stated before, I had changed from one window to another while looking at these men, and I could not identify the same men when I saw them again, though it was not more than a few seconds.

Q. Notwithstanding your weak eyesight, having only one eye, and notwithstanding it was a pretty dark night, as I understand, you say you think you saw distinctly enough to testify positively about all these things, do you?—A. Yes, sir; I am positive that they were colored men wearing the United States uniform. (P. 2049.)

In order to test the witness's eyesight he was asked:

Q. You see all the objects in this room distinctly, don't you?—A. Yes, sir.

Q. Can you tell how many men are at the end of the room without any difficulty?—A. Yes, sir.

Q. It is no trouble to you to tell?—A. No trouble at all.

Q. Could you tell if they were 100 feet farther away?—A. Yes, sir.

Q. Tell how many there were and tell the color of them, whether they were white men or black men?—A. Well, there are two black men there at the end of the room.

Q. You see them distinctly?—A. Yes, sir.

Q. There are two black men at the door. You have no trouble at all in distinguishing objects near you, and you would not have if they were farther away? Now, do you see in the daylight at that distance without your glasses?—A. Yes, sir.

Q. Distinctly?—A. Well, not as distinctly as I can with them; no. Q. You could tell how men were dressed, at a distance of 100 feet away from you in the daylight?—A. Oh, yes.

Q. Without your glasses?—A. Very well.

Q. Tell the color of their clothes, whether they had on hats or caps, and all such things as that?—A. Certainly. (Pp. 2059 and 2060.)

As to this witness I feel justified in saying that his appearance upon the witness stand, together with his manner of giving his evidence, left no doubt upon the minds of any who heard him that he was giving the occurrences of the night of the shooting just as he believed he saw them.

There is some conflict in the testimony as to the lights on the post of the gate entering the fort from Garrison road. Mr. Rendall testifies that the lamps were there and lighted. In this he is fully supported by the testimony of Major Penrose, Sergeant Harris, and others, Major Penrose saying that on the night of the shooting you could see people by the light from the gate lamps "probably 20 feet readily."

Sergeant Harris testifies that during the roll call of his company he was stationed "about 20 or 25 yards" from the gate, and in answer to the question:

Q. Was there light enough so that you could have determined if anyone came in?—A. There were a couple of lights over the gate.

Q. Oil lamps?—A. Yes, sir; the light was clear so I could see as well as I can in this room.

This was one of the soldiers who saw this distance, 25 yards. Mr. Rendall saw but 35 feet.

It is conclusively shown by the evidence that the night was a clear starlit one without a moon. So there is not any substantial reason for questioning the testimony of Mr. Rendall upon the ground that there was not sufficient light for him to have seen what he swore to having seen.

Mr. Rendall's wife testified to seeing forms of men between the barracks and the brick wall separating Garrison road from the reservation. She and Mr. Rendall were not at the same window except once and she did not have her attention directed to the soldiers whom Mr. Rendall testified he saw when he first looked out of the window.

She was asked:

Q. Did you remain at the same window with Mr. Rendall, or did you change from window to window?—A. No; I changed from window to window. We thought it was a fire, and I went from one window to the other alternately so that I could see any flames or any sign of it.

Q. Mr. Rendall owns considerable property along Fifteenth street (Garrison road), does he not?—A. Yes, sir.

Q. At the time of the shooting did you notice parties moving inside of the garrison near the wall?—A. No; not at that time. Just at the beginning I heard what seemed to be a confused sound of men moving, and low sounds as though low talking.

Q. Confused sounds of men moving, where? Inside the garrison wall?—A. Yes, sir; seemed to me just near the first barracks.

Q. When you speak of the first barracks do you mean the one nearest the river?—A. Nearest the river.

Q. That would be barracks D, the way it is marked on the map?—A. Yes, sir.

Q. What was this confused noise or sound that you heard. What did it sound like?—A. Well, it seemed like persons moving about as quietly as possible and yet making a confused noise. I could not understand it exactly. In fact, I did not think anything about it, but I heard this confused sound.

Q. After that did you notice the shadow of people moving there, inside?—A. It was after that that I saw the few men pass.

Q. Now, when you say you saw the few men pass, just explain that in your own way.—A. Well, I was looking from one of the windows, glancing out, and these men passed quickly along the wall, just a little distance from the wall, rather, but I simply glanced at them. I saw that they were men, but they passed on and got beyond my view in a moment or two.

Q. Was that inside or outside of the wall?—A. Inside. (Pp. 2060 and 2061.)

Q. Whereabouts, as near as you can tell us, this being barracks D, the one to the right of the gate as you go in, and this being barracks B, the one to the left of the gate as you go in, where were they?—A. Well, they were on the left.

Q. The left as you go on?—A. Yes, sir.

Q. Passing along there, then?—A. Passing toward the alley.

Q. This is the alley here. Did you observe close enough to see whether they were white men or colored men?—A. No, I could not.

Q. You just glanced at them?—A. Just saw that they were men moving, going quickly down. (P. 2061.)

Q. Did you observe closely enough to tell how many, or about how many, there seemed to be that you saw as you just glanced out and saw them passing on the inside there?—A. I think about six, possibly eight, but I think about six—five or six.

Q. You did not, I understand, pay particular attention to them; you just glanced out and saw them?—A. Just saw them at that moment.

Q. You are quite clear that you saw those men passing between the wall and the barracks?—A. Yes, sir.

Q. How were they moving, slowly or rapidly?—A. They were going quickly, and seemed to be well up together.

Q. You say that you and your husband were not at the same window all the time, but that you moved from window to window?—A. Except once, when we were standing at the window looking into Elizabeth street, when the shot struck the house. I believe that was the only time that we were. (P. 2062.)

Q. You did not see the men come over the wall?—A. No; I did not. I was not looking at that time. I could have seen them if I had been at the window at the time. Mr. Rendall did, but I was possibly at some other window.

Q. Mr. Rendall told you that he had seen the men going over, did he?—A. Yes, sir. (P. 2062.)

The fact that there was no attempt on the part of Mrs. Rendall and her husband to testify the same things gives additional weight to their evidence. Like her husband, Mrs. Rendall was possessed of intelligence and refinement.

We next pass to the house at the corner of the alley and Garrison road. This on the night of the shooting was occupied as bachelor quarters by one Jose Martinez, a drug clerk in Brownsville, and a man by the name of Shannon. At the time of the commencement of the shooting Martinez was in the corner of the northwest corner of the house, reading. This witness heard the soldiers jump over the wall, which was not more than 35 feet from his room, and when the shooting commenced he put out his light and lay upon the floor. What he saw and heard he tells as follows:

Q. You were in the house at the corner of the alley and Fifteenth street, or Garrison road?—A. Yes, sir.

Q. Where was your room in that house?—A. My room was this corner room right here. The house has three rooms. I was in the parlor in the northwest corner; I was in the parlor when the shooting occurred; I had not gone to bed yet.

Q. About what time of the night was that?—A. A little before 12.

Q. And where was the first shooting that you heard?—A. Right in front of my door.

Q. When you say in front of your door, do you mean it was in the alley or on Garrison road?—A. I mean inside of the garrison.

Q. Inside of the garrison?—A. Yes, sir.

Q. That is, inside the garrison between the garrison wall and the barracks?—A. Yes, sir.

Q. Now, you just state what you saw and what you heard.—A. Well, I heard the first shots, you know, and I tried to go out and see what was the trouble, and I heard many voices calling, "Hurry up" or "Jump," and I thought I would not go out. I blew the light out and lay down on the floor, closed the door and lay down on the floor. (P. 2072.)

Q. When you heard voices did you know what was said or distinguish anything that was said?—A. Generally they said, "Hurry up" and "Jump," but, as it was not my own language, I could not understand very well what was being said.

Q. Did you see any parties there get over the wall?—A. I could not say positively that I saw them, but I heard them jump.

Q. After you heard the jump what next did you hear or see of those parties?—A. The first thing I heard was the shots, some moments after that I saw people running toward the center of the town, running along the alley (Cowen alley).

Q. How many parties were there who were going down the alley toward the town?—A. When I saw them there were four or five, but I did not count any more.

Q. Was it so you could distinguish to tell whether these parties were white, or colored, or soldiers, or citizens?—A. I could distinguish the khaki uniform color, but it was impossible to distinguish—or I did not pay any attention to the countenances.

Q. State whether those parties who were going up the alley were going in direction of the Cowen house, marked No. 2, on the map?—A. They were.

Q. Where was the shooting that you heard after the parties had gone over the garrison wall?—A. Either in the street running in front of the barracks wall or at the corner of my house.

Q. When you saw the four or five men, as I understood, that went down the alley toward the Cowen house, did you see others go to Elizabeth street?—A. There were others, but I could not see in what direction they went.

Q. How many were there altogether that you saw?—A. Those whom I saw with my own eyes were only those that passed along the alley by my house.

Q. And how many were there?—A. Four or five.

Q. How were they dressed?—A. In light uniforms.

Q. Did you recognize or not whether they had guns, and if so, how they were carrying them?—A. They had guns and they were carrying them in this manner [indicating].

Q. That is, having the stalk of the gun at the hip?—A. Yes, sir.

Q. Were they white men or colored men?—A. They were people with dark faces, but I could distinguish the uniforms more clearly than I could the face.

Q. From what you saw there, did you recognize them as soldiers?—A. Yes, sir; because there were no other people there that wore that kind of dress or clothing and dark faces.

Q. Why was it you lay down on the floor?—A. Because I was afraid that they might shoot.

Q. Did you have a light?—A. At the beginning I had a light.

Q. What did you do with that?—A. I put it out. (P. 2072 and 2073.)

Q. Did you see those men before the light was put out?—A. I saw the reflection of the carbines before I put out the light. (P. 2074.)

There is no doubt that the opportunities and observations of this witness were not so good as those of Mr. and Mrs. Rendall, and this evidence is only strong and of importance because he testifies most positively to hearing the men jump over the garrison wall, and to seeing them fire at the mouth of the alley. It necessarily shows that if the men who did the firing came over the wall then they must have been inside of the reservation originally; and it tends strongly to show that the men who did the firing were the soldiers. This much is clear from the testimony of this witness, that the parties that he saw were dressed in the uniform of the United States soldiers, while he does not pretend to say that he could tell whether they were negroes or white men. This witness, as his evidence will show, was frank and direct in statement, with no attempt to color his testimony.

The next witness, a Mr. F. A. H. Sanborne, an ex-civil war veteran of the Twelfth Maine, and for twenty years telegraph

operator at Brownsville. His office was on the ground floor of the Rendall Building, at the corner of Elizabeth street and Garrison road—his bedroom being just back of the telegraph office. He was aroused from sleep by firing which took place at the mouth of Cowen alley, which is described by him as a volley or an attempt at a volley. Upon getting out of bed and looking out of the door which faced the Garrison road, he saw a colored soldier in uniform, with a gun, returning through the gate into the reservation, he being at that time about 35 feet from the gate. When standing at the open window after the firing had ceased, he saw the colored soldier returning to the fort. He testified:

Q. You say you opened the window?—A. I opened the slats of the blind and looked out, and just as I was looking I saw coming along by the whitewashed garrison fence—I could see plainly because there was a lamp on each side of the large gate of the post—I saw a man come along. He walked along. The man I saw was a colored man in uniform, with his gun. He walked along the fence and did not seem to be very hurried; and passed through the small foot gate of the post and went in and went toward the barracks. After he passed the gate I could not see where he went. Everything was quiet then around the post.

Q. You could see him distinctly, then?—A. Yes, sir; very distinctly; especially as he approached the gate. The lights over the gate showed him plainly against the white or light gray wall.

Q. That wall you say is whitewashed?—A. I rather think that it is light gray, but it is faded nearly to white.

Q. How long has your office been there at that point?—A. About two years in that building.

Q. You recognized that party as being a colored man and a soldier?—A. Yes, sir.

Q. You say you recognized his having a gun?—A. Yes, sir.

Q. Did you see any other soldiers going in?—A. No others at all, sir.

Q. How long after that, if at all, did the shooting continue?—A. I think, I do not recall quite clearly, but I think the shooting had ceased, or rather this must have been right immediately before the time that the shooting ceased. (P. 2086.)

Q. It has been testified here that there was a soldier out who was out on pass and that he went in the gate. Might that not have been the soldier that you saw?—A. I think not. It is not usual for a soldier to have his gun with him when he is on pass or at any time, unless he is in the ranks.

Q. You are certain it was a gun?—A. Yes, sir; certain it was a gun.

Q. And you are certain he was a soldier?—A. Yes, sir.

Q. But you said a moment ago that the reason you thought he was a soldier was because you knew the uniform.—A. That is the reason I knew he was a soldier, from his bearing, his uniform, and so on.

Q. Didn't you form your opinion because you knew the soldiers were there and you thought he was a soldier that was going in?—A. I don't think so; I was positively convinced that the man was a soldier as much so as I would have been if I had seen he was a citizen or any other thing—indicated by his bearing, uniform, or anything of that kind. (P. 2088.)

There is nothing in the evidence tending to contradict the testimony of Mr. Sanborne. It is true that it was claimed that the information contained in certain telegrams sent to Major Blocksom and Major Penrose with reference to the removal of the troops from Brownsville after the shooting had gotten out among the people, but there is no evidence tending to show that such information was received from Mr. Sanborne. If he saw the colored soldier with a gun passing through the gate after the firing, it is the strongest evidence possible to show that this soldier was one of those who did the first shooting and who left the party and returned to the barracks without continuing on the march of destruction.

Following the trail of the midnight raiders in their reckless march, fatally bent on mischief, we come to the house of Louis Cowen, at the corner of Cowen alley and Fourteenth street. The Cowen home but a few minutes before the shooting was the scene of a children's party, resounding with the laughter of happy boys and girls. At the time of the arrival of the raiders the house, a one-story structure, was well lighted, the family not having retired when the shooting began, Mrs. Cowen, her five children, and a maid-servant being the only occupants. The light from a window in the back room shone into the alley. It was in this window that young Kowalski was sitting when he heard the remark of the colored soldier less than an hour before: "They" [referring to the children] "are having a fine time in there, but in about half an hour they will not have such a nice time." The agony of the family in that midnight hour of terror was told by the mother in her testimony, in part, as follows:

Q. The night of this shooting up of the town you were at home, were you?—A. Yes, sir.

Q. Of what does your family consist, Mrs. Cowen?—A. At the time I had six children. My husband was not at home that night, and the little one had not come. I had five children with me. There were the five children, my servant woman, and myself.

Q. Had there been a party at your house that night, a children's party?—A. Yes, sir.

Q. About how many children attended it?—A. Between thirty-six and forty children.

Q. Now, when this shooting commenced, how long before that was it that this children's party had broken up?—A. I should judge about a quarter of an hour. I think about that time; perhaps not quite; not more.

Q. Had you gone to bed when the shooting commenced?—A. No, sir; I was fully dressed, sitting at the head of the table, like I am right here at this table, waiting to get things ready for the night—I

had that little boy to get things ready—and had sent the servant girl out for some hot water, and I was sitting at the head of the table just like I am here, just like this.

Q. In which room of the building?—A. In the middle room of the three back rooms which I have told you of, which was the dining room.

Q. Now, Mrs. Cowen, will you take your own time, and without any special questions, just state to us in your own way what you heard there of the shooting, and what occurred?—A. I was, as I told you, sitting at the head of the table, like this, and some of my children, the girls, were in the little room back of me, and my boy was in the room ahead of me. The dining room was small—the rooms are small—and I had told my eldest daughter; I said "Gertrude, do not go to bed; I do not feel well. Stay up with me. Somehow I am nervous;" and she said to me, "I will not go to sleep, mamma; I am just lying here, and when the girl comes in with the water I will get up and help you." Just then she came and stood alongside of the table, and she was partly undressed, and the servant girl came in, just about that distance [indicating], right like there, with a little pitcher of hot water, when we heard the first shots. Well, at the very instant the little children, of course, ran to me, you know, and they said, "Fire, mamma, fire." They all thought it was fire. I am quite familiar with the sound of army guns, because I have lived there twenty years of my married life, and I am perfectly familiar with the sound, especially during the Spanish war that they would have these sham battles, you know. Nothing could fool us to make us not know that it was the army guns. You could not but know that they were. The sounds were loud, you know; and then in the empty garrison, you know, we had heard the first shot, and then one, two, three, four, five shots, you know, and in the meantime the little ones all gathered around me, and I said, "Children, it is the soldiers;" but I thought that the soldiers and the policemen had gotten into a clash, you know. We never had had any trouble with anybody. I thought that they would go right on and we would be left behind, never for a moment believing that there would be any trouble. And with this, the shooting kept on, one, two, three, four, five shots again, you know, and it kept on coming closer, and I jumped up and I went to the hall door, and I said to the servant, "Oh, Mr. Louis is not at home!"

Q. That is your husband?—A. Yes, sir. He was always at home, he was a great home body, and was always at home in the evenings, but he had gone out to get me a lunch. It was late, and I was not well, and he said, "I will get you something, and I will be back in a minute." So I went to the front door and I kept on looking for Mr. Cowen, you know, and this servant girl said to me, she says, "Madam, it is best that he does not come, because he would never get here alive." In the meantime the back part of the house was completely thrown open, blinds and windows and doors and everything, and I was inexperienced. I didn't blow out my light, I didn't know that they would give me any more trouble. I never thought of anything, and the shooting kept on coming closer and closer, and the children all the time stood gathered by me, and when I heard that they were right on us, I said "Children, get under the bed;" they followed me into the bedroom, and I said, "Get under the bed, and pray God to save your lives. If we are alive to-morrow we will all go and thank God in church." They got under the bed—I could tell them what to do, but we were all simply paralyzed, you know—excepting me and my boy. My boy threw himself on the floor at the end of the bed, and I crouched down as close as I could, and again I would rise up, and then again the shooting began. We stood it because we were too frightened to be frightened, if there is such an expression. We were just paralyzed. We heard one shot, and then it seemed that we just waited to see if the next shot would strike us. It did not, but the next one might. It was horrible. Every now and then the girl would call to the little ones, you know, to see if they had been killed—just easy, you know. They were under the bed, and no one made a sound, no one cried or whimpered or anything. This poor girl, you know, still thought it was a fire.

Q. That is your little Mexican servant?—A. Yes, sir; she is as good a girl as you ever saw. She tried to protect us. When she saw that the shooting was right on us—the kitchen was open, and that helped to throw a light out into the yard. The dining room is in the middle, and with the lamp in there it was sufficient to light the three back rooms, you see. She went to the window, and she was there when she saw the soldiers right at the alley—the fence. My alley fence is no further than—

Q. What did she say when she saw the soldiers?—A. She still watched, she stayed there, when she saw them put a gun over the fence and blow out this lamp on the table. She was only that far, not three feet, from it [indicating].

Q. That is, when the shot blew it out?—A. Yes, sir. She dropped down then on the floor, and she couldn't close the windows any more, but she crouched and crept over until she got into my room. She was the only one that could see. She was the only one that had seen. We had the experience, but she had seen; and she panted and panted, she was so frightened.

In the different rooms of the Cowen house there were twenty-three bullet holes, the bullets entering the house from three to four feet above the floor. It was indeed, in the language of Mrs. Cowen, "a wonderful providential escape" that she and her children had. Placing the children under the bed for safety Mrs. Cowen attributes to the "providence of God," because she said "I don't know why I selected that place to put my children in; it was the only place they could have been safe; any place else they would have been killed."

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

The SECRETARY. A bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

Mr. HALE. I ask that the unfinished business be temporarily laid aside so that the Senator from Missouri may complete his remarks.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. WARNER. I thank the Senator from Maine, but I will say that I am not feeling in the best of trim, and I should like to proceed for only a short time, with the courtesy of the Senate, to finish up the point I am just on.

Mr. HALE. I will await the convenience of the Senator.

Mr. WARNER. I am much obliged to the Senator.

Mrs. Cowen is a frail little woman of education and intelligence, her face being an index of purity and refinement. When upon the witness stand, months after the night of the shooting, in answer to the question of Senator Foraker, "You have been very much excited whenever this matter has been brought to your mind ever since, haven't you?" she said, "When I speak of it it seems like I could not breathe—like it would choke me."

Amada Martinez, Mrs. Cowen's maid-servant, testified to seeing the colored soldiers when she attempted to close the shutters of the window opening on the Cowen alley, the soldiers at the time being only a few feet from her. She, like Mrs. Cowen, heard the shooting—heard it coming from Garrison road in the direction of their home, and, as might be expected, became excited and frightened. Realizing the danger, as the shooting came nearer and nearer the house, she ran to the back window of the corner room on the alley to close the blind when she saw what she described as two rows of five soldiers each, one of them about to fire into the house. The light in the kitchen shone into the alley. She testified that the men whom she saw were negroes in soldiers' uniforms. Her testimony is, in part, as follows:

Q. Were you at the Cowen house on the night of the shooting-up of the town of Brownsville?—A. Yes, sir.

Q. There was a children's party there that night, was there?—A. Yes, sir.

Q. Did you hear the shooting that night?—A. Yes, sir.

Q. State in your own way now what you heard and saw. State it fully.—A. I was coming from the kitchen with a little jar of warm water and as I reached the door I heard the shooting begin. I heard the shooting coming from the barracks, and Mrs. Cowen told me to put the jar on the table. I went into another room and closed the door and stayed there for some time while the shooting took place. I was in the room, there, closing a shutter at the window and stood there for some time. While there I saw them coming, five in front and five behind, and then I turned around as the first shot entered the house, coming through the window over a table in the dining room. One of the shots went over my head and over a wardrobe. I allowed myself to drop down. Then I crawled the best way I could into Mrs. Cowen's room. Then I sat down there. Mrs. Cowen told me to sit down and not to move or go anywhere. Then I heard some voices talking and I went to the door of the passageway. (Pp. 2803 and 2804.)

Q. When you saw these men coming, as you say, five in advance and five back, could you tell whether or not they were soldiers?—A. Yes, sir: I saw that they were soldiers.

Q. How do you know that they were soldiers?—A. Because as I closed the window in the alley I could see them coming, and I could plainly see that they were soldiers.

Q. Do you know how the soldiers are usually dressed—the soldiers' uniforms?—A. Yes, sir.

Q. Were those men dressed the same as the soldiers you had seen there—the other soldiers?—A. Yes, sir. (P. 2804.)

Q. Where were you when the firing commenced?—A. I was in the little room; just as I was going to close the window.

Q. Do you mean the little room next the alley?—A. Yes, sir; next to the alley.

Q. Did you close the window?—A. I closed it and retired immediately.

Q. Were you closing the window or the shutters of the window?—A. The shutters of the window.

Q. Was the window raised when you went to it?—A. Yes, sir; the glass sash was up and open.

Q. And the shutters were thrown back?—A. Yes, sir.

Q. Did you reach out and get hold of the shutters?—A. Yes, sir; this way [illustrating].

Q. And before you brought them together you let go and ran away, did you?—A. Yes, sir.

Q. And did not go to the window again?—A. No, sir.

Q. Whatever you saw then, you saw them in just the moment you were at the window trying to bring the shutters together?—A. Yes, sir.

Q. And that was before any shot was fired into your house?—A. Just as I turned around the firing began.

Q. The firing commenced at your house?—A. Yes, sir.

Q. But no shots had been fired into your house when you went to the window?—A. No, sir.

Q. Did you see that those were black men?—A. Yes, sir.

Q. How black did they seem to be?—A. They were black. I saw them well.

Q. Were they any blacker than a good many of the Mexicans who live in Brownsville?—A. Yes.

Q. Much blacker than any of the Mexicans?—A. Yes.

Q. Were they black men or simply mulatto men?—A. Negroes.

Q. You are not mistaken about that?—A. No, sir; I saw them.

Q. Were they any blacker than the policeman, Padron?—A. Oh, yes.

(P. 2805.)

It is evident that this Mexican girl was in a position which gave her an opportunity of seeing the men in the alley who were doing the shooting, for at most at the time she saw them they could not have been more than 5 or 10 feet from her.

The next group of witnesses were those who were in a hotel kept by Mrs. Leahy, the widow of an enlisted man, who at one time was stationed at Fort Brown. The Leahy Hotel, a two-story structure, fronted on Elizabeth street, extending back to the Cowen alley. It appears from the evidence that the room nearest the alley and some 20 feet away from it was occupied on the night of the shooting by a clerk in one of the

business houses of Brownsville, named Herbert Elkins. The middle room was occupied by Judge Parks. The third room nearest Elizabeth street was vacant. These rooms, as it appears from the evidence, were so located as to enable a person standing at the window of either of them to see a portion of the upper galleries (porches) of B Company barracks. Mrs. Leahy testified that she heard the shooting and soon realized what it was; that upon the first report she ran upstairs into the vacant room and from its window saw flashes of guns discharged from the gallery of B barracks.

Mr. President, I am trying in a measure to bring before the members of the Senate who desire to hear it a synopsis of the evidence in this case, certainly with no attempt at rhetoric or oratory, and it is somewhat laborious. The Senator from Maine can now proceed with the regular order, and I will give way until to-morrow, thanking the Senator for his courtesy.

#### NAVAL APPROPRIATION BILL.

Mr. HALE. Now, let us go on with the unfinished business. The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at line 3, page 43, subheading "Public works under Bureau of Navigation."

The next amendment of the Committee on Naval Affairs was, under the subhead "Public works, Marine Corps," on page 48, line 9, before the word "officers," to strike out "three" and insert "four;" and in line 10, before the word "thousand," to strike out "ten" and insert "thirty," so as to make the clause read:

Barracks and quarters, Marine Corps: To complete four officers' quarters, marine barracks, navy-yard, Philadelphia, Pa., \$30,000.

The amendment was agreed to.

The next amendment was, on page 48, line 16, before the word "marine," to insert "officers' quarters;" and in line 18, before the word "thousand," to strike out "fifty" and insert "seventy-five," so as to make the clause read:

For the completion of officers' quarters and marine barracks, naval station, Charleston, S. C., \$75,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

For the completion of necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, \$10,000.

Mr. HALE. That clause is in twice. This should be taken out.

The amendment was rejected.

The next amendment was, on page 49, after line 4, to insert:

For the necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, \$10,000, which sum shall be in addition to the \$25,000 appropriated for this object in the naval appropriation act approved June 29, 1906.

The amendment was agreed to.

The next amendment was, on page 49, line 13, before the word "thousand," to strike out "two hundred and ten" and insert "two hundred and seventy-five," so as to read:

In all, public works, Marine Corps, \$275,000.

Mr. HALE. Before the word "thousand," in line 13, I move to strike out "seventy-five" and insert "sixty-five," so as to read "\$265,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 50, line 3, after the word "wagons," to insert "automobiles;" and in line 4, after the word "cows," to insert "other than for hospitals," so as to read:

Contingent, Bureau of Medicine and Surgery: For tolls, ferriages, care, transportation, and burial of the dead; advertising, purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons, automobiles, and harness; purchase of feed for horses and cows other than for hospitals; trees, plants, garden tools, and seeds, etc.

The amendment was agreed to.

Mr. BACON. Mr. President, as to the amendment just adopted, on page 50, line 3, inserting the word "automobiles," I wish to know whether or not the Senator from Maine can give us any information in regard to that matter.

Mr. HALE. It simply goes with the march of the times. Automobiles are recognized now not only as conveniences and necessities for private use, but for all large private establishments and for Government establishments.

Mr. BACON. Mr. President, of course I understand that; at least I surmised that; but I want to know if there is any limitation whatever upon the number?

Mr. HALE. No.

Mr. BACON. Or upon the discretion of any officer as to what number he shall get or what amount he shall pay for them?

Mr. HALE. No more than there is upon the purchase of wagons or horses or any means or vehicles for transportation. The aggregate of the appropriation is not increased by introducing this word, and the limitation will be that only the amount can be expended that Congress appropriates. What amount will be needed for automobiles or for wagons I do not know, and I know of no way of finding out.

Mr. BACON. Well, Mr. President, I only make the inquiry because I suppose the committee, in making up the aggregate, must have had some idea as to the details. It is simply an illustration of the absolute impossibility—and that is the purpose I had in calling attention to it—of our doing what the Senator from Maine a few days ago so eloquently and earnestly urged upon us that we should do—look into the expenditures of the Government and endeavor, if possible, to curtail them.

It is an absolute and utter impossibility for Senators, with a paragraph such as this, beginning on page 49, under the head of "Contingent, Bureau of Medicine and Surgery"—and I do not select this because of any special objection to any item, but simply to illustrate what I say as to the impossibility of Senators forming any judgment about it or voting intelligently—there is a page of items, I suppose, glancing at it with my eye over the page, there are probably two dozen different items of all kinds from tolls, ferrages, care, transportation, and burial of the dead, to automobiles, quarters at hospitals, trees, shrubs, dispensaries, and many other things, and these all lumped up with a sum of \$60,000.

Of course there is nothing for us to do but to vote for the provision upon the assumption that it is necessary; but the Senator will pardon the suggestion I make, which is not for the present, and not particularly for this body, but as to the method which should be pursued—I say "should be;" probably that is too strong an expression to one who is, you might say, a layman—but it does seem to me that the appropriation bills ought to come with such classifications as to enable us to have some little idea as to whether or not the amounts appropriated are proportioned to the needs of the service, which is an utter impossibility as such bills are now presented.

Mr. HALE. Mr. President, the Senator is right in his proposition that the Senate ought to know as much as is possible in the way of information about all these appropriation bills; but the contingent expenses—these being for the Bureau of Medicine and Surgery—in all the Departments and in all the bureaus are made up of so many little items, and items that vary from year to year, that it has not been deemed necessary nor advisable by the committees in either House to scrutinize these subjects and to detail the amounts to be expended for each one of the small items. I suppose that might be done, but it would take an immense labor by the committee; it would take great space on appropriation bills, and I doubt if the benefit derived would be commensurate with the additional labor.

We have to trust these details of expenditure to the proper officials. The authority and check we have upon them is in the amount of money that we give to them. While I see what the Senator desires should be done, I doubt whether, if he were examining the chief of a bureau on this matter of contingent expenses, he would think it worth while to spread out upon the record the amount for every one of these small items. At any rate, the committee did not think that essential.

Mr. HEYBURN. Mr. President—

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

Mr. HALE. I do; certainly.

Mr. HEYBURN. There is one item, in line 4, on page 50, that provokes an inquiry in my mind. That is the item as to "cows." This provides for "the purchase of and feed for horses and cows other than for hospitals." If those last words had not been there I would have supposed that that item of "cows" was in connection with the hospitals, perhaps for the purpose of securing a supply of pure milk; but why it should provide for the keeping of cows in connection with the Navy Department and then except the only purpose for which I could imagine cows might be kept, awakens an inquiry in my mind.

Mr. HALE. Of course this is an item for the feed.

For horses and cows other than for hospitals.

It is not for the purchase of horses and cows, which, I suppose, they already have. It is simply for the feed.

Mr. HEYBURN. Mr. President, it would seem to me that

the feeding of an animal necessary in connection with any Department would belong to the class of items or the item for purchasing or acquiring the animal; and unless there is some other provision in the bill for acquiring these cows in connection, I presume, with the hospital, I can imagine no other branch of the service of the Navy where a cow would be kept by the Government of the United States.

Mr. HALE. They have already got the cows and horses, and this is for the feed.

Mr. HEYBURN. Of course if they have them, they must feed them.

Mr. HALE. Well, they have them.

The Senator knows that there have been great amplifications in the bureaus and the Departments. The Department of Agriculture is dealing now with the purchase, testing, and use of machinery, of animals, and of almost everything that is used in every branch of human industry. Other Departments are following on, not with quite equal footsteps, but as near as possible, and are "doing business generally at the old stand," and using everything and every kind of appliance that is used in private business.

Mr. WARREN. Mr. President—

Mr. HALE. I have set myself sometimes against this. I do not like it very much, but it is like trying to swim up Niagara. All the Departments do it.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. Mr. President, remembering the discussion of the Army bill lately and the criticisms made upon it, I desire to say that I do not recall anything in the Army bill that provides for cows; but of course if cows are necessary on shipboard I think we ought to feed them.

Mr. HALE. I am very glad that there is one Department that has not got any cows in it.

Mr. WARREN. And the agricultural appropriation bill surely does not provide that cows shall be taken to sea.

Mr. HALE. Some years ago, I remember, in running an appropriation bill in the other House there was some provision for horses for the Marine Corps, and the question was asked what the Marine Corps had to do with horses. Well, it turned out that when they are stationed on shore and have a bureau they have to have a carriage and they have to have a horse. These have to be paid for and the Government has to foot the bills. I am very glad that the War Department has not provided for such things, but I suggest to the Senator from Wyoming, as he has made that statement, that he look particularly into all of the Army posts and the different depots and stations of the Army and I shall be surprised if he does not find somewhere at these posts that they even have cows. [Laughter.] Maybe not, but they will soon have them if they have not now.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. The Senator from Maine has convinced me that we ought to have them, and I presume the Senator will help me in the next bill to provide for them.

Mr. HALE. I have given up all opposition to it. I shall not contend against it, because it will go anyway.

Mr. HEYBURN. Mr. President, my attention was attracted by these items, one of which the Senator from Georgia [Mr. BACON] suggested. Automobiles and cows for the Navy of the United States! Well, a more inappropriate provision for the Navy of the United States than either of those items I can hardly imagine.

Mr. HALE. The Senator understands that the naval hospital—whose inmates are provided for by the Government, have got to eat and drink and have milk and everything else except beer and liquors—is on shore. We rarely put one of these hospitals afloat at sea, unless it makes a part of the military establishment. They are in the Navy, but of course they are on land and subject to the necessities and the appetites that are common to mankind on shore.

Mr. HEYBURN. But, Mr. President, I think that in every instance the naval hospitals are conveniently located to the wharves.

Mr. HALE. No.

Mr. HEYBURN. I am not well informed in regard to the location of naval hospitals, but those with which I am acquainted are conveniently located to water. However, it is the beginning of a new departure to provide the Navy with automobiles.

Mr. HALE. It is undoubtedly; it is the beginning of a new departure to provide anybody with automobiles.

Mr. BACON. I would suggest to the Senator from Idaho that possibly he may be relieved of his difficulty by offering an amendment putting in before the word "cows" the word "sea." [Laughter.] Then it will surely be covered.

Mr. HEYBURN. Then, Mr. President, it has also occurred to me that in connection with the word "automobiles," I might offer an amendment to make it read "water automobiles," inasmuch as I have recently seen in the Scientific American a picture of water automobiles. [Laughter.]

Mr. HALE. I also suggest where the word "horse" occurs the addition of the word "marines," so that it will read "horse marines." [Laughter.]

Mr. HEYBURN. I did not desire to offer an amendment. I desired simply that attention might be called to the fact that we were providing for the care of cows in the Navy—for dairies, I presume, on shipboard.

Mr. BACON. I desire to say simply a word in response to the suggestion of the Senator from Maine [Mr. HALE] in regard to the difficulty of going into details. I do not wish to be misunderstood in regard to the matter, and I repeat that I have no special criticism upon this particular provision. My suggestion was, not that all details should be expressed in the bill, but that there should be a classification; in other words, I think it is very well that, if there is an item providing for automobiles, there should be some estimate as to how much the automobiles are going to cost; or, if there are items for horses or cows or any other particular articles, there ought to be such a classification as will enable the Congress to have some idea as to whether the estimate for the expenditure is excessive.

I want to call the attention of the Senator from Maine to what I think is the main difficulty in this method of appropriation. I am not criticising the amount of this appropriation; it may be all right; but, after enumerating articles which occupy perhaps a page, enumerating automobiles, harness, feed for horses and cows, trees, garden tools, dispensaries, for washing, and for everything else that can be imagined, it winds up in this way:

And all other necessary contingent expenses \* \* \*, \$60,000.

Leaving it absolutely without limitation or qualification to the officer who will be charged with this disbursement to say which of these articles he shall buy and which he shall not buy, or how many of them he will buy and how many of them he will not buy, and then how many articles he will buy that are not enumerated, or how many expenses he will incur for articles not suggested in this enumeration. In other words, there is absolutely nothing in such a method of appropriation to put Congress upon notice and enable them to judge whether or not the expenditure is proper or improper. While it is impossible—not only impracticable and inconvenient, but impossible—to specify all details in appropriating for any one of the Departments, and particularly this one of which the Senator speaks as having a great many small matters to look after—while that is impossible, it is possible to have the items so classified that the officer in charge of the disbursement or expenditure will be limited to the particular estimate for particular classes of articles and not be turned loose, as he is in this item and as he is in other items—I am not criticising this one in particular; I am only using it for illustration—turned loose to absolutely do as he pleases. The effect of it, Mr. President, is this—

Mr. PERKINS rose.

Mr. BACON. The Senator from California will pardon me a moment, until I finish this particular thought. I see that he desires to interrupt me.

The effect of it is that the matter of expenditure, while it is nominally in Congress, is absolutely in the bureaus; and what the Senator has said about what will be found upon investigation as to the expenses of various kinds being incurred by any one particular bureau illustrates what I say.

I presume the other House proceeds very much as we do, and certainly there is no opportunity here for us to know anything about these items. The Secretary from the desk reads the headnote, omits perhaps a whole page following, and then says "\$60,000." We do not even have the opportunity to look at it, much less to judge of it. The effect is this, that the bills are estimated for by the Departments, and I presume they are largely framed by the Departments, and we go through the form of appropriating without anybody on this floor knowing anything whatever about the matter. I challenge any Senator here to show to the contrary. He may think to the contrary; but let him attempt to show, if he can, the amount of expenditure for any one of these items, and the fact will be shown plainly that we legislate absolutely in the dark, simply upon the estimates of the bureaus, and leave the bureaus then

to determine in what manner they shall make the expenditure. So far as appropriations are concerned we are rapidly becoming simply a bureaucracy.

Mr. PERKINS. Mr. President—

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

Mr. BACON. I do.

Mr. PERKINS. I simply wish to say to the Senator from Georgia, Mr. President, that the language of the bill is meant to cover all contingencies. There is nothing expended until a requisition has been duly made out, properly signed by the superior officer, and then passed through the pay department regularly up to the Auditor. Therefore, unless you give the officer this free range in accounts, so that he can certify to them, it will be impossible for us to meet these incidental expenses which we could not provide for by enumerating them.

My friend from Idaho [Mr. HEYBURN] has referred to the cows, and so forth, in the Navy. I want to say, in behalf of your committee, Mr. President, that there are many other things we might have included in this bill. For instance, there are the dog watches. [Laughter.] It is a wonder we have not provided for the dogs, for certainly we have two dog watches every day on every ship of the Navy.

Mr. HEYBURN. Mr. President—

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

Mr. PERKINS. Yes.

Mr. HEYBURN. I take it for granted that it is not within the contemplation of this appropriation to provide for sea dogs. [Laughter.]

Mr. BACON. Mr. President, I want to say that the Senator from Louisiana desires me to ask the Senator from California, who is familiar with nautical matters, whether we have done away with the "cat o' nine tails?" [Laughter.]

Mr. PERKINS. We have dispensed with the "nine tails" now and are putting the "cat" on short rations. [Laughter.] We also have not provided in this bill for the "hatchway," a matter with which the Senator probably is familiar, as he has traveled across the ocean. There are many other contingent expenses which we have not enumerated.

But I want to say seriously to my friend from Georgia that if he will go down to the Auditor of the Navy Department he will find that every dollar of the appropriations provided for in this bill is properly expended according to the certificate of the commanding officer. Even in the engineers' department he will find that for the ball of waste, the can of oil, and everything else, a requisition is made and approved by the commanding officer. So it is with the stewards' department; so with the mates' department, the boatswains' department, and every other department of the Navy. If there is any other way which the Senator from Georgia or any other Senator can suggest whereby we can provide for all these expenditures for the Navy, I will thank him, as one member of the committee, if he will inform us.

Mr. WARREN. Mr. President, all pleasantries aside, of course we understand that a great deal of the business of the Navy Department is done on land, and I dare say they need the automobiles they ask for.

As to the appropriations under the head of "Contingent," I assume that the practice in the Navy has been the same as in the Army. The Quartermaster in the Army has a table which shows where every dollar has gone for every item of contingent expenses during the past fiscal year, and upon that showing estimates are made for the coming year. The distribution thus made is put in print, and is before the committee in the make-up of the bill. I assume that the Senator from Maine has seen such a list and examined it in connection with the consideration of this bill. But the bill does not subdivide sufficiently, and therefore yesterday I submitted the amendment which I did and which the Senator from Maine accepted. I shall hope to see a more minute subdivision in the next bill than in this, but there will always be necessity for some appropriation for contingent expenses, and that must be used in the judgment of some proper officer, the items for which can not be named beforehand.

Mr. BACON. I think that is undoubtedly true, Mr. President; but while that is true, it would be rendered very much safer and freer from abuse if there were a subdivision such as that to which the Senator refers, so as to leave articles properly to be embraced within the general contingent fund of less range than that they now have.

Mr. HALE. Mr. President, I shall not consume any more time of the Senate upon these matters. Individually, they are small, and the aggregate is in no case very great. In all the appropriations which go to swell the bill and make up its large

proportions the items are given in terms and in amount, so that "he who runs may read." As to the little items under head of "Contingent," there has always been a good deal of discussion, as I have said, and I presume there always will be.

While I am up, Mr. President, I want to call attention to some large matters in the bill. I see that complaint has been made, and a Senator brought me not long ago a copy of a well-known and important New York paper, announcing not only all kinds of war outside, but in the Senate, and also that the committee had not cared, by proper appropriations, for new construction authorized in the House bill and reported by the Senate committee. I wish to say right here that for beginning the work upon the battle ships, destroyers, and submarines no appropriation was made in the House, the attempt being made there and voted down upon the theory announced that no appropriation would be needed until the December session of Congress. When the bill was reported no estimate covering these conditions had come to the Senate committee, but since then estimates have come in calling attention to the fact that upon this new construction—the two battle ships, the submarines, and the destroyers—certain amounts of money could be expended, giving, in some cases, the total for the entire expenditure. In accordance with that late estimate I have prepared an amendment which I shall offer for the committee. I am almost sorry for this, because I want to keep this bill, as far as possible, within the limit of the money that we can afford to appropriate, considering the conditions of the revenue. The amendment, which I shall offer at the proper time, covering the submarine boats, destroyers, and battle ships, provision for which will be found upon pages 87 and 88, would increase the amount carried by the bill beyond any figures which I have given before, because I had not contemplated this necessity. It will add, if the Senate passes it and sends it to the House, \$7,000,000 to the bill. So when the bill goes back to the House, on these items alone—to commence the work on the new structures—it will have been increased \$7,000,000.

I state this now in order that Senators or newspaper men or anybody else may possess their souls in peace, because the committee is ready, when it sees the necessity for a thing, to report it to the Senate, and the Senate will have an opportunity either to vote on or off these amendments, and when they go to the House the bill will be very large. I said more than once that even with the limitations, even with the two battle ships and not the four, the bill is much larger than it ever has been before; and these amendments, on the basis of the report of the committee, will add \$7,000,000 more in money to it.

Mr. BACON. Suppose we have four battle ships; I will ask the Senator how much the increase would be, necessarily?

Mr. HALE. That would add, not all for this year, but for the next year or two, about \$22,000,000.

Mr. BACON. How much in this particular bill?

Mr. HALE. About \$4,000,000.

Mr. BACON. I understood the Senator to say \$7,000,000 for the two.

Mr. HALE. That includes the destroyers. It is about five millions for the battle ships.

Mr. WARREN. What does the Senator include in that statement?

Mr. HALE. I have included machinery, material, armor, armament, and equipment.

Mr. WARREN. As a matter of fact, the \$7,000,000 is really to carry out what the House has legislated for and failed to provide the money to carry out?

Mr. HALE. I do not think it can all be expended between now and December. I think there was some ground for the attitude taken by the House, that there would not be much needed before December. But still if it is not expended before December, it will go right on, instead of being part of the appropriations which we will have to make afterwards to complete these structures.

Mr. WARREN. I am assuming that the fact as to the naval bill is very much as the fact in respect to the Army bill, where the House provided for raising the pay of the entire enlisted force, amounting to some \$6,000,000 or more, but did not appropriate a dollar with which to pay it. I assume this is very much the same.

Mr. HALE. The House, I think, had rather more reason for its action. It is not for me to criticise. It was not a matter of inadvertence. It was brought up, and the Representative in charge, selected to manage that side of the affair in the House, moved these appropriations, and they were rejected.

Mr. WARREN. In that case, then, it differs from that of the Army bill?

Mr. HALE. Yes.

Mr. WARREN. Because, in that case, the amendment never was offered even by the committee to the Army bill.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Naval Affairs was, on page 51, after line 13, to insert:

The nurse corps (female) of the United States Navy is hereby established, and shall consist of one superintendent, to be appointed by the Secretary of the Navy, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, and of as many chief nurses, nurses, and reserve nurses as may be needed: *Provided*, That all nurses in the nurse corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of the Navy, and that they shall be graduates of hospital training schools having a course of instruction not less than two years. The appointment of superintendent, chief nurses, nurses, and reserve nurses shall be subject to an examination as to their professional, moral, mental, and physical fitness, and that they shall be eligible for duty at naval hospitals and on board of hospital and ambulance ships and for such special duty as may be deemed necessary by the Surgeon-General of the Navy. Reserve nurses may be assigned to active duty when the necessities of the service demand, and when on such duty shall receive the pay and allowances of nurses: *Provided*, That they shall receive no compensation except when on active duty. The superintendent, chief nurses, and nurses shall respectively receive the same pay, allowances, emoluments, and privileges as are now or may hereafter be provided by or in pursuance of law for the nurse corps (female) of the Army.

The amendment was agreed to.

The reading was continued to the end of line 18, on page 53.

Mr. BACON. I do not see the Senator from Maine in his seat.

Mr. BEVERIDGE. He has just stepped out for a moment. He will be right back.

Mr. BACON. I do not know whether any other member of the committee can answer the question I wish to ask, but I presume so. It is whether this amount is the amount for the subhead "Bureau of Supplies and Accounts" or whether it includes preceding amounts? On page 53 the Clerk has just read, summing up:

In all, \$6,931,153.75.

Mr. PERKINS. If the Senator desires, I will read from the Book of Estimates, which I have before me, how that total is made up.

Mr. BACON. No; the Senator misunderstands me. I simply want the information whether that large item of \$6,931,000—

Mr. PERKINS. This is confined to the Bureau of Supplies and Accounts—that is, the paymaster of the Navy.

Mr. BACON. It includes the pay?

Mr. PERKINS. That is as it came from the House.

Mr. WARREN. What the Senator from Georgia refers to is the item for the Bureau of Supplies and Accounts, and whether the total contained in the last part of the paragraph includes any item above the subhead on the preceding page.

Mr. BACON. That is what I want to find out—whether the \$6,931,000 is simply the appropriation for the Bureau of Supplies and Accounts or whether it includes prior subdivisions which have been passed over. Is it confined exclusively to the Bureau of Supplies and Accounts?

Mr. LODGE. I will say to the Senator that it covers all the rations of the Navy—all the provisions for food.

Mr. BACON. I understand. I simply wish to know whether, under the heading "Bureau of Supplies and Accounts," there were contained the items for which the appropriation of \$6,931,000 is made.

Mr. LODGE. Yes; and nothing else.

Mr. BACON. Or whether that amount includes any items prior thereto?

Mr. LODGE. No.

Mr. BACON. It includes simply that.

The reading of the bill was resumed and continued to the end of line 21, on page 58, the last paragraph read being as follows:

In all, civil establishment, Bureau of Supplies and Accounts, \$103,978.34.

Mr. BACON. The Senator from Maine will pardon me for a moment. I ask simply for information. We have just passed an item for the Bureau of Supplies and Accounts, six million nine hundred and thirty-one and odd dollars. Then the next item, the one last read by the Clerk, is "Contingent, Bureau of Supplies and Accounts." I desire the Senator to explain to us the difference between the "Bureau of Supplies and Accounts" and "Contingent, Bureau of Supplies and Accounts."

This last item adds over a hundred thousand dollars to it. I simply desire to know what is the difference between the two. In what does the difference consist, and why do they have to be separated?

Mr. HALE. Because the first paragraph consists of the larger expenses and items in the Bureau appropriated for by Congress. The contingent is just such an appropriation as we had up about the contingent for the Bureau of Medicine and Surgery. It is made up of small items. It is contingent upon the operation, and we have always kept them distinct and apart. There is this limitation, in that as to each of these items the amount is fixed so that they can expend only so much. If we put them all into one, then they could expend the whole of it or any part of it, and we divide as much as we can.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Construction and Repair," on page 60, line 8, before the word "thousand," to strike out "eighty-three" and insert "fifty-three;" in line 15, after the word "dollars," to insert "the Maine, \$562,500;" in line 23, before the word "thousand," to strike out "twenty-five" and insert "fifty-five;" and in line 24, before the word "thousand," to strike out "twenty-five" and insert "fifty-five," so as to read:

And the Secretary of the Navy is hereby authorized from the foregoing appropriation to make expenditures for repairs and changes on the vessels herein named in an amount not to exceed the sum specified for each vessel, respectively, as follows: The Brooklyn, \$453,500; the San Francisco, \$600,250; the Baltimore, \$653,300; the Alabama, \$667,500; the Illinois, \$667,500; the Iowa, \$557,500; the Kearsarge, \$673,500; the Kentucky, \$673,500; the Maine, \$562,500; the Adder, \$46,500; the Bennington, \$195,750; the Grampus, \$57,500; the Mocasin, \$46,500; the Pike, \$57,500; the Paul Jones, \$77,000; the Nicholson, \$55,000; the O'Brien, \$55,000.

Mr. HALE. The committee have several amendments to the amendment made necessary by the new estimates the Department has sent in. I will send them to the desk.

The VICE-PRESIDENT. The Senator from Maine proposes amendments to the amendment which will be stated.

The SECRETARY. On page 60, line 1, strike out "from the foregoing appropriation;" in line 2, after the word "expenditures," to insert "from the appropriate fund under the various bureaus."

The amendment to the amendment was agreed to.

The SECRETARY. On page 60, lines 15 and 16, strike out the words "five hundred and sixty-two" and insert "six hundred and fifty-seven," so as to read "the Maine, \$657,500."

The amendment to the amendment was agreed to.

The SECRETARY. On page 60, line 24, strike out the word "twenty-four" where it appears before the word "thousand" and insert "nineteen."

The amendment to the amendment was agreed to.

The SECRETARY. On page 61, line 1, strike out the words "five million five hundred and sixty-three thousand three hundred dollars and eighty-eight cents" and insert "six million two hundred and forty-five thousand eight hundred dollars."

The amendment to the amendment was agreed to.

The SECRETARY. On page 61, at the end of line 4, insert—

Mr. CLAY. With the permission of the Senator from Maine, I wish to call his attention to the provisions of the bill on page 60, before we leave it. I hold in my hand a copy of a provision that we inserted in the last naval appropriation act. The naval appropriation act approved March 2, 1907, provides as follows under the caption "Bureau of Construction and Repair," sub-head "Construction and repair of vessels":

\* \* \* *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home: *And provided further*, That the Secretary of the Navy shall hereafter report to Congress at the commencement of each regular session the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than \$200,000, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in details are provided for by Congress. \* \* \*

In pursuance of that law, the Navy Department has made a report to Congress setting forth the repairs that ought to be made on each vessel, naming the vessel, and the cost of repairing it. I have that report here. It says:

Pursuant to the foregoing, I have the honor to report that the following vessels will probably require general overhauling to the extent of \$200,000 or more—

Naming them.

Then follows a letter from W. L. Capps, Chief Constructor, United States Navy, Chief of Bureau, in which he says:

NAVY DEPARTMENT,  
BUREAU OF CONSTRUCTION AND REPAIR,  
Washington, D. C., January 11, 1908.

SIR: 1. Referring to the provision of the naval appropriation act for the fiscal year 1908 that the Secretary of the Navy shall report to Congress the number of vessels and their names upon which any re-

pairs or changes are proposed which in any case shall amount to more than \$200,000, the extent of such proposed repairs and changes, and the amounts estimated to be needed for same on each vessel, the Bureau has the honor to state that the following vessels will probably require general overhauling during the fiscal year ending June 30, 1909. In each case a brief statement of the character of the work involved and the estimated total expenditure under this Bureau only is given:

*Brooklyn*.—General overhauling; rearrangement of magazines and ammunition hoists in connection with the fitting of new intermediate battery; fitting fire-control system; modernization of turrets in accordance with present requirements. Estimated cost, \$275,000.

The pending bill, for the same item, on page 60, carries \$453,500, instead of \$275,000 estimated by the Navy Department.

Now, take the next ship, the *San Francisco*.

*San Francisco*.—General overhauling; necessary work for converting into a ship for laying mines; work in connection with installation of new boilers; miscellaneous improvements of moderate cost. Estimated cost, \$200,000.

This bill carries for that identical ship \$600,250, more than \$400,000 more than the estimate made by the Navy Department.

Again, with the Senator's permission, take the *Baltimore*.

*Baltimore*.—General overhauling; necessary work for converting into a ship for laying mines; work in connection with installation of new boilers; miscellaneous improvements of moderate cost. Estimated cost, \$200,000.

The item in this bill is \$653,300.

Take the *Alabama*. The report of the Navy Department says:

*Alabama*.—General overhauling; work in connection with changes in battery and magazines to bring them into accord with the present practice; installation of ammunition hoists and other turret fittings in accordance with present requirements; miscellaneous alterations and improvements of moderate cost. This vessel was originally commissioned October 16, 1900, and has been continuously in commission since that date, without any general overhauling. The vessel is now provided with a modern fire-control system. Estimated cost, \$350,000.

The appropriation in the bill to repair the ship *Alabama* is \$667,500.

Take the *Illinois*. The estimate for repairing the *Illinois* made by the Navy Department was \$350,000, and this bill carries \$667,500 for repairing that ship.

Take the *Iowa*. The general estimate made for repairing that ship by the Navy Department January last was \$350,000, and the pending bill carries for the *Iowa* \$557,500.

Now, take the next ship, the *Kentucky*. The estimate made by the Navy Department for repairing this ship January last was \$350,000, and the bill carries \$673,500.

There are some other vessels for which smaller amounts are estimated. I go to the next page of the House document which I have before me and in the estimates made I find that for the *Adder* the estimate was \$24,500, and the bill carries \$46,500; for repairing the *Bennington* the estimate was \$75,000, and the bill carries \$195,750. There is another ship—the *Grampus*. The estimate was \$33,500, and the bill carries \$57,500. For the *Pike* the estimate was \$33,500, and the bill carries \$57,500.

I wish to call the attention of the Senator from Maine to the fact that these are House items, but in the last appropriation act we required the Secretary of the Navy to make careful estimates of the amounts that would be necessary to repair each ship, naming each ship, and the cost of the repairs, and in January last, less than three months ago, the Navy Department sent to the House estimates as to how much it would cost to repair each of these ships, and the amounts in this bill, in most instances, are even treble the amount of the estimate made by the Navy Department.

I am unable to see how there has ever passed the House an appropriation of \$650,000 for repairing a ship when the Navy Department in January last insisted that only \$200,000 was necessary to make the repairs. These are not Senate items; they are House items. Here is one ship that has been in commission only four years, and we are asked in this instance to give \$650,000 to repair it.

There is another item here of \$562,500 in regard to the *Maine*. I do not remember when the new *Maine* was built and commissioned, but it has been only a very few years since the old *Maine* was destroyed, and I am unable to understand how a ship commissioned two or three years ago can cost at this time more than half a million dollars for repairs. All these items are on pages 60 and 61 of the bill, and the House document which I hold in my hand goes into details, showing how the repairs ought to be made, and they even say that they make a liberal estimate in regard to the cost of these changes and repairs.

The Senator from Maine may be in possession of other information since this report was made in January which will show that these ships must be changed to meet new conditions, but at least the Senate ought to be put in possession of that information. The Senator will find all these items in House Document No. 656 of the Sixtieth Congress. Undoubtedly he is perfectly familiar with it.

Mr. HALE. Mr. President, if I had been asked to give the reason for the appropriations on this page I should have had read the statute that the Senator from Georgia has most opportunely presented and read to the Senate. The statute which the Senator from Georgia has cited was a most important act, a much-needed act. The necessity for it is illustrated by the natural wonder of the Senator that a big ship costing millions and millions of dollars should so soon after she is completed need such heavy repairs.

That is one of the infirmities of the big battle ships. They begin to repair them almost as soon as they are set afloat. A battle ship is being constantly repaired and almost rebuilt, and at the end of ten years, when her repairs will perhaps have amounted to half as much as the original cost of the ship, it is discovered that she is obsolete.

Now, Mr. President, these conditions can not be helped. We have started upon the establishment and maintenance of a great navy. As Sir William White, a most competent authority, for years formerly at the head of the British Admiralty, and who lately visited this country, and whom I had the pleasure of seeing and talking with on naval matters, said:

You have, all things considered, the best fleet in the world; it is not as large as that of Great Britain, but next to it. You have what we have not got, because while we spent hundreds of millions of dollars upon ships that soon became obsolete, you waited and did not begin the construction of these big ships until some ten or twelve years ago. Those that you have are the best of their kind, corresponding with ships that were built at the same time. But you will find, just as we have found, that the expense of a navy begins only when you have built the ship.

That is the fundamental condition which accounts for the statute the Senator has read and the appropriations which cover this page of the bill. We found that unless by law we directed the Department to estimate specifically and Congress to appropriate specifically, not only would the Department urge upon us enormous programmes for new ships, but it would go on and reconstruct old ships without the knowledge of Congress as to the extent of that work.

Based upon the belief (perhaps it is heresy to-day) that Congress had something to do with the building of a navy, and with the appropriations that it should make, and with the expenditures that it should authorize, upon the theory that Congress has authority in such matters and may exercise its own discretion, Congress ventured to pass the act, which held the Department in check so that we might know and might appropriate for whatever was required, not only in building new ships, but in reconstructing old ones.

So it fell out that the Secretary for the first time was confronted very much as a householder is with the question of repairs. The householder sends for an architect, who makes his estimate, and it is never half as much as it is when the bills come in. When the original calculation was made, I am told from the House that nearly every one was inadequate. New estimates, additional estimates, kept coming in afterwards before the House.

Mr. CLAY. With the Senator's permission, on that hangs a very difficult point. Do I understand the Senator to say that since the Navy Department, January 11 last, recommended that \$220,000 be appropriated for the purpose of repairing the *San Francisco* the Department has recommended that the appropriation be increased to \$600,000?

Mr. HALE. Yes; I understand just that, and it is a thing that we meet every day. The first estimates that come in are sometimes not half what is needed.

Mr. CLAY. I will say to the Senator—

Mr. HALE. Let me give the Senator an instance.

Mr. CLAY. Certainly.

Mr. HALE. There was one ship that was left out in the original list. For some reason or other it did not get in it at all.

Mr. CLAY. That was the *Maine*, I reckon.

Mr. HALE. It was the *Maine*. When the Senate was confronted with the question what it should appropriate for that ship, it said to the Department that it wanted the estimate to cover everything up to the present date and not a part of it. So when we got the estimate of the *Maine* from the Department, instead of its being as the others, when they were sent in, \$200,000 or \$300,000, we got everything in, and it came to us complete, at almost \$600,000. We put it in because we had all the estimates, instead of coming in from time to time; for after the time when the first calculations are made, as will always happen, additional information comes in. I will say to the Senator I am by no means certain that before another year, when this work is undertaken, as everything is very expensive, we may be called upon for an additional amount in the case of every one of the vessels which are here fully provided for.

The Senator does not appreciate, and I do not wonder that he

does not, first, the enormous expense always attendant upon these ships, and, then, the impossibility of being able to make a calculation of what the repairs will amount to. It can not be done exactly any more than in the case of a householder. The estimates keep coming in all the time.

That is all I can say about this matter. I am afraid even this large amount will not be all that we will be called upon for. To repair and to rebuild is one of the necessities which comes from a great naval establishment; but it is on our hands, and we have to pay the bills.

Mr. CLAY. Mr. President, I want to say just a word further. Of course I appreciate all that the Senator from Maine has said, but I must confess, if the Navy Department recommended \$200,000 to repair the *Brooklyn* January 11, 1908, and in less than three months afterwards placed that estimate at \$453,000, I do not see how Congress can be guided by the recommendations of the Navy Department.

If the Navy Department January 11, 1908, recommended \$350,000 for the repair of the *Alabama*, and the *Alabama* is now with our fleet and has not been here since that time, and since that date the Navy Department has recommended \$667,500 for the repair of that ship, it is indeed a very serious condition of affairs. If the Navy Department recommended for the repair of all these ships \$1,600,000 in January last, and now recommends nearly \$6,000,000 for the repair of the same ships, I must confess as a Senator I am unwilling to be guided by the recommendations of the Navy Department.

Where are we standing? We appropriate \$100,000,000 every year for the purpose of maintaining our Navy, and we rely upon the information that we receive from the Department to guide us in the expenditures of the public money. If in three months there is a change from a million and a half to \$5,000,000 for the purpose of repairing these ships, how can we trust the Navy Department?

Mr. President, this is the first time to my knowledge since I have been a member of the Senate that we have more than trebled the estimates made by any Department. I believe we ought to take this page and we ought to revise it notwithstanding it comes from the House, and fix it in accordance with the estimates made by the Navy Department.

Mr. PERKINS. Mr. President—

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

Mr. CLAY. Certainly.

Mr. PERKINS. The first estimate, as your committee understands it, came from the Bureau of Construction and Repair. Subsequent events developed that the Bureau of Engineering had not made any estimate. The life of a boiler is about eight years. We found that new boilers were needed, I think, on the *Maine* and one or two other ships the names of which have escaped from my mind.

Mr. HALE. And there is also the Bureau of Equipment.

Mr. PERKINS. Also there was an estimate made by the Bureau of Equipment. The estimate made by the Bureau of Construction and Repair is correct, and subsequently there was added the estimate of the Engineering Bureau and also the estimate of the Bureau of Equipment.

Mr. CLAY. The report which I read, I will say to the Senator from California, placed the total cost of repairs of the ship I just mentioned at \$350,000.

Mr. PERKINS. That is the hull of the ship.

Mr. CLAY. They placed the total cost of repairs on that ship at \$350,000. Here is another thing which I have just read. They say here:

5. Attention is especially invited to the fact that the above-noted estimates do not require additional appropriations over and above those already covered in the estimates submitted with the Bureau's letter, No. 945-A 121, of September 24, 1907. The estimates already submitted are sufficient to cover such work on the above-noted vessels as can be undertaken during the fiscal year ending June 30, 1909, and the accompanying statement of probable expenditures is submitted in compliance with the specific requirement contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Mr. PERKINS. What name is signed to that report?

Mr. CLAY. It is from the Secretary of the Navy.

Mr. PERKINS. It is a report to the Secretary of the Navy from the chief of one of the bureaus.

Mr. CLAY. Suppose it is from one of the chiefs of bureau through the Secretary of the Navy.

Mr. PERKINS. It relates only to his Bureau.

Mr. CLAY. Will the Senator from California furnish to the Senate an itemized statement from the Navy Department showing why these estimates on the various ships have grown from \$200,000 to \$450,000? We have the estimates made January 11 last, and if any estimates have been made during the last month or six weeks other than these estimates let us know

what they are. Let us know all the items. If after our ships have been commissioned and on the waters three or four years it requires \$600,000 to repair one of them, I want to understand why it is.

Mr. PRESIDENT. I am in favor of an efficient navy. An efficient and a strong navy is more important to defend this country than an army. If we are ever attacked at all, it will be from across the waters, and I am not uneasy about it in any way. I am not expecting any war to take place in this country in the next five or six years. I have no patience with such talk.

If we govern properly and treat fairly and justly all the nations of the earth and keep up that high standard of civilization which it is our privilege to enjoy, we will in all probability not engage in war with any of the nations of the earth.

Mr. PERKINS. Mr. President—

Mr. CLAY. With the Senator's permission, just a word. The civilized nations of the world to-day are preparing to settle their disputes outside of battle. We are gradually gaining ground in favor of the arbitration of all disputes. We are a Christian people, highly educated, that love truth, justice, and right, and there is no probability of this nation being engaged in a war with other countries. I believe that all this war talk that we hear is without the slightest foundation. There is nothing in it; at least I hope there is not.

Mr. PERKINS. Mr. President—

Mr. CLAY. I do not want to discuss war.

Mr. BEVERIDGE. Will the Senator yield to me?

Mr. CLAY. Certainly; but I will yield to the Senator from California first.

Mr. PERKINS. I agree with the Senator from Georgia on the war basis. What I want to do is to answer his criticism on repairs. The life of a ship in the mercantile service and in the Navy is equally the same. It is twenty years. In other words, every prudent merchant shipowner writes off 5 per cent every year of a ship by depreciation in value, and, besides, he has to spend 5 per cent more to keep up the ship to that standard. Now, take a ship costing \$4,000,000. Five per cent on that is \$200,000. That is the result, and it fully explains the great cost which my friend from Georgia is criticising.

Mr. BEVERIDGE. Mr. President—

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

Mr. CLAY. With pleasure.

Mr. BEVERIDGE. I merely want to ask the Senator a question. I listened to his very eloquent remarks a moment ago. Did this country treat Great Britain justly in 1810-1812?

Mr. CLAY. I think so.

Mr. BEVERIDGE. And yet we got into a war there. Did we treat Spain justly and act in the interest of humanity in 1898?

Mr. CLAY. I think so.

Mr. BEVERIDGE. And yet we got into a war there.

Mr. CLAY. We did.

Mr. BEVERIDGE. These are two illustrations, and I will ask another. Did we treat Mexico justly in 1846?

Mr. CLAY. I think so.

Mr. BEVERIDGE. Yet we got into a war there.

Mr. CLAY. I am always on the side of my own country. The Senator has mentioned three wars, and this country is more than 125 years old. I do not want to discuss war now. I want to discuss these items, because they are on my mind. I have not yet been able to understand why these items were inserted in the House.

Mr. BEVERIDGE. Just one moment to correct what I know the Senator does not want to go into the RECORD. He said I had mentioned three wars 125 years old. The Spanish war is hardly 125 years old.

Mr. CLAY. No; I did not. I said this country is more than 125 years old.

Mr. BEVERIDGE. Of course; I do not dispute that.

Mr. CLAY. I presume I know that the Spanish war is not 125 years old.

Now, Mr. President, the Senator from Maine in charge of the pending bill has always been able to explain the various items in a bill. I have served on committees with him. He is a very industrious Senator, and so is the Senator from California. I am convinced from the speech the Senator from Maine made that he himself is not satisfied with these items. In fact, if the Senator explained the items satisfactorily, I must confess that I could not understand it. He is always clear and forcible.

Mr. HALE. I can simply repeat that these items did not all come in at once. I do not know the items that they cover. I have not gone over all those, but the first estimates were only the general repairs under one bureau. Afterwards other bu-

reas were found to require almost as much—the Steam Engineering Bureau and the Equipment Bureau—so that when the Senate committee tackled the bill I had put on a provision the House did not put on before they passed it to the Senate. All the funds were left to come out of the funds of the Bureau of Construction and Repair. The House left the bill in that way.

When it was found that the original estimates were so largely increased by the other bureaus, some being as much as the estimate of the Bureau of Construction and Repair itself, making this great aggregate, the House neglected to provide that the money should be taken out of the funds of these other bureaus. It would not have been right for the Bureau of Construction and Repair to pay all these bills. That was an element of wrong in the appropriation which we had to correct here. That is why I can not explain the details. The Senator says he thinks I am dissatisfied. I wish these items were not so large. But I do not know the items; I do not pretend to know; only I know why it was that the document which the Senator reads from does not measure the necessity of the entire appropriation. The reason is that other estimates came in afterwards.

Mr. CLAY. I wish to say this to the Senator—

Mr. CARTER and Mr. ELKINS addressed the Chair.

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

Mr. CLAY. I will yield to the Senator from West Virginia and then I will yield to the Senator from Montana.

The VICE-PRESIDENT. The Chair recognized the Senator from Montana. Does the Senator from Georgia yield to that Senator?

Mr. CLAY. I yield to the Senator from Montana.

Mr. CARTER. I rise merely to ask the Senator from Georgia a question.

I understand the Senator to take exception, for instance, to the appropriation, on page 60, of \$453,000 for the *Brooklyn*, based upon an estimate made in January, and to inquire why it is that since January the item should have so materially increased in amount. I find in the document here from which the Senator reads that the items when added together make the exact amount of the appropriation as outlined in the document to which the Senator refers, which was printed February 12. On page 3 the Senator will observe that the appropriation for the *Brooklyn*, general overhauling, and so forth, is estimated at \$275,000. By reference to page 5 the Senator will observe that the Bureau of Ordnance fixed the estimates at \$53,500 for that Bureau work.

On page 7 the estimate of the Bureau of Equipment for the *Brooklyn* amounts to \$75,000. On page 8 of the document I find the estimate of the Bureau of Steam Engineering for the *Brooklyn*, \$50,000. All these are for the *Brooklyn*. These items, to wit, \$275,000 first referred to, \$53,500 referred to in another subdivision, \$75,000 for equipment, and \$50,000 for steam fitting, make, in the aggregate, the \$453,500 mentioned in the bill.

Mr. HALE. All that is in the document?

Mr. CARTER. Entirely in the document.

Mr. HALE. I am very glad the Senator has found it.

Mr. CARTER. All the items are here, but the estimates seem to have been made by the different bureaus covering the particular class of construction coming within their province. The first is the Bureau of Construction, \$275,000.

Mr. HALE. That is the original estimate for general overhauling, which caught the eye of the Senator from Georgia.

Mr. CARTER. Manifestly the Senator from Georgia believed that that was the amount of repairs required in January. The amount of repairs in January to be performed in that Bureau is identical with the amount for repairs in that Bureau to-day; but the other bureaus make other estimates, and the aggregate of all the estimates appears on page 60 of the bill as an item of \$453,000, the sum of all the items.

Mr. ELKINS. Mr. President—

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

Mr. CLAY. Certainly; with pleasure.

Mr. ELKINS. I am much interested in the large amounts spoken of by the Senator from Georgia. As I understood him, he said the estimates for some of the ships were made in January and that since January the estimates have been increased enormously. What I want to ask is how they make the estimates? The ships in the fleet are now going around the world, and how can the Department make an estimate for their repair?

Mr. CLAY. I want to call the Senator's attention, in reply to that question, to page 4, paragraph 4, of this report, which says:

4. The *Brooklyn* and *Iowa* are not now in active service, but are in reserve. General surveys have been held, but the detailed estimates under the survey have not yet been received.

Still they say how much it will take to repair those ships—

The *Alabama*, *Illinois*, *Kearsarge*, and *Kentucky* are still in commission and are with the fleet. They can not be surveyed until they are available for the purpose. The estimates for these last-named vessels are therefore approximate and are based on previous experience in the overhauling of similar vessels.

Mr. ELKINS. Does the bill carry an appropriation for the repair of these ships?

Mr. CLAY. Certainly it carries an appropriation for these identical ships I have named.

Mr. ELKINS. I desire to ask the Senator from Georgia another question.

Mr. CLAY. Very well.

Mr. ELKINS. How are we going to make repairs on these great battle ships of the fleet while they are going around the world?

Mr. CLAY. They say they have not been surveyed; that the estimates have not been made. They have since approximately guessed at it on the ground that it usually costs so much to repair ships of that kind.

Mr. ELKINS. Mr. President, I should like to inquire, if the fleet is going around the world and it will take another year, as I understand, before it can return and these ships be surveyed, why make appropriations to repair them now?

Mr. CLAY. I think the Senator's inquiry is very pertinent. These ships can not be repaired until they come back here, especially if such an amount of money is to be spent on them.

Mr. CARTER. Why not, if they need repairs?

Mr. CLAY. They can repair them even on the water to some extent. They can make the necessary repairs to keep them going; but I should not think that we would spend half a million dollars in repairing a ship while it was on the ocean. I am not certain about that, but I should not think so. Common sense would indicate that I am correct, though I may be incorrect.

Mr. ELKINS. Mr. President, we might be able to reduce these estimates somewhat if the repairs could be deferred until the return of the fleet, which will be more than a year hence. I can not understand how you can put \$600,000 on a ship while it is going around the world. You might put some ordinary repairs on it.

Mr. CLAY. I can not understand that myself.

Mr. ELKINS. I want information as to that.

Mr. CLAY. I think the Senator is correct.

Mr. PERKINS. Mr. President—

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

Mr. CLAY. I do.

Mr. PERKINS. Mr. President, I want to say to my friend from Georgia [Mr. CLAY], bearing out a statement which I previously made, that he was reading only the estimates furnished by the Bureau of Construction and Repair and the Bureau of Equipment. Take the case of the *San Francisco*, for instance, which the Senator criticised in his forcible manner and very intelligently. The Bureau of Equipment, as to the *San Francisco*, says:

*San Francisco* and *Baltimore*.—Refitting and equipping as mine-laying vessels, including general overhauling of equipment installation, and changes necessary to make the vessels efficient, including work incidental to that under other bureaus, \$50,000 each, \$100,000.

Now we come down to the Bureau of Engineering, and as to this same vessel, the *San Francisco*, it estimates:

*San Francisco*.—General overhauling of machinery, necessary work for conversion of ship into a mine layer, installation of new boilers, and general repairs, \$200,000.

Adding those two amounts to the amount which the Senator read makes the sum total which is contained in the bill. The same thing holds good as to the other ships about which the Senator has read from the House document.

Mr. CLAY. With the permission of the Senator from Maine [Mr. HALE], I desire to examine most critically this entire document and the supplemental reports that have been filed. I will do so between now and morning. I hope the Senator does not expect to have this bill passed this evening.

Mr. HALE. I plainly perceive that we shall not be able to pass the bill to-night.

Mr. CLAY. I want to examine the supplemental reports and to examine this entire document, so as to see exactly what has been reported, and to go over the items. I will do that between now and morning. Can the Senator from Maine tell me where I can get the supplemental report? I presume I can obtain it from his committee.

Mr. HALE. The documents the Senator desires are House Document No. 656—I presume that is the one the Senator has—and Senate Document No. 414. The latter document relates only to the *Maine*.

Mr. CLAY. Will the Senator tell the Senate when the *Maine* was commissioned?

Mr. HALE. I do not remember.

Mr. CLAY. It has not been long, surely.

Mr. HALE. It was some time ago.

Mr. CLAY. Some three or four years ago?

Mr. HALE. Not more than that. I should think hardly so long as that—the new *Maine*.

Mr. CLAY. I mean the new *Maine*. That item, as I believe, is for five or six hundred thousand dollars.

Mr. HALE. Five hundred and sixty-odd thousand dollars. I now offer an amendment to the amendment, which I send to the desk.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 61, line 4, after the word "Congress," it is proposed to insert "and letters of the Secretary of the Navy of April 20, 1908, concerning general repairs to the *Maine*."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of line 3, on page 65.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 65, at the end of line 3, it is proposed to strike out the period and insert a comma, and to insert the following proviso:

*Provided*, That so much of the foregoing appropriation of the current appropriation for steam machinery as may be necessary may be used to complete the machinery of the seagoing tugs *Patapsco* and *Patuxent*, now building at the navy-yards at Portsmouth, N. H., and Norfolk, Va.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the bottom of page 68.

Mr. HALE. I offer the amendments which I send to the desk.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 69, line 3, after the word "thousand," it is proposed to insert "six hundred," so as to read:

Pay of professors and others, Naval Academy: One professor of physics, \$3,600.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 6, before the word "thousand," to strike out "two" and insert "three;" and in the same line, before the word "dollars," to strike out "five hundred," so as to read:

One professor of mathematics, one of mechanical drawing, one of English, one of French, and one of Spanish, at \$3,000 each.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 8, before the word "hundred," to strike out "two" and insert "six;" and in the same line, before the word "dollars," to insert "and forty," so as to read:

Three professors, namely, one of English, one of French, and one of Spanish, at \$2,640 each.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 10, after the word "thousand," to insert "four hundred," so as to read:

Five instructors, at \$2,400 each.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 11, before the words "thousand," to strike out "one" and insert "two;" in the same line, after the words "thousand," to strike out "eight" and insert "one," and, in the same line, before the word "dollars," to insert "and sixty," so as to read:

Four instructors, at \$2,160 each.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 13, before the word "hundred," to strike out "five" and insert "eight," so as to read:

Ten instructors, at \$1,800 each.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 24, on page 71.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 71, line 23, before the word "thousand," it is proposed to strike out "thirty-four" and insert

"forty-five," and, in the same line, after the word "thousand," to strike out "six" and insert "one," so as to read:

In all, \$145,108.26.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Naval Academy," on page 71, after line 24, to insert:

The Secretary of the Treasury is hereby authorized and directed to close and balance as expended the sum of \$24,500 now standing on the books of the Treasury under the appropriation "Pay of the Navy," which was advanced by direction of the Secretary of the Navy in 1867 and 1868, and has heretofore been used as a midshipmen's store fund at the Naval Academy: *Provided*, That hereafter the storekeeper at the Naval Academy, authorized by section 1527 of the Revised Statutes, shall render quarterly returns of property to the Chief of the Bureau of Supplies and Accounts, under such regulations as the Secretary of the Navy may prescribe. A full report shall be made annually of receipts and expenditures by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy: *And provided further*, That an inspection of the storekeeper's accounts shall be made quarterly by the general inspector of the Pay Corps, with such recommendation as he may deem necessary, to the Chief of the Bureau of Supplies and Accounts.

Mr. BACON. Mr. President, I will ask the Senator from Maine if he will explain the first part of that amendment? I have no doubt it is all right, but it is not clothed in language which enables us to understand what it is. I refer to that part relating to the unexpended sum of \$24,500.

Mr. HALE. I would say, generally, the amendment speaks for itself. It is to provide for a better and a more correct accounting from time to time for this fund and for regular reports to be made.

Mr. BACON. I am not referring to that part of it. The amendment refers to the money advanced by the Secretary of the Navy in 1867 and 1868. I supposed that was the fund set apart for the purposes enumerated in the balance of the section, but I was not sure, and for that reason I asked the Senator to explain it.

Mr. HALE. I am going to have read a letter from the Department. The amendment covers the—

Sum of \$24,500 now standing on the books of the Treasury under the appropriation "Pay of the Navy," which was advanced by direction of the Secretary of the Navy in 1867 and 1868, and has heretofore been used as a midshipmen's store fund at the Naval Academy.

The fund has been used generally without being accounted for, and the amendment provides for the accounting; but if the Senator desires I will have the letter read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,  
Washington, April 14, 1908.

SIR: 1. Section 4 of the act of March 2, 1867 (14 Statutes, 516), now section 1527 of the Revised Statutes of the United States, provides that the storekeeper at the Naval Academy shall be detailed from the Paymaster Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen and cadet engineers in the same manner that supplies are now furnished to the Navy. Prior to the passage of this law a civilian storekeeper provided for the needs of the midshipmen under an arrangement between himself and the officials of the Academy.

2. To give effect to the law above quoted the Chief of the Bureau of Provisions and Clothing, by direction of the Secretary of the Navy, issued instructions to the Superintendent of the Naval Academy, under date of April 18, 1867, directing the paymaster in charge to require \$50,000 under head of "Pay of the Navy" as a fund, to be in addition to whatever sum may be paid by the paymaster in charge to the naval storekeeper for his stores, and informing him that should a sum greater than \$5,000 be found necessary hereafter it may be increased on application to the Bureau.

3. Under this authority the sum of \$24,500 was advanced out of the appropriation "Pay of the Navy, 1867," to Paymaster Gilbert E. Thornton, United States Navy, who had been designated as storekeeper.

4. The Comptroller of the Treasury, under date of October 1, 1887, held that this fund had been used in a manner not authorized by law since 1867 and suggested that Congress be asked to transfer the amount from "Pay of the Navy" to a fund to be designated as a fund for the support of the Naval Academy for the purpose of providing clothing and other necessaries for the use of naval cadets. Since that date the matter has several times been brought to the attention of the Department and to Congress, and, although some years ago a bill was introduced by Senator HALE to legalize the matter as suggested by the Comptroller, no legislative action has yet been taken.

5. The matter has again been brought to the attention of the Comptroller, who holds that, unless the fund now used for the midshipmen's store at the Naval Academy be set aside for that purpose by the authority of Congress, the original amount advanced must be turned into the Treasury to be credited to the appropriation "Pay of the Navy, 1867," and the profits, now amounting to over \$30,000, be turned into the Treasury under the head of "Miscellaneous receipts." This action would greatly embarrass the authorities at the Naval Academy, and it is therefore urgently recommended that the following provision be inserted in the naval appropriation bill now under consideration:

The Secretary of the Treasury is hereby authorized and directed to close and balance as expended the sum of \$24,500 now standing on the books of the Treasury under the appropriation "Pay of the Navy," which was advanced by direction of the Secretary of the Navy in 1867 and 1868 and has heretofore been used as a midshipmen's store fund at the Naval Academy: *Provided*, That hereafter the storekeeper at the Naval Academy, authorized by section 1527 of the Revised Statutes, shall render quarterly returns of property to the Chief of the Bureau of

Supplies and Accounts, under such regulations as the Secretary of the Navy may prescribe. A full report shall be made annually of receipts and expenditures by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy: *And provided further*, That an inspection of the storekeeper's accounts shall be made quarterly by the general inspector of the Pay Corps, with such recommendation as he may deem necessary, to the Chief of the Bureau of Supplies and Accounts.

6. This provision, if enacted into law, would involve no appropriation, but would merely authorize the continuance of a practice of forty years, which has added greatly to the efficiency of the Academy and to the comfort and economy of the midshipmen. As above stated, the surplus now amounts to over \$30,000, and under the provisions of the above mentioned clause, the whole capital of the midshipmen's store would be carefully accounted for and could be turned into the Treasury at any time that Congress might direct.

Respectfully,

TRUMAN H. NEWBERRY,  
Acting Secretary.

CHAIRMAN OF THE NAVAL COMMITTEE UNITED STATES SENATE.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 72, after line 19, to insert:

Navy bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts, when the furnishing of such music places them in competition with local civilian musicians.

Mr. DICK. Mr. President, I should like to have that amendment passed over, as I desire to speak briefly upon it so far as it refers to the band at the Naval Academy.

Mr. HALE. I am entirely willing that that shall be done.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 75, line 16, it is proposed to strike out "\$609,713" and insert "\$721,713": *Provided*, That so much of the foregoing appropriation as is needed to pay the additional officers of the Marine Corps provided for in this act shall be immediately available.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 76, line 14, it is proposed to strike out "one million nine hundred and thirty-five thousand dollars" and insert:

two million one hundred and two thousand six hundred and eight dollars: *Provided*, That so much of the foregoing appropriation as is needed to pay the additional enlisted men of the Marine Corps provided for in this act shall be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Marine Corps," on page 76, after line 22, to insert:

That from and after the passage of this act, and in order to further increase the efficiency of the United States Marine Corps, the following additional officers, noncommissioned officers, drummers, trumpeters, and privates to those now provided by law for said corps are hereby authorized and directed, namely: One major-general commandant, in lieu of the present brigadier-general commandant; 1 lieutenant-colonel; 2 majors; 18 captains; 7 first lieutenants; 14 second lieutenants; 1 assistant adjutant and inspector, with the rank of lieutenant-colonel; 1 assistant quartermaster, with the rank of lieutenant-colonel; 1 assistant quartermaster, with the rank of major; and 3 assistant quartermasters, with the rank of captain; 1 assistant paymaster, with the rank of major; 1 assistant paymaster, with the rank of captain; 2 sergeant-majors; 15 quartermaster-sergeants, 5 of whom are to serve in the pay department; 20 first sergeants; 50 sergeants; 125 corporals; 10 drummers; 10 trumpeters; and 518 privates: *Provided*, That hereafter the number of enlisted men in the United States Marine Corps shall be such as the Congress may from time to time authorize.

That the vacancies now existing in the line and staff departments of the United States Marine Corps and those created by this act shall be filled in the manner provided by law.

Mr. WARREN. Mr. President, I observe that this amendment provides for the addition of about a regiment of marines. I want to ask the Senator if there is any increase in the number of enlisted men in the Navy provided for in this bill?

Mr. HALE. Yes; 6,000 men. The Department asked for just double the number that has been given for the Marine Corps, but the committee was not ready to grant that much, and merely increased the number so that the Marine Corps might have a corresponding increase with the increase in the Navy. We gave them half of what they asked.

Mr. WARREN. I want to call the attention of the Senator and of the Senate to the fact that there seems to have been a feeling of resentment and opposition here in the Senate, on the part of some, to any enlargement of the Army. It has gone to such an extent that newspaper items and newspaper writers have been made the texts for rather extensive debate, and on a morning not long ago, after the passage of the regular annual Army appropriation bill, that bill was recalled and

held up for a time on a motion to reconsider. The extravagancies of the appropriations for war and for the prevention of war were portrayed, and the fact that the Army bill had contained a very large addition, made by the Senate committee, was brought out.

Mr. President, that bill did not contain any increase in the number of enlisted men or officers. When a proposition for an increase of the Army is made the Military Committee brings a bill onto this floor and asks the Senate to consider it separately from an appropriation bill, which necessarily must be hurriedly considered along toward the last days of the session.

We have had in the recent past a bill respecting the Medical Corps of the Army and a bill respecting the Ordnance Corps, both of which have been thrashed out on the floor during two or three sessions of Congress, and have been contended against by the Senator who now has charge of this bill, and others, and when they were finally settled they were settled on their merits by themselves. The same holds true as to the act increasing the Artillery Corps.

I believe the Senator from Maine is right in proposing an increase of the enlisted force of the Navy and an increase of the enlisted force of the Marine Corps, but it ought not to be done in this way, as it is technically against rule and reason to thus legislate in our supply bills. I shall support the Senator in this amendment, but I register a protest against further legislation of this kind in this way.

Mr. HALE. The Senator understands there would not be the slightest necessity for any increase if we were not adding ships all the time. That is not true about the Army. We are all the time building new ships.

Mr. WARREN. We have been adding new countries, however.

Mr. HALE. Not lately.

Mr. WARREN. Not very lately.

Mr. HALE. That is the reason why we have increased the Navy. I have no antagonism toward the Army or toward the bills to which the Senator refers. I gave up my opposition long ago.

Mr. WARREN. Nevertheless, Mr. President, we had an aftermath in which the Senator engaged the day after the passage of the Army appropriation bill of some hours' extent, in which the Secretary of War was charged with a desire to increase the Army to 125,000 men.

Mr. HALE. I said I hoped the Secretary was not responsible for that. I have learned since that he was not.

Mr. WARREN. I said at the time that I did not believe he was responsible for the yarn. At least he had kept me at such a distance that even as chairman of the Military Committee I never had heard even a hint that he desired to increase the Regular Army to 125,000 men. The Secretary of War was discovered on the evening of the day of that debate at Council Bluffs and responded at once to an inquiry from the Associated Press. As what he said is very short, I think I will send it to the desk and have it read, so that we can understand about this great bugaboo of an Army which is going to eat up the entire revenues of the United States; that is to say, what is left after paying for the battle ships and paying other Navy Department expenses.

Mr. HALE. There will not be much left.

Mr. WARREN. I think so myself. The difference, Mr. President, between the Army and the Navy is that while a regiment of infantry may cost a million dollars per year, a battle ship costs \$10,000,000 first cost, then a million dollars a year for depreciation and repairs, and also a regiment or more of men at a cost of over another million per year to equip it for service. I now have here the item I refer to, the interview of Secretary Taft.

Mr. HALE. I saw the item and was very glad to see that the Secretary declared he was not responsible for the article, and I said when I brought the matter before the Senate that I did not believe the article was inspired; that I did not believe the Secretary was behind it. I was not aiming in what I said at the Secretary of War in any way. I wanted to call attention to what I believed was the general extravagance in military expenditures and was in a way preparing for the contest that I thought might come up about the big battle-ship programme in the Senate, and so far as that goes I accomplished the object.

But as I say, I was very glad to see that the Secretary of War did not inspire the article by that correspondent, and for a time we heard very little, the Senator noticed, of that correspondent. But I see he has now resumed his statements and prophecies, and if it turns out they have no more basis than

the other, and that he does not speak ex cathedra, they will go for what they are worth. The Senator has had some experience with correspondents.

Mr. WARREN. I have had; and I do the Senator from Maine the justice to say that in inveighing against the Army on that particular occasion he did not neglect to lambast the Navy and its expenditures to some extent as well.

Mr. HALE. I was thinking more of the Navy than I was.

Mr. WARREN. But speaking of newspapers and of the fact that we spent two or three hours here in animated debate over a newspaper article, shivering with fear because of the expense of an army of 125,000, notwithstanding that I, in a feeble way, stated that I had no confidence in it and would not support such a move, yet nearly all the metropolitan newspapers have since been filled with statements to the effect that we were going to have an army of 125,000, but for the fact that the Senator from Maine [Mr. HALE] had valiantly attacked the scheme and had probably pricked the bubble.

So, Mr. President, I desire to have read what the Secretary said when his attention was directed to the matter.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Washington Post, April 8, 1908.]

COUNCIL BLUFFS, IOWA, April 7.

Secretary Taft was to-night shown a report of the Senate proceedings, wherein Senator HALE discussed increased appropriations for the Army. He read it with keen interest.

"I certainly have no knowledge of who wrote the article in the Washington paper referred to by Senator HALE," said the Secretary, "nor of its contents. It was not inspired by any person officially connected with the War Department."

Mr. WARREN. So much for the Secretary of War. In the same debate it was stated that the Chief of Staff believed in an army of 125,000 men. I should like to have read what is between the two marks on the letter I send to the desk. I wish to take only a little time.

The Secretary read as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
Washington, April 10, 1908.

Hon. FRANCIS E. WARREN, United States Senate.

MY DEAR SENATOR:

\* \* \* \* \*

If the article was inspired by anyone—

Mr. WARREN. It refers to the article of the correspondent whom the Senator from Maine has already referred to.

Mr. HALE. Mr. O'Laughlin.

Mr. WARREN. Yes.

The Secretary read as follows:

If the article was inspired by anyone, I have no knowledge thereof, but judging from the fact that most of the data contained therein was evidently taken from a public document published by Congress, it is apparent that the author needed no inspiration. It is true that the Secretary of War has taken under consideration and studied from time to time numerous propositions concerning needed changes in the present organization of the Army, and has arrived at the conclusion that some increase is needed by certain portions thereof and that most of it needs reorganization to enable it to be thoroughly efficient when called on in an emergency. It is not true, so far as I know, that he has ever contemplated or concluded it advisable to increase the Army to 125,000 men in time of peace. He has never concealed his views concerning the needs of the Army and may possibly have mentioned them to newspaper correspondents, who seek information from him as they do from all public men. In fact, he set forth quite fully his views in an address delivered by him in Columbus, Ohio, on April 2, to the board of trade of that city. Nothing can be found in that address indicating that he contemplates increasing the Army to 125,000 men in peace. In fact, if there is anyone who has ever contemplated such a thing, I have never heard of it.

I have never even thought of "doubling" the Army, much less suggested or advocated it to anyone. So far as I know, neither the General Staff nor anyone in my office has ever done so either.

\* \* \* \* \*

Very sincerely, yours,

J. F. BELL.

Major-General, Chief of Staff.

Mr. WARREN. Perhaps it would be well to call another witness, Mr. John Callan O'Laughlin himself. I have had no communication whatever with him, except to receive the letter, a copy of which I send to the desk and request the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

HIBBS BUILDING,

Washington, D. C., April 8, 1908.

Hon. FRANCIS E. WARREN, United States Senate,  
Chairman of the Military Committee of the Senate.

SIR: In view of the debate which occurred in the Senate regarding an article I wrote for the Washington Post, I trust you will not consider it amiss to permit me to confirm your statement that the publication was not inspired by Secretary Taft or anyone else. Indeed, in justice to the Secretary, I must say that I have not discussed the matter with him, and what I wrote was based upon information which

reached me through other channels. Moreover, as I stated in the article in question, the plan of reorganization was merely under consideration and there was no finality as to what would be done or as to the size of the increase which eventually would be considered desirable by the War Department.

I have no objection whatever to your use of this letter in any way that you may see fit.

I have the honor to be, sir,

Very respectfully,  
JOHN CALLAN O'LAUGHLIN.

Mr. WARREN. It will be remembered that the remarks which were made upon that day were largely predicated upon this newspaper article, and if the denial on this floor had been sufficient, or if my assurance that I did not stand, or the members of the committee who are associated with me did not stand for such an increase, had been sufficient, I should not have brought the matter in here to-day. But I am still and continually seeing it in the newspapers, and it looks very much as if in order to get four or six or ten battle ships and a larger Navy, that the water must be blackened around the expense of the Navy so as to obscure it from view while the Navy is increased enormously from time to time, and meanwhile we give the Army very little consideration.

In justice to the Senator from Maine, I should say that his remarks the other morning applied as much, perhaps, to the Navy as to the Army, but the difference is that the Military Committee and those who represent the Army on this floor hold it down as to size and appropriation therefor as closely as they can in committee and present measures here in itemized detail which show where every dollar goes, and if we want to increase the Army we bring the bills in separately and ask that they be considered separately in both Houses.

On the other hand, in the treatment of legislation and appropriations for the Navy it is entirely different. Every year the Senator from Maine, chairman of the Naval Committee, is called upon to receive this Navy appropriation bill from the House at a very late day in the session, when engaged in his duties on the general Appropriations Committee on other bills. It is crowded in. Large amounts are put in two or three paragraphs, and we are called upon to give just exactly what is asked by the Executive or by the House, or, I might almost say, by any amendment that may be offered on the floor, without due consideration thereof by members of this Senate.

It seems to me that we ought to know something about the next naval bill. When the Senator from Colorado said the other day, with that frankness which always characterizes him, that he was not aware that the President had made the rate of pay for the enlisted men of the Navy all these years, and upon investigation it was learned that that had been the law since 1814, I think we ought from that to take notice and to understand that we have been legislating largely and altogether too much in the dark.

I do not believe the Senator in charge of this bill will claim that he thinks an annual appropriation bill is the proper place to add legislation providing for a regiment of enlisted men and 6,000 seamen. Here is given in great detail the different officers of this corps: The major-general, the lieutenant-colonels, which under the proposed new law will get \$4,800 apiece, the majors, captains, lieutenants, sergeants, corporals, and so forth. Here are all the officers from major-general down; and the corporals, of which there are a hundred and twenty-five; a sufficient number of privates, and so forth. I assume they are all needed and I will vote with the Senators for them.

But I want to say that this corps is simply infantry. It is an addition to the Army, which has been so described. The only difference is that they are more generally used on shore near points where the Navy may be situated with its naval bases and its supplies. They receive the same pay and the same designation as Army officers and are really infantry. We add that much to the Army, only we add it under the cloak of the Navy. I think they are necessary, but let us admit frankly it is an increase of our fighting force.

So far as the Army is concerned, while we would oppose as strongly as would the Senator from Maine or any other Senator any proposal to now in peace provide for a regular army of a hundred and twenty-five thousand men, yet we must increase slightly, in my judgment, certain corps. For instance, there is the Signal Corps. Inventions, improvements that have been made, and the experience that has been had in late wars, have taught us that we must have as a matter of economy and as a matter of efficiency a larger Signal Corps. I expect to ask the Senate to consider the addition of a few men, not as many perhaps as are given here in a mere paragraph of this appropriation bill which we pass in a minute or so. I expect to take time to have the Signal Corps matter duly considered.

There is only one other project of increase unacted upon before the committee, and that is to add a service corps of non-commissioned officers and privates in the departments of quar-

termaster, commissary, and so forth, throughout the country. So far as I know, that is all that is contemplated in the way of an increase of the Army in the near future.

The Senator from Maine very generously assisted me and those upon my committee in providing for the raise of the pay of the Army. But even in that case we brought the pay bill and the whole matter on the floor first by itself in order to get, in a deliberate and orderly way under the rules, the Senate's consent. The Senator from Maine was not able to do this in the case of the Navy for reasons which are all known. But it does seem to me that if we want to add 6,000 seamen and to add a thousand or so of men to the Marine Corps, a matter of 7,000 men, we might expect the assistance of such men as the Senator from Rhode Island and the Senator from New Hampshire, who were so much ruffled by the fake 125,000 men story on Secretary Taft, and who so much feared that we were going to be run over with an extensive army the other morning because a newspaper man told a nice story in order to increase the circulation of the periodical by which he is employed—to help the Senate out at this juncture—and at least register some mild reproach against this new dabchery of militarism, sprung upon us without notice in a regular annual supply bill, an appropriation bill which must as a matter of course be passed.

Mr. FORAKER. Mr. President, I think in view of what has been said on this subject the exact language employed by Secretary Taft should be read to the Senate. I send to the desk a complete report of the speech made by Secretary Taft at Columbus on the night of April 2, before the Columbus Board of Trade, and ask the clerk to read the paragraph I have marked, which bears upon this subject.

Mr. WARREN. I have no objection whatever to the entire speech being put into the RECORD. I have not read it, but I submit I would not like to have a paragraph from a speech of mine inserted unless the whole speech was also published.

Mr. FORAKER. I will ask that the whole speech may be inserted in the RECORD, but that the paragraph I have marked may be read first.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[Ohio State Journal, Friday morning, April 3, 1908.]

A bill is now pending in Congress also authorizing the employment upon a small stipend for a drill every two years of men who have served in the Regular Army and been discharged, as a reserve corps out of which the Regular Army could be enlarged at once in case war were declared or threatened. This would enable us to increase the Regular Army to 150,000 men without great difficulty, and would secure us 250,000 well-equipped, well-drilled soldiers of the Republic. This plan for a small army capable of rapid expansion is perfected, but not carried out fully into legislation. I am glad to say, however, that Congress manifests such an interest in the development of the Army and a willingness from time to time to improve the various branches that during the next decade I feel confident that we shall soon have a Regular Army and a reserve citizen soldiery sufficient to put into the field 250,000 men capable of carrying on war with courage and efficiency.

Of course in the support of such an Army the Republic is subjected to very heavy expense, because the whole Army, both Regular, militia, and volunteers, are volunteers and must receive compensation sufficient to enable them to live and support somebody beside themselves. We do not raise the armies by conscription, except in the very last resort. As a consequence our armies are vastly much more expensive than the European armies even in time of peace. Our Regular Army to-day of 60,000 men costs about \$72,000,000 a year. France maintains an army of 546,000 men, and it costs her \$133,000,000 a year. Germany maintains an army of 646,000 men, and it costs her \$144,000,000 a year.

Mr. FORAKER. Mr. President, it will be seen by anyone who reads that carefully that the idea in the mind of the Secretary, in so far as he has given any expression of which I am aware, is that there should be such legislation as will enable us during the next ten years, through the agency of a reserve force as well as the active Army, to provide a force of 250,000 men. It is not his idea, as I understand, that we should raise the Army to 250,000 men immediately or to 125,000 men immediately, but that all that is merely in prospect. It is a sort of plan or programme which he has in his mind. As the Senator from Wyoming has suggested that is only a part of his speech, and inasmuch as it is only part of an extended speech on that subject, I agree with the Senator from Wyoming that the whole speech should properly go into the RECORD, and I ask that it all may be incorporated.

Mr. WARREN. I did not ask that it should all go in because of the fact that the Senator asked to have only a part read. It was simply that those who read the RECORD may have the whole speech before them.

Mr. FORAKER. I understand. I think everyone who reads the RECORD ought to have the benefit of the whole speech.

Mr. WARREN. While I have not read the speech, that part just read at the desk indicates that the Secretary feels exactly as I assumed he did and as he has often expressed him-

self. The Army is large enough at present, with one or two additions, possibly a thousand or two thousand men, but that we should have a National Guard sufficiently provided so that we could have on short notice an army of 125,000 men if needed, and if we went into real war, still an additional number near at hand provided through the militia forces of the different States.

The VICE-PRESIDENT. Without objection, the entire speech will be printed in the RECORD.

The speech of Secretary Taft is as follows:

I am always glad to visit this central and capital city of Ohio, where the governor executes, the legislature legislates, and the steady growth of this enterprising community measures the progress of our great State. The last time I had the honor of addressing an audience in this city was in this very hall in the heated days of August of last year, the memory of which still makes my heart beat in sympathy for those unfortunate who were subjected to a Turkish bath of an hour and three-quarters' duration. I promise to inflict upon the present audience no such cruel and unusual punishment.

I have selected for a topic to-night an institution in this country which I think has too little popular consideration and attention in time of peace. I refer to the Army of the United States. The Navy is a favorite of the people, whether they belong to the web-footed class that go down to the sea in ships, or inhabit the Mississippi Valley, or live upon the Rocky Mountain Range. There is something about the concrete strength of a great battle ship and the simplicity and courage of the sailor man behind the gun representing us in all parts of the world, and coming into contrast with the ships and sailors of other countries, that appeals to the imagination of the American people. They take the blue jackets into their arms with affection, and no appropriation necessary for the increase and perfection of the Navy seems unreasonable. I am glad that this is so, because I should be the last to detract from the importance of maintaining and increasing the Navy, and am a great admirer of the efficiency and esprit of its blue jackets and marines. But what I wish to plead for to-night is that the boys in khaki and blue of the Regular Army are just as much entitled to the kindly feeling and high interest of the American people as the sailors of the Navy, and that the work they have done and are doing and may have to do in the future is of just as great importance as any that the Navy has done, is doing, or will have to do. The functions which the Navy performs is perhaps a bit more spectacular than that of the Army, and that of itself explains perhaps the difference in the popular attitude toward the two services.

#### IN THE PHILIPPINES.

Take the battle of Manila Bay, and the operations which followed it. The glory which the Navy properly received from its accomplishment upon that May morning far exceeded anything that was accorded to the Army's arduous and delicate work which it carried on in the four years succeeding for the pacification of the Philippine Islands, and bringing them into a condition in which the benevolent policy of McKinley could be carried out successfully.

The detailed history of the instances of courage, privation, patience, and patriotic devotion to our national policy in the islands, exhibited by the officers and enlisted men of the Army, which will do justice to them, can never be written, first, because an adequate record of it does not exist; and, second, because it can only be known to the people of the United States through results, and not through such a triumphant and dramatic picture as that we all like to dwell upon of the epoch-making naval victory off Cavite.

The naval action is usually affirmative. To be useful it must strike, and this makes its function dramatic and commands the popular attention. The function of the Army of late years has generally been that of accomplishment by patient effort, stretching sometimes over months and years, but always requiring close attention, tenacious courage, and self-restraint. Its work has been not only that of attack, but more often and longer that of police administration and pacification.

Take its work in San Francisco. Could anything be more commendable than the maintenance of order by the Army through that stricken city, shaken by the earthquake, destroyed by fire, and about to be exposed to the awful violence of mob and riot, when, under the inspiration of the 2 o'clock courage of Funston, its control passed into the hands of the Regular Army, and thereafter theft and rapine and violence were banished by the long, faithful hours of the regular soldiers on guard?

#### SERVE IN CUBA.

Take the instance of Cuba. The formidable naval fleet came first and gave to the hands of those seeking peace the effective power to command it; but in a short two weeks to the Army fell the task of garrisoning the island in such a way as to discourage lawlessness and encourage the friends of order. I ask you, Has anything been finer in the history of the Army than the way in which our 5,000 men have settled down in an alien country like Cuba, have secured the maintenance of peace and order without the slightest complaint that any officer or soldier has exhibited any lack of respect for the feelings of the Cubans under the trying circumstances of our occupation, or any lack of tact in carrying out the difficult task assigned to them? But such work, made up of an infinity of little things and proving a constant and uniform self-restraint, appreciation of the situation and commendable military discipline, does not strike the popular imagination and is not apt to call forth the admiration and gratitude of the country whose servants and representatives those soldiers are.

Then, too, the Navy is removed from contact with the people. It is flying a flag in foreign waters. It rarely, if ever, has to exercise any authority in domestic troubles. There is an indefinite, elusive, but influential impression in the minds of many that there is something in a regular army inconsistent with the purposes of a republic. It derives its force from the uses to which regular or standing armies have been put in maintaining governments over oppressed and helpless people. The election of an emperor by the Praetorian Guard, the suppression of a parliament by the army under Cromwell, and the many other instances in history in which the will of the people has been defeated by the trained soldiery of a tyrant, are used to point the moral that in a government of the people, by the people, and for the people, a standing army should be looked upon with suspicion and reduced to the lowest number. It is doubtless true that the enlargement of popular influence in all governments has exercised a beneficent influence to reduce the probability of war.

Still there have been many wars in this country, and not a few of them have proceeded from the popular desire without encouragement by Government authority. Making every concession, therefore, which history justifies in favor of the peaceful character and tendency of a republic, he is a very unwise statesman who urges upon the people a policy reducing the efficiency and size of the Army so as to make the country utterly helpless should emergencies arise, which it is entirely reasonable to anticipate.

We need an army for three purposes. First, as essential to any satisfactory system of national defense; second, as an indispensable instrument in carrying out our established international policy; and third, the suppression of insurrection and civil strife.

In his farewell address Washington advised his countrymen to remember "that timely disbursements to prepare for danger frequently prevented much greater disbursements to repel it," and also advised them to take "care always to keep themselves, by suitable establishments, in a respectable defensive posture."

John Adams, Washington's successor as President, said that "the national defense is the cardinal duty of a statesman."

Secondly, we have taken the position with respect to the republics established in this country, in Central and South America and the West Indies which is approved by both the great national parties and which has been repeatedly announced as the policy of the Government by various Presidents and Secretaries of State. I allude to the Monroe doctrine. There are differences of opinion as to what this doctrine includes, and as to how and with what limitations it ought to be stated. Speaking generally, however, it is an assertion on the part of the United States to the European and other powers of the world that no interference with the Central and South American and West Indies governments by a European power will be permitted which shall have for its object and result the acquisition by a European power of the territory of such nations for colonization or territorial aggrandizement.

This is not a doctrine sustained by any principle of international law; it is a governmental policy which this Government believes to be essential for its own interests and well for the interests of the countries whose integrity it protects. Whatever the motive, whatever the purpose, the assertion involved must rest for its sanction, not upon the international law acquiesced in by all civilized nations, but rather upon the power to enforce it of the nation which asserts it. By virtue of this doctrine we, in effect and for defensive purposes, extend the frontiers of the United States far beyond the actual confines of our territory, to Central America and the islands of the Gulf of Mexico and the Caribbean, to the mouths of the Orinoco and the Amazon, to Magellan and Tierra del Fuego. As we assume the right, so we must undertake the responsibility of measures for the defense of those boundaries whenever, for the purpose of disturbing the integrity of any of the many nations thus included, a foreign force shall invade their borders. How could we maintain such a doctrine if it should ever be questioned in the strenuous race for trade and for colonization that now is rife among the European powers? Could we do it otherwise than by an expeditionary force to the country invaded for the purpose of assisting the local force in repelling the invader? It is true that our Navy, enlarged as it is, would discharge a most useful function in the defense of the invaded country, but it could make but little headway against hostile forces landed therein, and after that the only method of asserting our international policy would be by the use of the Army of the United States.

Third. Of course there is no probability of a recurrence of a great civil war, but should the forces of anarchy and socialism and revolt against organized government manifest themselves, a well-organized militia would be most necessary. The suppression of local disturbances is to the Regular Army a very unpleasant duty, and it is one to which the President would summon Regular troops with great reluctance. An increase in the efficiency of the militia, which we may anticipate, may well relieve the Regular Army of any such duty. The moral effect of a regular army, however, to discourage lawlessness, is valuable.

The history of this country since the beginning of the Revolutionary war shows that during at least one-fourth of the life of the country the Government has had a war on its hands in some part of its territory. It is therefore most unwise to prophesy as to what may happen in this respect in the future. The people of this country, down to the time of the Spanish war, had pursued a policy utterly ignoring the lessons of the past. Through national parsimony and the prejudice against the efficiency of the Army and the making of proper plans for the organization of national volunteers and the drill and mobilization of the militia, we have in times past incurred great losses of life and the expenditure of immense treasure, a large part of both of which might have been avoided had the proper and economical measures been adopted for the maintenance of a small but efficient regular army and a suitable force of militia.

This was true of the war of 1812, of the great civil war, and of the Spanish war.

There is a popular feeling that an army in time of peace is not maintained and administered to be used for war and that the Army exists merely for show, like the mace which is carried before the speaker of the House of Commons, or the truncheon of a field marshal, or the scepter of a king. This impression has led a usually practical and hard-headed people like the Americans to the most absurd military policy. An army is for war. If there were no possibility of war, foreign or domestic, and we could be guaranteed a continuous peace, we should disband the Army; but we have not arrived at this happy condition. We have not yet reached a point in the progress of civilization when war and the fear of war do not play a large part in determining the policies of governments. The voice of the United States in favor of international justice will be much more weighty if it is known to have a good army and a good navy to enforce its views and defend its rights.

Now, it is a fact that time is indispensable to the making of good soldiers and a good army. Our own experience should prevent us from entertaining any illusion as to the inefficiency of a brave but unorganized people to grapple successfully with another nation equally brave but better organized. We have great confidence in ourselves and in our power of quickly adapting circumstances to meet any national emergency. But this should not make us deliberately blind to the most obvious military principles. We should not be misled by the good luck which has attended us in most of our wars. The most insidious argument against the maintenance of an army of present efficiency is that we once had a magnificent army of volunteers of a million men, the flower of which marched down Pennsylvania avenue in the grand review under Grant and Sherman; and it is asked, "Can we not raise such an army again?"

The awful sacrifice of life and money which we had to undergo during the four years in order to train this great army is forgotten, and the country is lulled into the utterly unfounded assurance that a volunteer enlisted to-day or a militiaman enrolled to-morrow can in a week or a month be made an effective soldier. There are no better officers, no better men in any army than we can raise in America. We are a warlike people. Most privates have an independence and a self-reliance that fit them to adapt themselves to different situations, and there are no braver men. But they must know how to shoot straight, they must know how to move at the word of command, they must understand all the duties of a soldier, which grow more complicated with modern guns and modern methods. They can not know it intuitively. We have no right as a nation to ask our citizens to expose themselves as enlisted men in battle without reducing the chances of disaster and death by proper military education of the officers and proper military training of the men.

I am glad to say that our experiences in the Spanish and Philippine wars have had a most healthy effect upon Congress and the people at large with reference to the preparation for our national defense. After the civil war we rapidly reduced our armament, our Navy, and our Army. Our Navy was a collection of wooden frigates and gun-boats that could not stand for a minute before the newly invented high-power guns, and our coasts, though lined with the old-fashioned forts, were utterly defenseless against European navies. Our Army was reduced to 25,000 men, smaller in proportion to the population than ever in the history of the country. Slowly but reluctantly in the eighties we took up the project of a new navy, of new coast defenses, but the Army was still continued until the Spanish war at 25,000 men.

In the latter part of Mr. Cleveland's Administration we asserted the Monroe doctrine with as much emphasis and what might almost be called "truculence" as ever in our history, and asserted it against the greatest naval power of the world. On the very day when Mr. Cleveland's message went into Congress demanding arbitration as to the Venezuelan boundary there was just one modern gun mounted on our whole Atlantic, Gulf, and Pacific coasts.

Since then, and under the stress of the Spanish war, we have greatly increased our coast defenses, so that now they are very respectable, both on the Atlantic and Pacific coasts, although they are by no means completed. Since then we have constructed a navy that in point of efficiency is perhaps equal to any except that of Great Britain. Since then we have taken progressive steps toward the organization of a regular army, which is to-day much more efficient than ever in our past and is much more capable of expansion and efficient addition. But much remains to be done. If I may trespass on your patience a while longer, I should like to invite your attention to the character of the present Army, its size, and its capacity for expansion, together with needed measures to increase the possibility of its being made adequate and useful in time of war.

The change in the Army, its improvement, and adaptation to modern needs are largely due to the ability, energy, deep interest, and enthusiasm and well-directed effort of Elihu Root, Secretary of War under McKinley and Theodore Roosevelt. The legislation under which it is now maintained was almost all of it drafted and pressed upon Congress by that distinguished statesman. Such legislation as has been adopted since he laid down his office is only corollary to that which he had recommended and put through, suggested by actual experience under his new system.

The Regular Army of the United States to-day is limited in number of enlisted men to 100,000, exclusive of the Hospital Corps men. There is authority given the President to enlist upward of 50,000 infantry, 18,000 cavalry, 20,000 Coast Artillery, 6,000 field artillery, and enlisted men of the Signal Corps, the Engineer Corps, the Ordnance Corps, and the other subsidiary corps, together with 12,000 Philippine Scouts, who are a part of the Regular Army, to make that number about 114,000 men. But this right to increase the number of enlisted men in all the different corps is limited by the superior restriction that altogether they shall not exceed 100,000 men. Of course the power of the President to enlist this number of men is subject to the further limitation that Congress may withhold appropriations to pay more than a certain number, so that while he might temporarily increase the force, his power would practically soon be at an end on the failure of Congress to approve such an increase by withholding the necessary money with which to pay them in the future. The number of men and officers actually authorized by order of the President in the aggregate is, in round numbers, 76,000 men, while the number of officers and men actually in the Army does not reach 60,000. The reason for this difference between the number authorized and those actually in service in the Army is the difficulty that we have had in recruiting. The enlisted men to-day receive the same pay which they received in 1861, to wit, \$13 a month. This is not enough to attract him, although, of course, it does not at all measure the actual compensation which he receives, because he is fed and well clothed and well housed. Still there ought to be an increase over the wages which were received by him thirty years ago.

A still greater defect in the present system of compensation in the Army is the failure to pay the noncommissioned officers, the sergeants and corporals, a sufficient salary to make them permanent members of the Army. They are, in a sense, the disciplinary backbone of the Army. They are the ones who whip the recruits into service and make good soldiers of them. They are the ones who come much more intimately into contact with the men than do the commissioned officers, and their pay should be made much nearer to that of the commissioned officers than it is to-day. I am glad to say that a bill is now pending in the House, which has passed the Senate, giving an adequate increase in the pay of the enlisted men of the different branches of the Army, which I hope and believe will relieve us greatly in the matter of our recruiting and enable us to fill up the Army to the quota authorized by the President. We are striving in every way to remove from the life of the private soldier those features of it which tend to discourage re-enlistment, and with the increased pay we hope that we may make the life of an enlisted man a comparatively attractive one.

In order to properly discuss the Army, we should divide it into two forces, the mobile and the immobile army. The mobile army is that which may be sent into any part of the United States or of the world as an expeditionary force. It consists of the infantry, the cavalry, the field artillery, the engineers, and the Signal Corps, with a suitable part of the Hospital Corps, and it is divided into tactical units—regiments, brigades, divisions, and army corps. The immobile army is the Coast Artillery, the duty of which is confined to manning the guns of the coast defenses and operating submarine mines, torpedoes, searchlights, and power plants used in connection with the defenses of all fortified

harbors of the United States. The authorized force of the Coast Artillery is, in round numbers, 20,000. Of this 5,000 are necessary to operate the submarine mines, torpedoes, searchlights, and power plants. This leaves but a little over 14,000 for the manning of all guns now mounted in the fortifications of the entire country.

In order to man these guns with one shift of men, there are required 37,000 enlisted men, so that the maximum number of men authorized to-day available for manning guns would be about 4,000 less than one-half of a complete manning detail. When our coast defenses are completed as they are now projected, both in this country and in our insular possessions, and at Panama, the number of men required for one complete manning detail for both the mines, searchlights, power plants, and guns will be 55,000. In war this would have to be considerably increased, because one detail would hardly be enough. As it is, under existing circumstances we have only 20,000, where we need 37,000 for a complete detail. It is now proposed and seems to be practicable to make up the deficit in this manning detail by training a militia coast artillery to man the guns of the coast defenses. The idea has been suggested to the State authorities, and in many of the States along the coast militia companies have been organized for this purpose. It offers an opportunity for service to men who do not wish to go far from their homes, and yet who would be glad to be enrolled in the ranks of the defenders of their country when she is in danger and are willing to devote the necessary month or six weeks of each year to the training necessary to render them efficient for the purpose. In time of war they might be willing to enlist in the regular Coast Artillery during the war, and thus make up the regular detail which is essential to the effectiveness of our coast defenses. Taking away 20,000 from the authorized strength of the Army for the immobile force, it leaves 55,000 as a mobile army under the present quota authorized by the President, or 80,000 for a mobile army if the President were to increase the authority to enlist to 100,000 men. There are thirty regiments of infantry, fifteen regiments of cavalry, six regiments of field artillery, two regiments of engineers, and two regiments of the Signal Corps. This by no means represents the proper proportion for an army in the field. For an army in the field the cavalry ought not to exceed 10 per cent of the total force, of which the infantry will represent more than 80 per cent. It will be necessary to amend the law distributing the cavalry so as to double the number of cavalry regiments and reduce each regiment to six troops instead of twelve, as now constituted, because in no army in the world but ours does the regiment of cavalry have more than six troops. Most of them have but five.

The drain upon the Army by sending 5,000 troops to Cuba and 12,000 troops to the Philippines, is such that there must be an increase in the infantry regiments. Whether this shall involve an increase in the actual number of infantry or only divide them into more regiments is a question which it is not necessary at present to discuss. But certainly there ought to be more regiments of infantry in view of the constant necessity for changing their tours of duty from the United States to the Philippines and from the United States to Cuba.

The separation of the Coast Artillery from the field artillery, effected by the law of last year, has been a move in the right direction and a great improvement. There was no logical connection between the duties of those engaged in our coast defenses and the manning and use of the coast guns of the fortifications and the drill and tactics of the field artillery. The latter belong to the mobile army just exactly as the infantry and cavalry do, and they are now placed where they belong. We are attempting to enlarge posts so that we shall have brigade posts, with the tactical unit of a brigade, for maneuvers under general officers and with the brigade discipline and drill which prepare the men and officers for fieldwork in large maneuvers. All this progress is slow, but it is being made.

One of the greatest improvements which has been made in our Army is in the graduate education of its officers. West Point is as thorough a school for general military education as there is in the world, and this has been long established. The great improvement, however, in the education of our officers in the last decade has been the institution of graduate schools in the different branches of the service. Officers are now studying in garrison schools, and then are offered the opportunity, if they show themselves fit, of taking a course in the Artillery School at Fortress Monroe, in the Engineers' School at Washington, in the Infantry and Cavalry School at Fort Leavenworth, or in the Cavalry School of Equation at Fort Riley, according to their respective branches. Then if they succeed by competition in establishing their right to do so, they are enabled to take a course at the Staff College at Leavenworth. Selected from all the Army are the most likely young officers for the War College at Washington, where they are engaged in working out problems of grand strategy.

The other great improvement in the Army has been the establishment of a General Staff, consisting of men selected by a board of general officers without consultation with the President or Secretary of War for their fitness, who act as advisors to the Chief of Staff and to the Secretary of War, and whose business it is to recommend policies and to make plans for defense and for possible campaigns. The Chief of Staff and the General Staff coordinate all the bureaus of the Army and preserve a consistent policy without respect to changing Secretaries and the changing personnel of the general officers. The system of education and of the General Staff have been in operation now for several years and fully justify the hopes of those who brought about these two reforms.

There is a dearth of officers. We have only about 3,600 officers, and so many are detailed on important duties connected with military schools, with militia, with teaching at West Point, with the graduate schools in the Army, and with the recruiting service and on the General Staff, that a bill has passed the Senate authorizing the increase of officers by something over 600. This will enable us to detail officers to take charge of the militia in every State and to remain permanently on duty with the National Guard, and thus make it possible to make the discipline of the National Guard like that of the Regular Army.

This brings me to the great improvement which has been made by recent legislation in respect to the militia. By the "Dick bill," which was introduced in Congress by the then Representative and now Senator DICK, and which passed in 1902, the National Guard became recognized as the organized militia of the State, subject to call by the General Government and entitled to arms, munition, clothing, supplies, and transportation, in case it organized and adopted the discipline of the Regular Army.

Another bill is now pending which is likely to pass, increasing the benefits to be derived by the National Guard, enlarging the time of service and the character of service, under direction of the Federal authorities, and authorizing a continuance of the joint maneuvers be-

tween the Regulars and the militia, who have already proven to be successful and have developed an intense enthusiasm and interest on the part of the States soldiers. In the course of five or six years we may count on having a well-disciplined force of organized militia, subject to call by the President, amounting to 120,000, so that we might be sure of putting in the field on short notice an army of 200,000 men. This would not be enough, and we should have to resort to a volunteer law which has been introduced in Congress, and which I hope will pass, preparing for the organization of volunteers under regular officers and officers of the National Guard, which shall constitute a third or volunteer force of the United States Army.

A bill is now pending in Congress also authorizing the employment, upon a small stipend for a drill every two years, of men who have served in the Regular Army and been discharged, as a reserve corps out of which the Regular Army could be enlarged at once in case war were declared or threatened. This would enable us to increase the Regular Army to 150,000 men without great difficulty and would secure us 250,000 well-equipped, well-drilled soldiers of the Republic. This plan for a small army, capable of rapid expansion, is perfected but not carried out fully into legislation. I am glad to say, however, that Congress manifests such an interest in the development of the various branches that during the next decade I feel confident that we shall soon have a Regular Army and a reserve citizen soldiery sufficient to put into the field 250,000 men capable of carrying on war with courage and efficiency. Of course in the support of such an army the Republic is subjected to very heavy expense, because the whole Army, both regular, militia, and volunteers, are volunteers and must receive compensation sufficient to enable them to live and support somebody beside themselves. We do not raise the armies by conscription except in the very last resort. As a consequence, our armies are vastly much more expensive than the European armies even in time of peace. Our Regular Army to-day of 60,000 men costs us about \$72,000,000 a year. France maintains an army of 546,000 men and it costs her \$133,000,000 a year. Germany maintains an army of 645,000 men, and it costs her \$144,000,000 a year. In other words, France has an army nine times the size of ours, which it costs her less than twice the sum to maintain, while Germany has an army ten times as large as ours which it costs her just about double our sum to maintain. In addition to this we are paying out pensions for our civil war and Spanish war veterans of \$150,000,000. In view of this it is entirely natural for the Representatives of the people in Congress to hesitate to increase a military establishment so expensive as compared with other nations. The lesson from the pension fund, however, instead of being, as it is thought to be, a restraint upon expenditure to secure an efficient army, ought, if historically and critically considered, to be a warning against the lack of preparation, for the extent of that pension roll is itself the greatest exponent of the fatuity of a policy of insufficient national defense.

A shortsighted parsimony with respect to an efficient army which might suppress a rebellion or end a foreign war in a short time leads to the raising of enormous fresh levies of unskilled troops and the expenditure of great treasure which might have been avoided. After the emergency arises, and when it is too late for economical preparation, then the legislature opens the Treasury by appropriations and provisions of the greatest liberality to meet the necessities which only time and thorough preparation could properly and economically meet.

I do not think that I can close this address by any words more appropriate than those of Washington while he was President, when he said:

"The United States ought not to indulge in a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every nation abounds.

"There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness.

"If we desire to avoid insult, we must be able to repel it.

"If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war."

Mr. HALE. Mr. President, the item between lines 20 and 23, on page 72, has been reserved. I shall ask the Senate to remain in session only a few minutes longer, to get through the routine part. Then I shall ask for an adjournment. The clerk may continue the reading.

Mr. MONEY. I should like to ask the Senator from Maine to have printed in the RECORD the list that he has of the navies of the world. He has it all ready, I believe, for publication, and I ask him if he will not have it printed in the RECORD, so that the people of the United States may see what we have.

Mr. HALE. I shall be very glad to have that done.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

COMPARATIVE NAVAL STRENGTH OF THE GREAT POWERS NOVEMBER 1, 1907.

Number and displacement of war ships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons.

[Vessels over 20 years old not included unless reconstructed since 1900.]

	Number.	Tons.	
GREAT BRITAIN.			
Battle ships (10,000 tons and over)	56	821,390	
Coast-defense vessels			
Armored cruisers	38	468,350	
Cruisers above 6,000 tons	19	183,950	
Cruisers 6,000 to 3,000 tons	46	203,580	
Cruisers 3,000 to 1,000 tons	26	56,305	
Torpedo-boat destroyers	150	60,791	
Torpedo boats	71	13,926	
Submarines	48	13,318	
Total	454	1,821,610	
UNITED STATES.			
Battle ships (10,000 tons and over)	29	406,146	
Coast-defense vessels	11	45,334	
Armored cruisers	12	167,443	
Cruisers above 6,000 tons	5	43,800	
Cruisers 6,000 to 3,000 tons	20	72,620	
Cruisers 3,000 to 1,000 tons	19	26,317	
Torpedo-boat destroyers	21	10,107	
Torpedo boats	22	5,615	
Submarines	19	3,774	
Total	168	771,753	
FRANCE.			
Battle ships (10,000 tons and over)	27	368,461	
Coast-defense vessels	12	73,300	
Armored cruisers	23	220,074	
Cruisers above 6,000 tons	3	21,469	
Cruisers 6,000 to 3,000 tons	13	52,549	
Cruisers 3,000 to 1,000 tons	12	23,152	
Torpedo-boat destroyers	60	19,595	
Torpedo boats	271	25,680	
Submarines	99	27,902	
Total	520	836,112	
GERMANY.			
Battle ships (10,000 tons and over)	28	358,650	
Coast-defense vessels	8	33,200	
Armored cruisers	10	113,800	
Cruisers above 6,000 tons	1	6,300	
Cruisers 6,000 to 3,000 tons	21	85,210	
Cruisers 3,000 to 1,000 tons	19	40,085	
Torpedo-boat destroyers	72	33,858	
Torpedo boats	48	8,539	
Submarines	3	540	
Total	210	680,783	
JAPAN.			
Battle ships (10,000 tons and over)	13	191,498	
Coast-defense vessels	3	18,786	
Armored cruisers	13	133,100	
Cruisers above 6,000 tons	2	13,130	
Cruisers 6,000 to 3,000 tons	11	43,094	
Cruisers 3,000 to 1,000 tons	9	17,888	
Torpedo-boat destroyers	57	20,556	
Torpedo boats	77	6,842	
Submarines	9	1,426	
Total	194	451,820	
RUSSIA.			
Battle ships (10,000 tons and over)	9	121,200	
Coast-defense vessels	4	21,380	
Armored cruisers	7	70,200	
Cruisers above 6,000 tons	7	46,400	
Cruisers 6,000 to 3,000 tons	1	3,100	
Cruisers 3,000 to 1,000 tons	7	8,930	
Torpedo-boat destroyers	97	36,254	
Torpedo boats	57	6,834	
Submarines	31	5,812	
Total	220	320,040	
ITALY.			
Battle ships (10,000 tons and over)	13	167,904	
Coast-defense vessels	10	78,520	
Armored cruisers	1	3,830	
Cruisers above 6,000 tons	10	21,920	
Cruisers 6,000 to 3,000 tons	13	5,593	
Cruisers 3,000 to 1,000 tons	77	10,109	
Torpedo-boat destroyers	6	857	
Total	120	288,433	
AUSTRIA.			
Battle ships (10,000 tons and over)	3	31,800	
Coast-defense vessels	6	41,700	
Armored cruisers	3	18,800	
Cruisers above 6,000 tons	2	8,000	
Cruisers 6,000 to 3,000 tons	3	7,050	
Cruisers 3,000 to 1,000 tons	6	2,400	
Torpedo-boat destroyers	39	4,885	
Torpedo boats	6	1,600	
Submarines	68	116,233	

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 78, line 1, to increase the appropriation for payment to discharged soldiers for clothing undrawn from \$98,707.80 to \$102,707.80.

The amendment was agreed to.

The next amendment was, on page 78, line 4, to increase the appropriation for mileage to officers traveling under orders without troops from \$45,000 to \$50,000.

The amendment was agreed to.

The next amendment was, on page 78, line 6, to increase the appropriation for commutation of quarters of officers on duty without troops where there are no public quarters from \$30,000 to \$35,500.

The amendment was agreed to.

The next amendment was, on page 78, line 10, to increase the appropriation for the salary of one chief clerk in the office of the Brigadier-General Commanding from \$1,600 to \$1,800.

The amendment was agreed to.

The next amendment was, on page 78, line 14, to increase the appropriation for the salary of one chief clerk in the office of the paymaster from \$1,600 to \$1,800.

The amendment was agreed to.

The next amendment was, on page 78, line 20, to increase the appropriation for one chief clerk in the office of the adjutant and inspector from \$1,600 to \$1,800.

The amendment was agreed to.

The next amendment was, on page 78, line 25, to increase the appropriation for the salary of one chief clerk in the office of the quartermaster from \$1,600 to \$1,800.

The amendment was agreed to.

The next amendment was, on page 79, line 12, after the word "dollars," to insert "in the Quartermaster's Department, for duty where their services are required, two clerks, at \$1,400 each," so as to make the clause read:

In the office of the assistant quartermaster, Philadelphia, Pa.: One clerk, at \$1,600; one messenger, at \$840; in the Quartermaster's Department, for duty where their services are required, two clerks, at \$1,400 each.

The amendment was agreed to.

The next amendment was, on page 79, line 16, to increase the total appropriation for the pay of civil force from \$30,311.28 to \$33,911.28.

Mr. HALE. I offer an amendment to the amendment.

The SECRETARY. On page 79, line 17, strike out "thirty-three thousand nine" and insert "thirty-six thousand seven," so as to read "\$36,711.28."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 79, line 23, to increase the total appropriation for pay Marine Corps from \$2,948,201.08 to \$3,239,859.08.

Mr. HALE. I offer an amendment to the amendment.

The SECRETARY. On page 80, line 1, strike out "thirty-nine thousand eight hundred and fifty-nine" and insert "forty-six thousand seven hundred and nine," so as to read "\$3,246,709.08."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 80, line 11, before the word "thousand," to strike out "six hundred and forty-eight" and insert "seven hundred and twenty-three," so as to read:

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore, for subsistence of enlisted men when traveling on duty, or cash in lieu thereof, for commutation of rations to enlisted men regularly detailed as clerks and messengers, for payment of board and lodging of recruiting parties, transportation of provisions, and the employment of necessary labor connected therewith, and for ice for preservation of rations, \$723,543.

The amendment was agreed to.

The next amendment was, on page 80, line 23, to increase the appropriation for clothing, Marine Corps, from \$650,920 to \$725,920.

The amendment was agreed to.

The next amendment was, on page 81, line 3, to increase the appropriation for fuel, Marine Corps, from \$100,000 to \$112,000.

The amendment was agreed to.

The next amendment was, on page 82, line 3, to increase the appropriation for military stores, Marine Corps, from \$230,000 to \$270,000.

The amendment was agreed to.

The next amendment was, on page 82, line 7, to increase the appropriation for transportation and recruiting, Marine Corps, from \$236,000 to \$261,000.

The amendment was agreed to.

The next amendment was, on page 83, line 1, to increase the appropriation for repairs of barracks, Marine Corps, from \$88,836 to \$96,836.

The amendment was agreed to.

The next amendment was, on page 83, line 6, to increase the appropriation for forage, Marine Corps, from \$17,700 to \$19,200.

The amendment was agreed to.

The next amendment was, on page 83, line 18, to increase the appropriation for commutation of quarters, Marine Corps, from \$60,000 to \$68,000.

The amendment was agreed to.

The next amendment was, on page 84, line 1, after the word "paper," to insert "printing and binding;" and in line 12, after the word "wagons," to insert "motor wagons, carts, and drays," so as to read:

Contingent, Marine Corps: For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of officers and marines, including the transportation of bodies and their arms and wearing apparel from the place of demise to the homes of the deceased in the United States, stationery and other paper, printing and binding, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, employment of civilian labor, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipage and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives, and forks, tin cups, pans, pots, etc.; packing boxes, wrapping paper, oilcloth, crash, rope, twine, quarantine fees, camphor and carbolic paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, motor wagons, carts, and drays, purchase and repair of public harness, etc.

The amendment was agreed to.

The next amendment was, on page 85, line 5, to increase the appropriation for contingent, Marine Corps, from \$285,000 to \$370,000.

The amendment was agreed to.

The next amendment was, on page 85, line 8, to increase the total appropriation under quartermaster, Marine Corps, from \$2,316,999 to \$2,601,499.

Mr. HALE. I offer an amendment to the amendment, so as to make the total read:

Two million six hundred and forty-six thousand four hundred and ninety-nine dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 85, line 11, to increase the total appropriation for Marine Corps, exclusive of public works, from \$5,265,200.08 to \$5,886,348.08.

Mr. HALE. I offer an amendment to the amendment, which is the last amendment.

The SECRETARY. On page 85, line 13, it is proposed to change the total to "\$5,893,208.08."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. Now, having reached the item for the increase of the Navy, I yield to the Senator from Illinois [Mr. CULLOM], who desires to move an executive session.

Mr. CULLOM obtained the floor.

Mr. HEYBURN. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. I yield.

#### FOREST SERVICE EMPLOYEES.

Mr. HEYBURN. I submit a resolution and ask for its present consideration. It merely calls for information.

The VICE-PRESIDENT. The Senator from Idaho submits a resolution, for which he asks present consideration. The resolution will be read.

The resolution was read, as follows:

*Resolved, by the Senate, That the Secretary of Agriculture be, and he is hereby, directed to send to the Senate a statement containing the name and official designation of any officer or employee of the Forest Service who has attended any meeting or convention during the year 1907; whether such convention was official or unofficial; the place from which such employee started to attend such convention; the place of his employment, and the amount of expense incurred by reason of such attendance upon such meeting or convention which has been paid by the Government.*

Mr. HEYBURN. I ask unanimous consent for the present consideration of the resolution. It merely calls for information.

Mr. NELSON. Let it go over.

Mr. LODGE. Let the resolution go over, Mr. President. I should like to have time to look at it.

Mr. HEYBURN. The agricultural appropriation bill can not be disposed of until that information is with the Senate.

Mr. LODGE. It is a pretty long resolution. I should like to look at it before it is passed. I have heard it read only once.

Mr. KEAN. The Senator from Minnesota [Mr. NELSON] also asked to have it go over.

The VICE-PRESIDENT. The resolution will lie over.

#### EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirty-five minutes

spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 23, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 22, 1908.*

##### APPOINTMENTS IN THE ARMY.

###### General officers.

Brig. Gen. Thomas H. Barry to be major-general from April 29, 1908, vice Hall, to be retired from active service.

Col. Charles Morris, Coast Artillery Corps, to be brigadier-general, vice Barry, to be appointed major-general.

Col. Philip Reade, Twenty-third Infantry, to be brigadier-general, vice Morris, to be retired from active service.

###### To be placed on the retired list.

Col. Henry M. Adams, Corps of Engineers.

Col. Clinton B. Sears, Corps of Engineers.

Col. Richard L. Hoxie, Corps of Engineers.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 22, 1908.*

##### PROMOTIONS IN THE NAVY.

Midshipman Douglas L. Howard to be an ensign in the Navy from the 13th day of February, 1908.

Passed Asst. Surg. Ralph W. Plummer to be a surgeon in the Navy from the 23d day of February, 1908.

##### APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the Navy from the 11th day of April, 1908:

George C. Rhoades, a citizen of West Virginia;

Sankey Bacon, a citizen of Nebraska;

Frank P. W. Hough, a citizen of Virginia; and

Joseph A. Biello, a citizen of Pennsylvania.

##### PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Capt. Worth Gwynn Ross to be captain commandant in the Revenue-Cutter Service of the United States.

Chief Engineer Charles Albert McAllister to be engineer in chief in the Revenue-Cutter Service of the United States.

##### POSTMASTERS.

###### COLORADO.

George C. Bruce to be postmaster at Fort Lupton, Weld County, Colo.

###### GEORGIA.

Robert L. Williams to be postmaster at Griffin, Spalding County, Ga.

###### ILLINOIS.

Charles A. Brown to be postmaster at Toluca, Marshall County, Ill.

Frank E. Davis to be postmaster at Arlington Heights, Cook County, Ill.

John Grierson to be postmaster at Morrison, Whiteside County, Ill.

Harry Whitver to be postmaster at Walnut, Bureau County, Ill.

###### INDIANA.

Charles T. Benton to be postmaster at Brownstown, Jackson County, Ind.

John W. Call to be postmaster at Gary, Lake County, Ind.

Harry H. Crooke to be postmaster at Odon, Daviess County, Ind.

Richard C. McCain to be postmaster at Kentland, Newton County, Ind.

Francis H. Manring to be postmaster at Greentown, Howard County, Ind.

Will K. Penrod to be postmaster at Loogootee, Martin County, Ind.

William A. Phillips to be postmaster at Atlanta, Hamilton County, Ind.

Adam G. Ritz to be postmaster at Crothersville, Jackson County, Ind.

###### IOWA.

William A. Grummon to be postmaster at Rockwell, Cerro Gordo County, Ia.

###### KENTUCKY.

Llewellyn F. Sinclair to be postmaster at Georgetown, Scott County, Ky.

###### MASSACHUSETTS.

William H. Pierce to be postmaster at Winchendon, Worcester County, Mass.

##### MICHIGAN.

Albert J. Capen to be postmaster at Fennville, Allegan County, Mich.

William J. Ingersoll to be postmaster at Mayville, Tuscola County, Mich.

Montague W. Ripley to be postmaster at Montague, Muskegon County, Mich.

##### MINNESOTA.

John Atz to be postmaster at Hancock, Stevens County, Minn. Francis M. Shook to be postmaster at Aitkin, Aitkin County, Minn.

##### MISSOURI.

Charles L. Farrar to be postmaster at Macon, Macon County, Mo.

Louis Haeffner to be postmaster at Valley Park, St. Louis County, Mo.

Thomas R. Tolleson to be postmaster at Leadwood, St. Francois County, Mo.

##### NEW YORK.

Francis C. Allen to be postmaster at Ovid, Seneca County, N. Y.

Frank S. Kenyon to be postmaster at Adams, Jefferson County, N. Y.

Frank N. Lovejoy to be postmaster at Macedon, Wayne County, N. Y.

Conrad Metzger, Jr., to be postmaster at Jeffersonville, Sullivan County, N. Y.

##### NORTH DAKOTA.

W. H. Pray to be postmaster at Valley City, Barnes County, N. Dak.

##### OHIO.

Mary M. Carey to be postmaster at Lexington, Richland County, Ohio.

##### SOUTH CAROLINA.

Leonidas Cain to be postmaster at St. Matthews, Orangeburg County, S. C.

##### TEXAS.

John M. Hill to be postmaster at Cooledge, Limestone County, Tex.

#### THE HAGUE CONVENTIONS.

On motion of Mr. CULLOM, April 21, 1908, it was—

*Ordered*, That the injunction of secrecy be removed from all the so-called "Hague conventions" and the documents accompanying them (from Exhibit F, Sixtieth Congress, first session, to Exhibit V, Sixtieth Congress, first session, inclusive), and that they be printed as a single document.

#### ARBITRATION WITH GREAT BRITAIN.

The injunction of secrecy was removed April 22, 1908, from an arbitration convention between the United States and Great Britain, signed at Washington on April 4, 1908.

#### ARBITRATION WITH SPAIN.

The injunction of secrecy was removed April 22, 1908, from an arbitration convention between the United States and Spain, signed at Washington on April 20, 1908.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 22, 1908.

[Continuation of the legislative day of Monday, April 20, 1908.]

The recess having expired, at 11:30 o'clock a. m. the House was called to order by the Speaker.

##### DISPOSAL OF LANDS VALUABLE FOR OIL AND ASPHALTUM.

THE SPEAKER. The question is on the motion of the gentleman from California [Mr. SMITH] to suspend the rules and pass the bill H. R. 17827, with the amendments.

MR. WILLIAMS. And on that, Mr. Speaker, I call for the yeas and nays.

MR. PAYNE. I make the point of order that no quorum is present.

THE SPEAKER. The gentleman from New York makes the point of no quorum. The Sergeant-at-Arms will close the doors. The question is on the motion of the gentleman from California; all those in favor of the motion will, when their names are called, answer "yea," those opposed will answer "nay," and those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 152, nays 95, answered “present” 15, not voting 125, as follows:

## YEAS—152.

Acheson	Davidson	Hubbard, Iowa	Norris
Alexander, Mo.	Davis, Minn.	Hubbard, W. Va.	Nye
Allen	Dawson	Humphrey, Wash.	Olcott
Ames	Douglas	Humphreys, Miss.	Olmsted
Andrus	Draper	Jones, Wash.	Parker, S. Dak.
Anthony	Dwight	Keifer	Parsons
Bannon	Ellis, Mo.	Kennedy, Iowa	Payne
Bartlett, Nev.	Esch	Kennedy, Ohio	Pollard
Bates	Fairchild	Kinkaid	Pray
Beale, Pa.	Ferris	Knapp	Prince
Bennet, N. Y.	Focht	Knopf	Reeder
Bonyng	Fordney	Knowland	Reynolds
Boyd	Forbes	Küstermann	Rodenberg
Bradley	Foss	Lafean	Rothermel
Brownlow	Foster, Vt.	Landis	Ryan
Burleigh	French	Law	Scott
Burnett	Fuller	Lawrence	Siemp
Burton, Del.	Gardner, N. J.	Lilley	Smith, Cal.
Butler	Gilhams	Lindbergh	Smith, Iowa
Calderhead	Gobel	Lindsay	Smith, Mich.
Campbell	Goulden	Longworth	Snapp
Capron	Graff	Loudenslager	Southwick
Cary	Greene	McGuire	Sperry
Chaney	Gronna	McKinlay, Cal.	Stafford
Chapman	Hale	McKinley, Ill.	Stenerson
Cocks, N. Y.	Hamilton, Iowa	McKinney	Thistlewood
Cole	Hamilton, Mich.	McLachlan, Cal.	Thomas, Ohio
Conner	Harding	McLaughlin, Mich.	Townsend
Cook, Colo.	Haskins	McMillan	Volstead
Cook, Pa.	Haugen	McMoran	Waldo
Cooper, Pa.	Hawley	Madden	Wanger
Cooper, Wis.	Hayes	Madison	Watson
Cox, Ind.	Higgins	Mann	Weeks
Craig	Hinshaw	Marshall	Weems
Crumpacker	Holliday	Mondell	Wilson, Ill.
Cushman	Howell, N. J.	Morse	Wood
Dalzell	Howell, Utah	Murdock	Woodyard
Darragh	Howland	Nelson	Young

## NAYS—95.

Adair	Ellerbe	Hull, Tenn.	Pujo
Adamson	Favrot	Johnson, Ky.	Ralney
Aiken	Fitzgerald	Johnson, S. C.	Randell, Tex.
Ansberry	Flood	Kipp	Richardson
Ashbrook	Floyd	Kitchin, Claude	Robinson
Bartlett, Ga.	Foster, Ill.	Lamar, Mo.	Russell, Mo.
Beall, Tex.	Fulton	Lee	Sabath
Bell, Ga.	Gaines, Tenn.	Legare	Saunders
Booher	Garner	Lenahan	Shackelford
Bowers	Garrett	Lever	Sheppard
Brothead	Gillespie	Lewis	Sherley
Burgess	Glass	Lloyd	Sherwood
Burleson	Godwin	McDermott	Sims
Byrd	Goldfogle	McHenry	Small
Caldwell	Granger	McLain	Smith, Mo.
Candler	Griggs	Macon	Smith, Tex.
Carter	Hackney	Maynard	Splight
Clark, Mo.	Hardwick	Moon, Tenn.	Stephens, Tex.
Cooper, Tex.	Hay	Moore, Tex.	Sulzer
Cravens	Heflin	Murphy	Thomas, N. C.
Crawford	Helm	Nicholls	Tou Velle
Davenport	Henry, Tex.	O'Connell	Willet
Denver	Houston	Page	Williams
Dixon	Hughes, N. J.	Patterson	

## ANSWERED “PRESENT”—15.

Boutell	Gaines, W. Va.	Harrison	Sherman
Clayton	Gillet	Jones, Va.	Talbott
Cockran	Hamlin	Lamb	Taylor, Ala.
Finley	Hardy	Padgett	

## NOT VOTING—125.

Alexander, N. Y.	Englebright	Kimball	Ransdell, La.
Barchfeld	Fassett	Kitchin, Wm. W.	Rauch
Barclay	Foster, Ind.	Lamar, Fla.	Reid
Bartholdt	Foulkrod	Langley	Rhineck
Bede	Fowler	Laning	Riordan
Bennett, Ky.	Gardner, Mass.	Lassiter	Roberts
Bingham	Gardner, Mich.	Leake	Rucker
Birdsall	Gill	Littlefield	Russell, Tex.
Brantley	Gordon	Livingston	Slayden
Broussard	Graham	Lorimer	Sparkman
Brumm	Gregg	Loud	Stanley
Brundidge	Hackett	Lovering	Sterling
Burke	Haggott	Lowden	Stevens, Minn.
Burton, Ohio	Hall	McCall	Sturgiss
Calder	Hamill	McCreary	Sulloway
Carlton	Hammond	McGavin	Tawney
Caulfield	Henry, Conn.	Malby	Taylor, Ohio
Clark, Fla.	Hepburn	Miller	Tirrell
Coudrey	Hill, Conn.	Moon, Pa.	Underwood
Cousins	Hill, Miss.	Moore, Pa.	Vreeland
Currier	Hitchcock	Mouser	Wallace
Davey, La.	Hobson	Mudd	Washburn
Dawes	Howard	Needham	Watkins
De Armond	Huff	Overstreet	Webb
Denby	Hughes, W. Va.	Parker, N. J.	Weisse
Diekema	Hull, Iowa	Pearce	Wheeler
Driscoll	Jackson	Perkins	Wiley
Dunwell	James, Addison D.	Peters	Wilson, Pa.
Durey	James, Ollie M.	Porter	Wolf
Edwards, Ga.	Jenkins	Pou	
Edwards, Ky.	Kahn	Powers	
Ellis, Oreg.	Kelher	Pratt	

So, under the special rule, the majority having voted in favor thereof, the rule was suspended, and the bill was passed.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.  
Until further notice:

Mr. LOUD with Mr. PADGETT.  
Mr. HENRY of Connecticut with Mr. CLARK of Florida.  
Mr. KAHN with Mr. WILEY.  
Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.  
Mr. ROBERTS with Mr. BROUSSARD.  
Mr. ENGLEBRIGHT with Mr. POU.  
Mr. LANGLEY with Mr. HAMLIN.  
Mr. HEPBURN with Mr. LIVINGSTON.  
Mr. JACKSON with Mr. WEBB.  
Mr. HULL of Iowa with Mr. SLAYDEN.  
Mr. MOON of Pennsylvania with Mr. HOBSON.  
Mr. McCREA with Mr. RHINOCK.  
Mr. MUDD with Mr. WALLACE.  
Mr. SULLOWAY with Mr. TALBOTT.  
Mr. ADDISON D. JAMES with Mr. KIMBALL.  
Mr. DUNWELL with Mr. WATKINS.  
Mr. TAYLOR of Ohio with Mr. WOLF.  
Mr. TIRRELL with Mr. PETERS.  
Mr. DAWES with Mr. EDWARDS of Georgia.  
Mr. GARDNER of Michigan with Mr. RUSSELL of Texas.  
Mr. DRISCOLL with Mr. GILL.  
Mr. FOULKROD with Mr. HACKETT.  
Mr. GAINES of West Virginia with Mr. RUCKER.  
Mr. HUFF with Mr. OLLIE M. JAMES.  
Mr. LITTLEFIELD with Mr. BRANTLEY.  
Mr. STURGISS with Mr. SPARKMAN.  
Mr. OVERSTREET with Mr. HOWARD.  
Mr. PEARRE with Mr. LAMAR of Florida.  
Mr. ALEXANDER of New York with Mr. CARLIN.  
Mr. BARCHFIELD with Mr. CLAYTON.  
Mr. BARTHOLDT with Mr. DAVEY of Louisiana.  
Mr. BINGHAM with Mr. DE ARMOND.  
Mr. BIRDSALL with Mr. GORDON.  
Mr. CALDER with Mr. HAMILL.  
Mr. DIEKEMA with Mr. HILL of Mississippi.  
Mr. DENBY with Mr. HAMMOND.  
Mr. FASSETT with Mr. RAUCH.  
Mr. GRAHAM with Mr. LEAKE.  
Mr. HUGHES of West Virginia with Mr. REID.  
Mr. JENKINS with Mr. LAMB.  
Mr. LOVERING with Mr. TAYLOR of Alabama.  
Mr. TAWNEY with Mr. UNDERWOOD.  
Mr. COUDREY with Mr. WILSON of Pennsylvania.  
Until April 28:  
Mr. LOWDEN with Mr. HARRISON.  
Mr. CAULFIELD with Mr. HARDY.  
For this day:  
Mr. MOORE of Pennsylvania with Mr. KELIHER.  
Mr. McCALL with Mr. JONES of Virginia.  
Mr. GILLETT with Mr. HITCHCOCK.  
Mr. POWERS with Mr. PRATT.  
Mr. BOUTELL with Mr. WEISSE.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

## REMOVAL OF RESTRICTION FROM PART OF LAND OF ALLOTTEES OF FIVE CIVILIZED TRIBES.

Mr. McGuire. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15641, for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, with amendments.

The Clerk read the bill, as follows:

A bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

Be it enacted, etc., That from and after sixty days from the date of this act the status of the lands allotted heretofore or hereafter to allottees of the Five Civilized Tribes shall, as regards restrictions on alienation or incumbrance, be as follows: All lands, including homesteads, of said allottees enrolled as intermarried whites shall be free from all restrictions. All lands, including homesteads, of said allottees enrolled as freedmen shall be free from all restrictions. All lands,

including homesteads, of said allottees enrolled as of less than half Indian blood shall be free from all restrictions. All lands, except homesteads, of said allottees enrolled as mixed-blood Indians having half or more than half Indian blood shall be free from all restrictions. All homesteads of said allottees enrolled as mixed-blood Indians having half or more than half Indian blood and all allotted lands of enrolled living full bloods shall not be subject to alienation, contract to sell, power of attorney, or any other incumbrance prior to April 26, 1931, except that the Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions removed from land by or under any law prior to the passage of this act.

SEC. 2. That all land allotted to adult allottees of the Five Civilized Tribes and subject to restriction may be leased by the allottees, or in the case of minors as provided in section 6 hereof, for periods not exceeding five years without the privilege of renewal, except that oil, gas, or other mineral leases of adults for any period of time, and other leases of adults if made for more than five years, of any such restricted lands, may be made with the approval of the Secretary of the Interior and not otherwise.

SEC. 3. That the rolls of citizenship and of freedmen of the Five Civilized Tribes approved by the Secretary of the Interior shall be conclusive evidence as to the age and the quantum of Indian blood of any enrolled citizen or freedman of said tribes to determine questions arising under this act.

SEC. 3a. That all oil, gas, and other mineral leases entered into by any of said allottees prior to the removal of restrictions requiring the approval of the Secretary of the Interior shall not be rendered invalid by this act, but the same shall be subject to the approval of the Secretary of the Interior as if this act had not been passed: *Provided*, That the owner or owners of any allotted land from which restrictions are removed by this act, or have been removed by previous acts of Congress, or by the Secretary of the Interior, or may hereafter be removed under and by authority of any act of Congress, shall have the power to cancel and annul any oil, gas, or mineral lease on said land whenever the owner or owners of said land and the owner or owners of the lease thereon agree in writing to terminate said lease and file with the Secretary of the Interior, or his designated agent, a true copy of the agreement in writing canceling said lease, which said agreement shall be executed and acknowledged by the parties thereto in the manner required by the laws of Oklahoma for the execution and acknowledgment of deeds, and the same shall be recorded in the county where the land is situate.

SEC. 4. That all land from which restrictions shall have been removed shall be subject to taxation and all other civil burdens as though it were the property of other persons than allottees of the Five Civilized Tribes: *And provided further*, That allotted lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law.

SEC. 5. That any attempted alienation or incumbrance by deed, mortgage, contract to sell, power of attorney, or other instrument or method of incumbering real estate, made before or after the approval of this act, which affects the title of the land allotted to allottees of the Five Civilized Tribes prior to removal of restrictions therefrom, and also any lease of such restricted land made in violation of law before or after the approval of this act shall be absolutely null and void.

SEC. 6. That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives for the eastern judicial district of the State of Oklahoma as he may deem necessary to inquire into and investigate the conduct of guardians and curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian and curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardians and curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian and curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further authorized, and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, without charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this act or any other act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Supplemented to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated for the salaries and expenses arising under this section, out of any funds in the Treasury not otherwise appropriated, the sum of \$90,000, to be available immediately and until July 1, 1909, for expenditure under the direction of the Secretary of the Interior: *Provided*, That no restricted lands of living minors shall be sold or encumbered, except leases authorized by law, by order of the court or otherwise.

And there is hereby further appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available and

available until expended as the Attorney-General may direct, the sum of \$50,000, to be used in the payment of expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma.

SEC. 7. That no contest shall be instituted after sixty days from the date of the selection of any allotment hereafter made, nor after ninety days from the approval of this act in case of selections made prior thereto by or for any allottee of the Five Civilized Tribes, and, as early thereafter as practicable, deed or patent shall issue therefor.

SEC. 8. That section 23 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, is hereby amended by substituting for the words "a United States commissioner," at the end of said section, the words "a judge of a county court of the State of Oklahoma."

SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions from the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of said estate.

Mr. CARTER. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule, a second is ordered.

Mr. FITZGERALD. It may be, Mr. Speaker, that somebody is opposed to this bill.

The SPEAKER. Is the gentleman from Oklahoma opposed to the bill?

Mr. CARTER. I am not.

The SPEAKER. Is there any gentleman opposed to this bill that desires to demand a second?

Mr. FITZGERALD. It is impossible to tell, Mr. Speaker, at this time whether the bill is satisfactory to everybody or not. If the gentleman from Oklahoma is disposed to yield time to both sides, I do not care to object.

Mr. CARTER. I will yield time to both sides.

The SPEAKER. Under the rule, a second is ordered, and the gentleman from Oklahoma is entitled to twenty minutes and his colleague [Mr. CARTER] is entitled to twenty minutes.

Mr. McGUIRE. Mr. Speaker, this bill relates to what is known in Oklahoma as the "Five Civilized Tribes"—the Choctaws, Chickasaws, Cherokees, Creeks, and Seminole Indians. These five tribes occupy nearly the entire portion of that part of the State of Oklahoma which was originally the Indian Territory—in other words, nearly one-half of the State of Oklahoma. Under existing law they can not alienate their lands. They have their homesteads. Nearly all of them, in addition to their homesteads, have what is known there as "surplus land." Under the present law they can not alienate; under the law as it is these lands can not be taxed. Since Oklahoma has become a State this portion of the State has been organized into counties and county governments, and in a great portion of that territory there has been organized school districts.

But we now encounter this difficulty: While we have county organizations, there is no real estate outside of the cities upon which a levy can be made for the purposes of taxation, and consequently we are unable to support local government and unable to support common schools.

If this bill passes it will release about three-fifths of that part of Oklahoma and make it taxable. The bill does not affect the full-blood Indian in that country, except that it provides that a showing may be made to the Secretary of the Interior by any Indian of full blood, and if that showing, in the judgment of the Secretary, is sufficient he can secure a patent in fee for his land, but he must show that he has the capability; he must show that he is competent to transact his own business.

Upon what is known in that State as the "intermarried whites" the bill removes restrictions entirely. These people were allotted with the Indians, and hold their allotment and surplus. It also removes the restriction which is now upon the land of the freedman of that country, who also under the law was allotted with the Indians. It removes the restrictions entirely upon the Indian of mixed blood where he is less than one-half Indian blood. It removes restrictions upon all but the homestead—that is, the surplus of the Indian of full blood or more than half of Indian blood.

Mr. SCOTT. Will the gentleman from Oklahoma explain what he means by surplus land?

Mr. McGUIRE. Under the laws passed based upon treaty the Indian took so much land for a homestead, and then the remainder was divided among the various members of the tribe, and the remaining portion is called "surplus land."

Mr. SCOTT. What proportion does it bear to all the land held by the Indians?

Mr. McGUIRE. That I am not prepared to say.

Mr. SHERMAN. It is a very small proportion—under 5 per cent.

Mr. MURDOCK. I would like to ask the gentleman if there is anything in this bill granting any right of alienation of any homestead either to a freedman, mixed blood, or full blood?

Mr. MC GUIRE. The bill provides for alienation on homesteads of intermarried whites, of the freedman, and of the person less than one-half of Indian blood.

Mr. MURDOCK. Of the homestead?

Mr. MC GUIRE. Of the homestead.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman from Oklahoma a question with reference to restrictions of homesteads in Oklahoma, whether or not it is necessary for the wife to join with the husband in making the deed.

Mr. MC GUIRE. In Oklahoma it is, under the Oklahoma statute.

Mr. STEPHENS of Texas. Then the Indian wife here would have to join her husband in making a deed to the homestead.

Mr. MC GUIRE. She would.

Mr. STEPHENS of Texas. And that would have to be severally acknowledged and recorded in accordance with the constitution and laws of Oklahoma.

Mr. MC GUIRE. Yes.

Mr. MANN. Will the gentleman yield for a question?

Mr. MC GUIRE. I will.

Mr. MANN. The bill, as the gentleman offers it, I notice, has a number of amendments which have never been printed. Will the gentleman say whether the bill as now presented has the unqualified approval of the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. MC GUIRE. The bill has been amended in a minor way since it was approved by the Secretary of the Interior, but in no material point.

Mr. MANN. Well, I do not know what the object is in bringing in immaterial amendments on a motion to suspend the rules. I should like to know whether they have the approval of the Secretary of the Interior.

Mr. SHERMAN. Mr. Speaker, if the gentleman from Oklahoma will yield to me for a moment—

Mr. MC GUIRE. I yield to the gentleman from New York.

Mr. SHERMAN. The amendments that are now presented to the bill are largely phraseological, to make more clear and distinct the real intent of the bill. I have discussed the bill with the Secretary of the Interior, not with the Commissioner of Indian Affairs, and I know what his attitude toward it is, and I know that the main principle as laid down in this bill meets with the unqualified approval of the Secretary of the Interior. The amendments do not change the question of who shall be given the right to alienate, nor do the amendments change any other principle of the bill. One amendment here, for instance, is transposed from section 1 to section 4 with an amendment, because it is more appropriately in section 4 as a part of the subject there treated.

Mr. MANN. Does this bill, then, meet the approval of the Commissioner of Indian Affairs?

Mr. MC GUIRE. It does.

Mr. SHERMAN. About the Commissioner of Indian Affairs I will have to leave the gentleman from Oklahoma to state, because I have not discussed this with him, either before the bill was approved or since; but I have discussed it with the Secretary of the Interior, and I know the bill as now presented in principle meets his approval, and the amendments that are now suggested do not change in any particular the object sought to be attained by the bill.

Mr. STEPHENS of Texas. Will the gentleman from New York permit a question?

Mr. SHERMAN. I will, if the gentleman from Oklahoma will yield further.

Mr. STEPHENS of Texas. There is an amendment here that must be a mistake, on page 2, lines 21, 22, and 23.

*Provided*, That these lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the passage of this act.

Mr. SHERMAN. That is transferred to section 4, where it more appropriately belongs.

Mr. STEPHENS of Texas. I thought there must be some mistake about that.

Mr. SHERMAN. The amendment is transferred to section 4.

Mr. STEPHENS of Texas. I see another part of the bill provides that leases of oil and coal lands heretofore existing have to be approved by the Secretary of the Interior, and that these shall be binding on the Indians and lessees when so approved, and consequently that provision would leave a lease inoperative if left standing as it is if the Secretary should not approve the lease. Would that be right?

Mr. SHERMAN. No; this is the purpose of that: There are leases already made which are in process of being approved—that is, they have not yet reached the Secretary of the Interior for his final action thereon, and so this provision is to make it

impossible to invalidate those until they have reached the Secretary. Then, if approved, they are validated, and if he disapproves they are invalidated.

Mr. STEPHENS of Texas. I don't think these leases should be invalidated, because many men have expended money on them on faith of their being approved by the Secretary of the Interior.

Mr. SHERMAN. That is precisely what the provision does—it makes it impossible to invalidate them.

Mr. MC GUIRE. Mr. Speaker, I reserve the balance of my time.

Mr. SAUNDERS. Mr. Speaker, if I have some time I think I can answer the gentleman from Texas [Mr. STEPHENS].

The SPEAKER. The gentleman from Oklahoma reserves the balance of his time, ten minutes.

Mr. CARTER. Mr. Speaker, I can explain the proposition about which the gentleman from Texas was asking, and I will also explain to the gentleman from Illinois [Mr. MANN] this amendment, which has been transposed from the bottom of section 1 to the bottom of section 4. In that there has been a slight change.

The amendment originally read:

*Provided*, That these lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the passage of this act.

This amendment, as changed and placed at the end of section 4, reads as follows:

*Provided further*, That allotted lands shall not be subject or held liable to any form of personal claim or demand against the allottees arising or existing prior to the removal of restrictions other than contracts heretofore expressly permitted by law.

The words "other than contracts heretofore expressly permitted by law" were not in the original bill at all. And that explains it.

Mr. STEPHENS of Texas. I think that is satisfactory, because if left standing here, without some subsequent part of the bill modifying it, it would invalidate their rights.

Mr. CARTER. This slight change was made for that specific purpose. The gentleman from Virginia [Mr. SAUNDERS] wrote that amendment at my suggestion, and in order that legal contracts already in existence might not be impaired the latter clause was added.

Mr. SAUNDERS. That addendum is not found in the original amendment.

Mr. ADAIR. May I ask the gentleman a question? Is this bill unanimously reported from the Committee on Indian Affairs?

Mr. CARTER. Yes; it is.

Mr. STAFFORD. Can the gentleman from Oklahoma state whether this has been the policy of the Government as to other Indian lands, or will the gentleman yield to the chairman of the Committee on Indian Affairs to answer the question.

Mr. CARTER. I yield to the chairman of the committee to answer that.

Mr. SHERMAN. It has always been our policy to limit the right to alienate for a specific length of time all over the United States.

Mr. STAFFORD. But you are removing the limitation of alienation.

Mr. SHERMAN. Now, we are removing in part the power of alienation, but a very large portion of the entire State is made up of this land, so that, unless you release the limitation upon alienation, you have no land which you can tax for carrying on county and municipal divisions.

Mr. STAFFORD. Is there any instance where the Government has heretofore raised the barrier of alienation under like conditions?

Mr. SHERMAN. Oh, certainly, there is a general provision under which the Secretary of the Interior can release the limitation on alienation of the land of any Indian who on investigation he determines is competent to take care of himself, and under that provision there have been two or three million acres of this very land already released from alienation.

Mr. STAFFORD. Under this bill you are permitting alienation beyond the discretion of the Secretary of the Interior, without his approval, and vesting it entirely in these designated classes of Indians.

Mr. SHERMAN. That is what we are doing, but with the approval of the Secretary. We are in this manner releasing 8,000,000 out of 19,000,000 of acres of land, that is all; we are not releasing all of it.

Mr. STAFFORD. When the gentleman suggests with the approval of the Secretary of the Interior does he mean to convey the impression that no transfer of any of this allotted land will be permitted except upon approval of the Secretary of the Interior?

Mr. SHERMAN. Oh, no; I mean to say that the Secretary of the Interior approved this bill; in fact, this bill was drawn in the Interior Department.

Mr. STAFFORD. As I understood the bill when it was read, it takes away all discretion from the Secretary and vests all power of alienation in these designated Indians.

Mr. SHERMAN. In certain classes and to certain lands.

Mr. STAFFORD. Those having less than half blood.

Mr. STEPHENS of Texas. And to homestead also.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman in regard to this proviso which is on page 2 and which I understand is an amendment to come in paragraph 4, which provides as follows:

*Provided*, That these lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the passage of this act.

Now, if the gentleman will permit, is the purpose of this proviso to relieve the Indians who get ownership of their land free from restrictions from all liability to previous debts?

Mr. CARTER. That is to relieve the land—

Mr. SHERLEY. Is it the purpose to relieve a man from the payment of his debts when he gets control of his property?

Mr. CARTER. I can explain that in just a minute.

In Oklahoma the lands at the present time are restricted. They are not subject to any of these personal claims or any judgments, and for that reason a great many judgments have been taken against Indians down there by default. The Indians knew a judgment could not be enforced as against their lands, and so they did not appear in court in many instances. A great many of them are judgments which are not just, but they cloud the title. That is the very thing we are trying to clear up now, and we want to give the Indians a new start. We want to turn this class loose with these lands and let them take a new start without any cloud on the title of their lands whatever.

Mr. SHERLEY. I do not think there is anything in the fact of the cloud on the title, because any cloud by reason of a judgment or lien can be gotten rid of at any time. There may be something in the proposition of the gentleman that inasmuch as these Indians have had judgments go by default against them, which are not judgments in equity, therefore they should not be enforced against the land.

Mr. CARTER. It has always been the policy of the Department, the Indian Office, and the Federal Government not to allow any claim enforced against an Indian's land on which there were restrictions.

Mr. SHERLEY. The proposition that strikes me as rather startling is that a judgment that is supposed to represent a debt should not be paid by the man who is considered as sufficiently capable to be given full possession of his land.

Mr. CARTER. This simply releases him from that obligation so far as his land is concerned, and no further.

Mr. SHERLEY. As I understand it, it simply prevents the collecting of the debt.

Mr. ADAIR. Does the judgment still stand against him, and could it not be collected against his personal property?

Mr. CARTER. Certainly.

Mr. SAUNDERS. Mr. Speaker, I think that I can answer the questions that have been asked in relation to this amendment so as to satisfy the gentlemen who have propounded them.

The SPEAKER. Does the gentleman yield?

Mr. CARTER. I yield two minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. The Indians to whom this amendment relates could not be subjected before the passage of this bill to any form of personal liability. There was no way under the law by which they could be held liable.

Mr. SHERLEY. Why?

Mr. SAUNDERS. Simply because the statutes provided it could not be done.

Mr. SHERLEY. Was not the reason based on the supposition that the Indian was not able to take care of himself?

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. Now that he is able to take care of the land to the extent that he is given absolute control of it, why should he not be answerable for his debts?

Mr. CARTER. Because the debts were contracted before the Indian was considered capable.

Mr. SAUNDERS. The answer to that, Mr. Speaker, is, that as to subsequent accruing liabilities, after these restrictions are removed, the Indian will be held liable. This amendment simply removes any question of liability as to contracts undertaken to be entered into at a time when he was not capable to make a contract.

Mr. GOLDFOGLE. Where does that appear?

Mr. SAUNDERS. That appears in the amendment.

Mr. GOLDFOGLE. Is it not general?

Mr. SAUNDERS. The fact that the Indian could not enter into these contracts is general, but the suggestion was made that possibly when we removed these restrictions it might be hereafter considered that, in some way, this removal validated those claims which were not valid prior to the removal of the restrictions.

Mr. GOLDFOGLE. Now, if the Indian contracted debts and incurred obligations at a time when he had sufficient understanding and knew just what it meant to contract a debt, or just what it meant to incur an obligation, why should he be released now when it is conceded or, rather, when it is claimed by those in charge of the bill that he has sufficient intelligence to deal with his lands?

Mr. SAUNDERS. When was that time? You observe that those contracts relate to a period when, by the general statutes, the Indian was presumed to be incapable of contracting.

Mr. SHERLEY. If the gentleman will permit—

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. The contract would not be enforceable in the form of a judgment unless both parties to it were capable of making a contract.

Mr. SAUNDERS. You observe from the statement made by the gentleman from Oklahoma [Mr. CARTER] that these Indians are seeking relief as to contracts which were made at a time when they had a right to consider that they could not be enforced.

Mr. GOLDFOGLE. That does not appear in the bill.

Mr. SAUNDERS. It does not make any difference whether it appears in the bill or not. The amendment relates to conditions that existed under other statutes.

Mr. SHERLEY. The gentleman does not catch the point I desire to make.

Mr. SAUNDERS. I think I do.

Mr. SHERLEY. Which is that if the Indian is capable of making a valid contract, he ought to live up to it.

Mr. STEPHENS of Texas. But this was before he was capable of making a valid contract.

Mr. SHERLEY. If he was not able to make a valid contract, there is no valid contract that you need to bother about.

Mr. SHERMAN. The purpose of this is to show that Congress so intended. I do not think that they could enforce them, but the point of the committee was that it was the intent that no illegal contract should be a lien on any of these lands, it being suggested that if we remove that restriction it might have a retroactive effect and validate these invalid contracts.

Mr. SHERLEY. It can not do it. It can not have the effect of validating an invalid contract.

Mr. SHERMAN. In case there is a contract which the Indian was capable of making, this law will not have that effect. It expressly leaves valid every contract which under the general laws the Indian was capable of making.

Mr. CARTER. I will state to the gentleman from Kentucky that the Indian is considered capable in everything except the management of his tribal estate—that is, his land.

Mr. GOLDFOGLE. Why should he not pay his debts?

Mr. SAUNDERS. These were debts that he could not incur.

Mr. MURDOCK. Let us have order.

Mr. CARTER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has six minutes remaining.

Mr. STAFFORD. Will the gentleman yield to a question?

Mr. CARTER. I have only six minutes; I can not yield.

Mr. Speaker, this bill provides for straightening out land conditions in the State of Oklahoma in a way that will be equitable to all classes concerned. We have on the tribal rolls a number of whites and freedmen and a considerable number of Indians, something more than 100,000 in all, I believe.

Several MEMBERS. Go down in front, CARTER. Come down in front, Indian; we can not hear you.

Mr. CARTER. A very large proportion of these people are fully competent to take care of themselves and are able to stand up and hold their own without the strong arm of the Federal Government to protect them.

There are in round numbers 20,000,000 acres of land in our State owned by this class of people. As I have stated before on the floor of this House, this land is nontaxable and inalienable.

This bill proposes a fair adjustment of these conditions. It provides that some of these lands may be taxed; it provides that those who are competent may be allowed to handle their own property according to the dictates of their own judgment,

and without Federal supervision. It provides for the removal of restrictions upon the intermarried citizen, the white man, who is not an Indian at all. It provides for the removal of restrictions on the freedmen, the former slave of the tribesmen, who is not an Indian at all. It provides for the removal of restrictions upon the lands of the Indian having less than half Indian blood, who is not an Indian at all except for revenue purposes.

It provides for the removal of restrictions on the surplus allotment of the mixed-blood Indian of half or more than half Indian blood, and there it stops, leaving the entire allotment of the full-blood Indian and the homestead of the mixed-blood Indian of half or more than half Indian blood in *status quo*—that is to say, these lands are left inalienable and nontaxable, with the exception that the Secretary may remove such restrictions upon a showing of competency by the Indian or whenever, in his opinion, it will conserve the Indian's best interest to have a part of such lands sold.

Now, Mr. Speaker, it is a foolish sentimentality that prompts any man familiar with the facts to say that the class above referred to are incompetent. That there may be some cases of incompetency, no one will attempt to deny. There always exists these exceptions. In these strenuous times of commercialism and development no man or set of men are thoroughly competent to deal with every proposition that confronts them. As an evidence of this fact I submit that I and other Members of this House often vote for or against a measure which we do not thoroughly understand, but this is the exception and not the rule.

Those Indians whose restrictions are removed by this bill are, as a rule, just such men as I. I see that some of the gentlemen seem to be skeptical about this statement, but the proof of the pudding is in the chewing the string, and if you will come out into Oklahoma you will find that a great many of these Indians are worth ten times as much of this world's goods as I, and if you will attempt to make a few deals with them you will find when you are through that you are not worth as much as you were before. [Laughter.] I think this ought to be evidence sufficient of their business capacity as compared to mine. This bill does not propose to remove restrictions from those who are incompetent as a class, but leaves the restrictions upon their land until, in the opinion of the Secretary of the Interior, it is to their best interest to have such lands sold.

No man on the floor of this House is more zealous in his desire to protect the incompetent Indians than I. No one of you can feel more keenly his responsibility to this person than I. No one would deplore more than I seeing the incompetent Indian left absolutely helpless.

No one would regret more than I seeing them driven into a state of vagrancy, and when legislation in this Chamber approaches the point of permitting the plunder of incompetent Indians, you will always hear my feeble voice raised in protest. What becomes of these people if they are left homeless? Why, the State of Oklahoma, and not the Federal Government, will have to care for them if they become paupers. Therefore, I do not think the people of the State of Oklahoma want the last home of the incompetent Indian turned loose, so that he may be cheated out of his just rights.

Mr. SULZER. Are the Indians in favor of this bill?

Mr. CARTER. Yes, sir; they are.

Mr. SULZER. If they are, then I am in favor of the bill.

Mr. CARTER. Only a few days ago the President of the United States went a great deal further in his recommendation than this bill provides. He told the Secretary of the Interior that he wanted the restrictions removed from every acre of land in Oklahoma except the 40-acre homestead of the full-blood Indian. Now, some of you gentlemen, imbued with a misguided sentimentality in favor of the Indian, may think this recommendation of the President a great mistake. You doubtless think it would be little short of a national crime to go to the limit recommended by the President. I do not propose at this time to have anything to say in that connection. I am not here to argue that point, but to defend the provisions of this bill, which does not, in any manner, subject the Indian to injustice.

The removal of restrictions embraced in this bill will not prove a detriment but an advantage to all of the Indians whom it affects. They are thoroughly competent, and it will place them on their own responsibility. It will give them an opportunity to handle their property to the best advantage, without any interference from the Federal Government or anyone else, which is always resented by an intelligent person. It will place all of the burdens of American citizenship upon them, and why not, since they receive all the benefits? Why place these limitations upon competent citizens of the United

States? Listen to me. You place these Indians on their feet; place them on their own responsibility, give them an equal show with their white brother, grant to them full-fledged American citizenship in all that the term implies, and mark my words, they will measure up to the full standard of your American citizenship. [Loud applause.]

I yield the remainder of my time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, there are in the Five Civilized Tribes about 106,000 Indians. They have about 19,000,000 acres of land. By an act of Congress passed in 1907 the power to alienate over 3,000,000 acres has been given to these Indians. Under this bill the restrictions will be taken from 8,000,000 acres more, so that out of 19,500,000 acres of the Indians' land there will be 11,000,000 acres subject to alienation. Whoever is familiar with the conditions in the new State of Oklahoma realizes that some action is necessary to be taken by Congress in order that there may be land subject to taxation in that portion of the new State included within the Indian Territory.

It should be understood, Mr. Speaker, however, since this step is to be taken, which will be followed eventually by the removal of the restrictions from all of the Indians' lands in the State of Oklahoma, that the people of the State of Oklahoma should understand that after the restrictions have been removed from the Indians' land, unless they protect the Indians in their rights, Oklahoma will hereafter be compelled to support the Indians and not expect the people of the United States to do so.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman have the slightest doubt that if that condition of affairs should come about, Congress would be asked to contribute to the support of these Indians and that it would be done?

Mr. FITZGERALD. Well, I shall agree to half of the suggestion of my friend. I have no doubt that Congress will be asked, but the answer that I would send back would be this:

You have despoiled 100,000 Indians of 19,000,000 acres of land; you have taken their rich mineral deposits; you have squandered their vast funds; you have taken their property, and, having done so, you must take the care and responsibility of these Indians and support them without help from the rest of the United States.

To my friend from Illinois I wish to say that if Divine Providence should permit this House to be Democratic, a Democratic House, at least, would see that the people of Oklahoma lived up to their implied promise that they now make to support these Indians after they have taken their lands.

Mr. MANN. After all, would not Oklahoma and the Indians have the right to say, "This was done by virtue of an act of the Congress of the United States and not by virtue of an act of the legislature of the State of Oklahoma?"

Mr. FITZGERALD. The legislature of Oklahoma has no power to do it. I believe that before this bill is passed it is proper that somebody should send out a message to the people of Oklahoma. I do not say that they are asking this legislation in bad faith. I do not pretend that they are not as much if not more interested in making good, desirable, intelligent, and successful citizens out of the Indians than anyone else in the United States; but if there be anybody there who imagines that the United States will hereafter contribute to the expenses of maintaining these Indians, they should know now that their hopes will be vain.

Mr. McGuire. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Oklahoma has ten minutes.

Mr. McGuire. I yield three minutes of that time to the leader of the minority [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the theory upon which we have taken care of the Indians in the past presents a totally different question from the condition with which we are confronted in Oklahoma now. We have treated the Indians as foreigners always. We have dealt with them by treaty just as we deal with other foreigners. They are foreigners within the bounds of the United States, it is true—tribal governments within a Territorial government and within the bounds of the General Government. This is the first time that Congress has ever dissolved the tribal relations of entire tribes who have become in the meanwhile citizens of a State. I say this in reply both to what has been said by the gentleman from New York [Mr. FITZGERALD] and to what has been said by the gentleman from Wisconsin [Mr. STAFFORD], to show the difference between the condition here and the conditions in the past, which bred the historic policy of the United States toward the Indians, which historic policy was a moment ago called to the attention

of the chairman of the Committee on Indian Affairs by the gentleman from Wisconsin [Mr. STAFFORD].

Now, Mr. Speaker, the situation is this: The white people down there are paying nearly all the taxes, while the Indians are owning nearly all the lands, and while the Indians themselves are getting no full benefit from the ownership of the land; none of the higher benefit which comes with the right of final disposition. I am in favor of the passage of this bill. I find here this statement in the report:

It will be readily observed from the foregoing statement that there is little taxable property in that portion of the State of Oklahoma except personal property and real estate in the corporate limits of cities and towns. The meaning of this is that there is a government, State and local, to support with practically no real estate upon which there may be a levy for taxable purposes. The cities are required to bear the expenses of county and State government with the exception of personal property and small per cent of outside real estate mentioned in the preceding paragraph. This leaves a portion of the people of that State bearing all the burdens of taxation, and relieves another—the most wealthy of the people of the State—from any of the burdens of taxation. The result is that it is impossible to support schools except in the extremely wealthy section more than two or three months in the year. For those persons who are taxed, the per cent of taxation is enormously high—almost unbearable.

I am very glad to support the bill, and I hope the new policy for which the precedent is established in this bill will be followed hereafter more and more. These Indians in the Indian Territory and Oklahoma are not savages; they are not barbarians, nor semibarbarians. For the most part they can read and write. They can understand what their own rights are under the law. They are independent and self-dependent citizens of the State, and they ought not to be held in tutelage and wardship any longer by the Government of the United States. It is insulting to them. Wherever we provided a contrary policy it is because of the fact that the illiteracy and ignorance of the Indian made him necessarily an object of protection of the United States Government. These people are able to protect themselves. They belong to the civilized tribe. Some of them are very wealthy. A great many of them are remarkably intelligent people, and it seems to me that in their own interest, even if nobody else were concerned, we should remove from them the shackles in which they have hitherto been bound, give them the freedom of action and the sense of responsibility which the right to dispose of their own property would give them, and that is what this bill will do to the extent at least of 8,000,000 acres of land.

Mr. MC GUIRE. I now yield three minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, in the few moments of time that I have I desire to acquaint the House with three or four statements that the House ought to know. In the first place, the delegation from Oklahoma, each and every Member in both the House and the Senate, is in favor of this bill. When we came up here from Oklahoma we believed that the entire section of the State of Oklahoma was for the removal of these restrictions. It has been debated over the State, both among the Indians and the whites universally interested, and it has been universally asked for. We recognize the superior ability of the Indian Office and the Interior Department. We began the first day we came here, and we kept up meeting after meeting and day after day and week after week with the Indian Office and with the Secretary of the Interior and their attorneys.

This bill is agreed to by the Secretary of the Interior, by the Indian Office, by the Oklahoma delegation, and has the unanimous consent of the Committee on Indian Affairs. These people have all agreed to this bill reported, and are anxious to have it pass.

Now, one moment as to what it does. In the eastern half of the State of Oklahoma there are 19,000,000 acres of land; 3,000,000 acres of land have been removed, leaving 16,000,000 acres of land now tied up. This bill removes the restriction from the freedmen, who were formerly slaves of the Indians; it removes restrictions from the intermarried white people who went into Oklahoma and married Indian citizens, and from those with less than half Indian blood, such as the gentleman from Oklahoma, Mr. CARTER, and Senator OWEN. These Indians are at the head of banking institutions, at the head of other important business institutions, good lawyers, good physicians, and are carrying on business in all the walks of life. It is ridiculous to keep people like that tied up by these restrictions.

Now, I want to say to the House that when you say the people of Oklahoma have too much land, it seems at first a violent statement or a violent conclusion, but they have on a rough gross estimate 190 acres of land apiece. That does not seem to be very large, but you take a family with a husband, a wife, and eight children, making ten in all, and 10 times 190 is 1,900 acres, and that is too much land for any one family to

own, I don't care whether it is an Indian or a white citizen or what his complexion is. A tract of 1,900 acres of land is too much for any one family to own.

This bill does not take it away from them or sell them arbitrarily. It merely lets them sell on their own motion, in their own way, and for such prices as they can procure—merely gives them the right to deal in their own way with their own property; merely makes them feel men and women in Oklahoma.

Mr. MC GUIRE. I yield the rest of my time to the gentleman from New York [Mr. SHERMAN].

Mr. GAINES of Tennessee. Before the gentleman from New York proceeds, will he tell me what per cent of these people can read and write?

Mr. CARTER. In the Chickasaws I will say that 100 per cent of them can.

Mr. DAVENPORT. In the Cherokees there is not a man or a woman over the age of 15 years who can not read and write.

Mr. GAINES of Tennessee. Do they own this land?

Mr. DAVENPORT. Yes.

Mr. SHERMAN. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] and the gentleman from Oklahoma [Mr. MC GUIRE] have given all of the statistics that relate to this matter, so that I need not repeat those, but I want to call the attention of the House to one or two important facts in connection with the matter. All of these Indians in Oklahoma are voters. They have full franchise to-day, which the Congress of the United States has given them, although substantially all of their land—sixteen out of nineteen million acres—is now untaxed. This is a proposition to release not the total of the 19,000,000 acres, but to release one-half of the 16,000,000 acres that are now inalienable. It still leaves 8,000,000 acres of the 19,000,000 comprising the lands of the Five Civilized Tribes inalienable and nontaxable. Oklahoma proper, or old Oklahoma, contains 24,000,000 acres, and the old Indian Territory 19,000,000 acres, or 42,000,000 acres all told, and even with the passage of this bill it leaves eight million and odd thousand acres, or 20 per cent, of all the land in the new State of Oklahoma nontaxable. It does seem to me in all fairness, the large percentage of these Indians being as intelligent as the ordinary citizens in the Congressional district of any gentleman upon the floor, that they ought to be given the right to alienate these lands, and as soon as they are alienated the lands ought to be taxed. It is a heavy burden to put upon the citizens of any State, of any community, of any county, the care of meeting all expenses of the municipality or State by levying a tax therefor upon 80 per cent of the lands. This bill has been well thought out. Originally it was framed by the law officers of the Department, with the active cooperation of the Secretary himself, an able and a careful lawyer and a thoughtful man. It then came to the committee of the House, who gave full hearings to every single interest desiring it. We put no limit whatever upon the time for hearings, so that every interest has been fully heard, and at the end of those full hearings, weeks being devoted to the consideration of the matter, the Indian Committee brings in this unanimous report. I believe, Mr. Chairman, that the bill ought to pass without a dissenting vote in the House.

Mr. STEPHENS of Texas. Will the gentleman yield for a moment?

Mr. SHERMAN. I will if I have the time.

Mr. STEPHENS of Texas. I desire to state that I also favor the passage of this bill and the removal of the restrictions, and in answer to what the gentleman from New York [Mr. FITZGERALD] has said, I do not think it possible that these Indians will ever come back on the Government, for the reason that they will become voters, and after becoming voters they become citizens of the country; and hence, being citizens of Oklahoma, the United States Government never can have anything further to do with them.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on suspending the rules and passing the bill as amended.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays, in order to expedite public business.

The yeas and nays were ordered.

The question was taken, and there were—yeas 250, answered “present” 11, not voting 126, as follows:

YEAS—250.

Adair	Anthony	Bennet, N. Y.	Brownlow
Adamson	Bannon	Bingham	Brundidge
Aiken	Barchfeld	Bonyenge	Burgess
Alexander, Mo.	Barclay	Booher	Burleigh
Alexander, N. Y.	Bartlett, Ga.	Bowers	Burleson
Allen	Bartlett, Nev.	Boyd	Burnett
Ames	Bates	Bradley	Burton, Ohio
Andrus	Beall, Tex.	Brantley	Butler
Ansberry	Bell, Ga.	Brodhead	Byrd

Calderhead	Gaines, Tenn.	Knowland	Prince
Caldwell	Gardner, Mich.	Lafean	Rainey
Campbell	Gardner, N. J.	Lamar, Mo.	Randell, Tex.
Candler	Garner	Landis	Rauch
Capron	Gilham	Law	Reeder
Carter	Gillespie	Lawrence	Reid
Cary	Glass	Lee	Reynolds
Chapman	Godwin	Legare	Richardson
Clark, Mo.	Goldfogle	Lenahan	Robinson
Clayton	Gordon	Lever	Rodenberg
Cocks, N. Y.	Goulden	Lewis	Rothermel
Cole	Graff	Lindbergh	Russell, Mo.
Conner	Granger	Lindsay	Ryan
Cooper, Pa.	Gregg	Littlefield	Sabath
Cooper, Tex.	Griggs	Lloyd	Saunders
Cousins	Gronna	McCall	Scott
Cox, Ind.	Hackney	McGavin	Sheppard
Craig	Hamilton, Iowa	McGuire	Sherley
Cravens	Hamilton, Mich.	McHenry	Sherwood
Crumpacker	Hammond	McKinlay, Cal.	Sims
Cushman	Harding	McKinley, Ill.	Slemp
Dalzell	Haskins	McLachlan, Cal.	Small
Davenport	Haugen	McLain	Smith, Cal.
Davidson	Hawley	McLaughlin, Mich.	Smith, Iowa
Davis, Minn.	Hay	McMillan	Smith, Mich.
Dawson	Hayes	Macon	Smith, Mo.
De Armond	Heflin	Madden	Smith, Tex.
Denby	Helm	Madison	Southwick
Denver	Higgins	Mann	Spight
Diekema	Hill, Conn.	Maynard	Stafford
Dixon	Hinshaw	Miller	Steenerson
Draper	Holliday	Mondell	Stephens, Tex.
Durey	Houston	Moon, Pa.	Sulzer
Dwight	Howell, N. J.	Moor, Tenn.	Taylor, Ala.
Ellerbe	Howell, Utah	Moore, Tex.	Thistlewood
Ellis, Mo.	Howland	Morse	Thomas, N. C.
Ellis, Oreg.	Hubbard, Iowa	Mouser	Thomas, Ohio
Esch	Hubbard, W. Va.	Murdock	Tou Velle
Fairchild	Huff	Murphy	Townsend
Favrot	Hughes, N. J.	Nelson	Underwood
Ferris	Hull, Tenn.	Nicholls	Volstead
Fitzgerald	Humphreys, Miss.	Norris	Waldo
Flood	Johnson, Ky.	Nye	Wanger
Floyd	Johnson, S. C.	O'Connell	Watson
Focht	Jones, Wash.	Olcott	Webb
Fordney	Kelfer	Page	Wheeler
Fornes	Kennedy, Iowa	Parker, S. Dak.	Williams
Foster, Ill.	Kennedy, Ohio	Parsons	Wilson, Ill.
Foster, Ind.	Kinkaid	Patterson	Wood
Foster, Vt.	Kipp	Payne	Woodyard
French	Kitchin, Claude	Pollard	Young
Fuller	Knapp	Pou	
Fulton	Knopf	Pray	

## ANSWERED "PRESENT"—11.

Boatell	Hardwick	Jones, Va.	Padgett
Gaines, W. Va.	Hardy	Lamb	Talbott
Hamlin	Harrison	Mudd	

## NOT VOTING—126.

Acheson	Finley	Kitchin, Wm. W.	Ransdell, La.
Ashbrook	Foss	Küstermann	Rhineck
Bartholdt	Foulkrod	Lamar, Fla.	Rordan
Beale, Pa.	Fowler	Langley	Roberts
Bede	Gardner, Mass.	Lanning	Rucker
Bennett, Ky.	Garrett	Lassiter	Russell, Tex.
Birdsall	Gill	Leake	Shackford
Broussard	Gillett	Lilley	Sherman
Brumm	Goebel	Livingston	Sladen
Burke	Graham	Longworth	Snapp
Burton, Del.	Greene	Lorimer	Sparkman
Calder	Hackett	Loud	Stanley
Carlin	Haggott	Loudenslager	Sterling
Caulfield	Hall	Lovering	Stevens, Minn.
Chaney	Hamill	Lowden	Sturgiss
Clark, Fla.	Henry, Conn.	McCreary	Sullivan
Cockran	Henry, Tex.	McDermott	Tawney
Cook, Colo.	Hepburn	McMcRan	Taylor, Ohio
Cook, Pa.	Hill, Miss.	Malby	Tirell
Coudrey	Hitchcock	Marshall	Vreeland
Crawford	Hobson	Moore, Pa.	Wallace
Currier	Howard	Needham	Washburn
Darragh	Hughes, W. Va.	Olmsted	Watkins
Davey, La.	Hull, Iowa	Overstreet	Weeks
Daves	Humphrey, Wash.	Parker, N. J.	Weems
Douglas	Jackson	Pearre	Weisse
Driscoll	James, Addison D.	Perkins	Wiley
Dunwell	James, Ollie M.	Peters	Willett
Edwards, Ga.	Jenkins	Porter	Wilson, Pa.
Edwards, Ky.	Kahn	Powers	Wolf
Englebright	Kelher	Pratt	
Fassett	Kimball	Pujo	

So the rules were suspended, and the bill as amended was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. OLMS TED with Mr. RUSSELL of Texas.

Until further notice:

Mr. ANTHONY with Mr. SHACKLEFORD.

Mr. FASSETT with Mr. HARDWICK.

Mr. COOK of Pennsylvania with Mr. EDWARDS of Georgia.

Mr. LANING with Mr. CRAWFORD.

Mr. BEDE with Mr. ASH BROOK.

Mr. BIRDSALL with Mr. CARLIN.

Mr. CHANEY with Mr. HILL of Mississippi.

Mr. DOUGLAS with Mr. LASSITER.

Mr. LONGWORTH with Mr. McDERMOTT.

Mr. LOUDENSLAGER with Mr. PUJO.

Mr. ENGLEBRIGHT with Mr. STANLEY.

Mr. TAWNEY with Mr. WILLETT.

The result of the vote was announced as above recorded.

## TRADE IN THE PHILIPPINES.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill S. 5262.

The SPEAKER. The gentleman from Wisconsin moves to suspend the rules and pass the following Senate bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Islands, and for other purposes," and for other purposes.

Be it enacted, etc., That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

Sec. 2. That on and after the passage of this act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Islands which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries.

Sec. 3. That the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Islands and the United States.

Sec. 4. That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this act and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

Sec. 5. That such of the navigation laws of the United States as are in force in the Philippine Islands in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands.

Sec. 6. That the act entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Islands, between ports or places in the Philippine Islands, and for other purposes," approved April 30, 1906, and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from Wisconsin [Mr. COOPER] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. COOPER of Wisconsin. Mr. Speaker, this bill will, I think, have no opposition in the House when its provisions are understood. The first section does not change existing law. Section 2 does not. Section 3 is the only section in the bill which changes existing law, and it, if enacted into law, will repeal the statute which requires that after April 1 of next year all trade between the Philippines and the mainland shall be carried in American ships. That law, which would require all trade between the Philippine Islands and the mainland, whether import or export from either country, to be carried in American ships was passed in 1906. It was to go into effect a year or more ago, but Congress saw fit to extend the time when it would go into effect to April 1, 1909. Now, if that law were to stand unrepealed, the result would be one of two things, either that there would have to be a sufficient number of American ships to carry this trade and also a very material reduction in existing freight rates, or else there will not be a sufficient number of American ships to carry the trade, and the trade will go elsewhere. Although the shipping interests of the United States have had ample notice of the time when this law must go into effect, there has been but very little effort, and that a wholly unsuccessful effort, to build enough ships to meet the requirements of this trade. For example, last year the exports from the Philippine Islands to this country aggregated more than \$12,000,000, of which only about \$800,000 worth of those products were carried in American bottoms—that is, less than 7 per cent—6.8 per cent. The imports into the Philippine Islands from the United States were in value about \$5,000,000, and of this American bottoms carried only 16 per cent—a small fraction. So it amounts to a demonstration that unless we repeal this law there will be a marked increase in the freight rates between the Philippines and the United States, and this trade will go elsewhere. There is nothing to compel the Filipinos to trade with this country. There is nothing to compel them to pay the higher freight rates, and it is inevitable, therefore, that the United States would lose much of this trade. The total imports into the Philippines last year were about \$29,000,000 from all countries, and the total exports from the Islands were about \$34,000,000, show-

ing a very healthy balance of trade in favor of the Philippines of approximately \$4,000,000. The report of the Insular Committee, which I drew, contains an error—an error in copying. It says:

Of the 467 steam vessels which cleared at Philippine ports—

It should have been "which entered at Manila"—only 24 were American vessels.

Manila, both in imports and exports, does about 80 per cent of the business of the Philippine Islands. This proportion of American ships to the total number of ships holds approximately good for other ports in the archipelago.

I now yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, the necessity for the enactment of this bill, I think, is recognized by everyone who is at all familiar with the history of legislation on the subject and the real conditions between this country and the Philippine Archipelago.

Mr. WILLIAMS. Will the gentleman yield to a question?

Mr. CRUMPACKER. I will.

Mr. WILLIAMS. As I understand this bill, it permits foreign-built ships to be used in the trade between the Philippine Islands and the United States?

Mr. CRUMPACKER. That is the purpose of the bill.

Mr. WILLIAMS. And they shall continue to be used until further legislation by Congress?

Mr. CRUMPACKER. Yes.

Mr. WILLIAMS. I want to ask the gentleman this question: I introduced a bill providing that ships, no matter where bought, might be admitted to American registration and sail under the American flag if owned by Americans and if they were used exclusively in the trade between continental United States and these colonial ports. They would have been the property of American citizens. My bill did not go quite as far as this does. This bill permits ships owned by foreigners to go into the trade no matter where bought—mine only those owned by Americans. Does not the gentleman think it would have been better that American-owned ships be permitted to enter that trade, under these peculiar conditions, bought anywhere where they might have been bought, while foreign-owned ships remain excluded?

Mr. CRUMPACKER. I do not; because there is not trade enough now between the Philippine Archipelago and the United States to justify the establishment of a coastwise line of boats. The American boats that operate now are engaged in the foreign trade, and incidentally do coastwise trade. Most of the commerce is now conducted in foreign bottoms, and if they are prohibited, it will greatly cripple the trade.

Mr. WILLIAMS. One other question. Does the gentleman think there would have been enough bottoms if the trade took in the trade between the United States and the Philippines and also between the United States and Hawaii, and between Hawaii and the Philippines?

Mr. CRUMPACKER. By no manner of means. I do not believe it would afford any substantial relief to the people of the archipelago and the Hawaiian Islands.

Mr. WILLIAMS. I will support your bill rather than submit to a monopoly of American-built ships.

Mr. CRUMPACKER. The trade between the Philippine Islands and the United States is not large, not as large as it ought to be; but if we make the shipping coastwise it will result in the practical destruction of all the trade and the loss of many of the conveniences that they now have and enormously increase the freight rates. The law we passed several years ago making our navigation laws applicable to the Philippine Islands after April 11, 1909, would not do the American merchant marine any good whatever. I feel confident sufficient American boats would not regularly enter into that trade, and the result would be the destruction rather than the building of it up.

Mr. BURTON of Ohio. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. I will.

Mr. BURTON of Ohio. What is the regulation under this bill with reference to boats trading between the different ports of the United States and the Philippine Archipelago?

Mr. CRUMPACKER. The regulation is under the Philippine government. Congress has committed to the government of the archipelago the power to make such regulations as it sees fit, until we have developed a merchant marine, and until we admit boats of Philippine construction to American registration.

Mr. BURTON of Ohio. Then I understand that under this first section the authority to enforce regulations shall include the right to permit foreign boats to trade between the different ports in the Philippines.

Mr. CRUMPACKER. I understand that to be true, and that is the law now. That is the existing law. This bill practically reenacts existing law, except in section 3. This is the section that repeals the act we passed two years ago, making the coastwise laws applicable to the Philippine trade after April 11, 1909. That is the only new provision in the bill. Mr. Speaker, it should be the policy of the Federal Government to encourage the Philippine trade rather than discourage it; and if this law is not enacted, if no action is taken, the effect will be the practical destruction of Philippine commerce with America, and the loss of the means of communication that they have now.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Virginia.

Mr. JONES of Virginia. Mr. Speaker, I had not intended saying anything in regard to this measure, but since the gentleman from Wisconsin [Mr. COOPER] has kindly yielded me a few moments I will avail myself of the opportunity to say that I very heartily approve all its provisions. I fully concur in what has been said by him and by the gentleman from Indiana. The commerce now carried on between the Philippines and the United States is very inconsiderable, indeed, it is well-nigh insignificant. Leaving out of consideration hemp, the importation of which into the United States from the Philippines exceeds in value the total value of all other Philippine products sent here from those islands, our importations are scarcely worth mentioning. This would be true, too, of hemp if it were not that the Philippine treasury is now compelled to refund the export duties which it collects upon hemp imported directly into the United States. The tax thus refunded going into the pockets of the cordage trust. But for this considerable advantage enjoyed by the cordage trust, and paid for by the poor Filipino farmer, the total volume of our trade with the Philippines, small as it now is, would be even less. If we compel all the commerce between the Philippines and the United States to be carried in American bottoms, which will be the case after the 1st of April of next year unless the operation of our coastwise laws are further suspended, we will effectually destroy the little commerce we now have with those islands. The object of this bill is to suspend the operation of those laws, not for the period of one year or of two years as has hitherto been done, but to suspend them indefinitely.

If Congress shall, by a failure to enact some legislation, permit the coastwise laws of the United States to go into operation between this country and the Philippines, there will be created a monopoly in the carrying trade between the two which all men know will greatly enhance the cost of transportation and which I firmly believe will result in the total extinction of such trade as we now have with the Philippine Islands.

This legislation is therefore demanded in the interest of the American people as well as that of the Filipinos, for unless our shipping laws are changed the trade which we now enjoy will surely go to Spain, Germany, England, and other European countries.

For these reasons I have long favored the indefinite suspension of our coastwise shipping laws as to the Philippines, rather than their suspension for a year or two at a time.

This act simply obviates the necessity for coming to every Congress and asking for a further suspension.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from Virginia if the enactment of this bill will, in his opinion, facilitate trade between the Philippines and the United States?

Mr. JONES of Virginia. I have not the slightest doubt but that it will do so. I am entirely certain that if our coastwise shipping laws go into effect as to the Philippines a year from now, as they will do unless some such measure as this is passed, we will lose what trade we now have with those islands.

Mr. SULZER. Now, Mr. Speaker, does not the gentleman from Virginia think it would be better to pass a bill to remove all restrictions on trade between the Philippines and the United States?

Mr. JONES of Virginia. I will say to the gentleman that I certainly do, and I would welcome the opportunity to vote for the removal of all restrictions; for the tearing down of the tariff wall which we have most unjustly raised up against the poor Filipinos. Having forcibly deprived them of their old-time markets, we have no moral right to exclude them from those of the United States.

Mr. SULZER. Mr. Speaker, I quite agree with the gentleman from Virginia, and I am glad to hear him say what he has just said.

Mr. COOPER of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. I yield seven minutes to the gentleman from Illinois [Mr. RAINES].

Mr. RAINY. Mr. Speaker, I understand from the statement made by the gentleman from Mississippi [Mr. WILLIAMS] a few moments ago that he has introduced a bill intended to relieve this situation, and from his statement as to what his bill contains I am surprised that it is not the bill reported out by this committee. We ought to be considering now not this bill, but the bill introduced by the gentleman from Mississippi.

The effect of the measure under consideration, in brief, is to do away with our coastwise laws, so far as they relate to traffic between the United States and the Philippine Islands; in other words, to admit to that trade the vessels of any nation until some act shall have been passed here authorizing the admission to American registry of vessels owned in the Philippine Islands. And I understand from the hearings that the Secretary of War testified that the time when vessels from the Philippine Islands ought to be admitted to American registry would come whenever we had a ship subsidy in this country, and until that time shall arrive it is necessary, according to the opinion of Secretary Taft, to let the vessels of other nations engage in this trade on equal terms with our own.

Now, the object of laws affecting our shipping at the present time is or ought to be to add more tonnage to the American merchant marine. There have been only three ways for nearly a hundred years by which vessels could be added to the American merchant marine. The American citizen must buy a vessel built in an American shipyard or build a vessel in an American shipyard. If he buys her, he must buy one that has been constructed in an American shipyard and has already paid tribute to the trusts. For nearly a hundred years a vessel could be admitted to American registry in another way. An American citizen could prowl along our coasts until he found a vessel wrecked, and if he repaired her in an American shipyard and paid enough tribute to the steel trust—in other words, if the repairs cost three-fourths of her value—she could be admitted to American registry.

Mr. GREENE. I will ask the gentleman if that law is now in existence?

Mr. RAINY. No, sir. We repealed the repaired-wreck law in the Fifty-ninth Congress; but under the repaired-wreck law we admitted to American registry over 300 vessels. By special bills we added in the same period of time 200 more repaired wrecks to our merchant marine. In other words, one-fifteenth of the entire tonnage of our merchant marine was acquired in this way. After repealing the repaired-wreck law there were then left only two ways in which an American could become the owner of a vessel. He must capture one in war or he must build one in an American shipyard or buy one that has already been built in an American shipyard. Capturing vessels in war is not a particularly profitable occupation in this country. Therefore there is only one way now, since the repaired-wreck law has been repealed, by which you can get a vessel admitted to American registry—pay tribute to the trusts in this country and build the vessel here. An American citizen can not buy a vessel built anywhere else and sail her under the American flag. He can not build a vessel out of materials admitted free of duty and use her in the coastwise trade longer than two months in the year; and on account of this limitation advantage is never taken of the law admitting material free of duty.

Now, the bill introduced by the gentleman from Mississippi [Mr. WILLIAMS] provides that this need of vessels between the United States and the Philippines may be supplied in a logical way; it provides that an American citizen desirous of going into that trade can buy ships wherever he pleases and avoid paying tribute to the American steel trust. There is nothing new in that policy. In 1832, when we were unable to roll iron as cheaply as they could in England, and again, in 1842, we built railroads across this country out of railroad iron admitted free of duty. We encouraged the building of railroads in those days in that manner. We roll iron cheaper here now than they do in England and maintain a tariff that excludes the rolled iron of England from competition here. We, however, successfully compete with England abroad and sell cheaper there than at home. We protect our ship industries at the present time by refusing the admission of free raw material so that it can be of real service to the industry. We have always refused to permit Americans to buy ships anywhere else except in one instance. In 1892 we passed an act which provided that American companies owning a majority of the stock in ship—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. I will yield to the gentleman five minutes more.

Mr. RAINY. As I was saying, in 1892—

Mr. BEALE of Pennsylvania. Will the gentleman state for the benefit of the House what was the cost of rails in 1842?

Mr. RAINY. Oh, I do not know. In 1842 we admitted them free of duty in order to help the railroads, because they cost less abroad than they cost here. We could not make them then as cheaply at home as they were making them in England. We admitted them free of duty in 1842, and also in 1832. We produce steel rails cheaper now than in any other country in the world, therefore we protect the industry. The policy of the Republican majority in the present Congress seems to be to do what they can to help these great corporations levy some sort of tribute on the American people. [Applause on Democratic side.]

Now, in 1892 we passed an act providing for the admission to American registry of vessels built abroad when a majority of the stock of the company owning the ships was owned by American citizens, provided the Americans owning the stock would build an equal amount of tonnage in American shipyards and therefore pay some tribute to the American steel trust.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. RAINY. I will yield to the gentleman.

Mr. COOPER of Wisconsin. I understood the gentleman from Illinois to say that from 1832 to 1842 there was no tariff on rails or materials that went into railroads across the country.

Mr. RAINY. No; I did not say that. I said the act of 1832 and the act of 1842 admitted steel rails free of duty, to be used in the construction of railroads across the United States.

Mr. COOPER of Wisconsin. How were they building railroads across the United States in 1832 or 1842 when the first railroad out of Chicago wasn't built until 1852?

Mr. RAINY. They were providing for and anticipating the construction of railroads across the country, although none were built at that time entirely across the country. The gentleman will find, if he studies the tariff history of the country, that in 1832 and in 1842 iron rails were admitted free of duty.

Mr. COOPER of Wisconsin. That I understand to be true.

Mr. RAINY. Then if it be true, there is no dispute between us.

Mr. COOPER of Wisconsin. I wanted an interpretation of the gentleman's assertion that they were admitted free of duty to construct railroads across the continent. The first railroad out of Chicago was not built until 1852.

Mr. ADAIR. They could have built them across the country.

Mr. RAINY. Yes; and they did do it afterwards. They did aid railroad construction, whether they actually reached the Pacific coast or not, by admitting rails free of duty.

Under the act of 1892 only two ships were admitted to American registry—the *City of New York* and the *City of Paris*—and no more. Those are the only ships in our merchant marine today not built in American shipyards, except repaired wrecks. The bill introduced by the gentleman from Mississippi [Mr. WILLIAMS] gives American citizens the opportunity to invest their money in ships and sail them under the American flag and avoid paying tribute to the steel trust. As the matter stands now perhaps as much American capital is invested in ships sailing under foreign flags as is invested in ships sailing under our own flag. The Standard Oil Company is operating under the German flag oil vessels built in foreign shipyards, and is carrying oil to the various ports of the world—a conspicuous example of American capital invested in foreign ships, sailing under foreign flags.

If it is a good thing to have more ships in this country, then why not, in this particular at least, give Americans an opportunity to buy a few ships or build a few ships abroad? It is admitted that in this service this policy would not interfere with our coastwise trade. The mere fact that this bill has been reported out shows that the committee is of the opinion that it will not interfere with our coastwise trade to permit foreign vessels to engage in this particular trade. If it does not hurt the coastwise trade in any way to permit foreign ships to enter this particular field, then why not give American capital the opportunity to buy ships abroad for this trade and escape the exactions of the steel trust in this country? We would then own the vessels engaged in this trade and the tonnage of our merchant marine would be considerably increased without resorting to subsidies. Foreign ships can always be built for two-thirds of the price they cost in this country, on account alone of the difference in the cost of materials.

It is proposed here to hold the trade of the Philippine Islands by this temporary makeshift, and at the same time fully protect the American Steel Company. You are not sup-

porting the shipbuilding industry any more in this country by refusing to admit to American registry vessels built abroad. An American citizen can buy anything abroad and bring it back to this country except a ship, and there is no reason why he should not be permitted to buy ships, especially for this trade.

The SPEAKER pro tempore (Mr. WOODYARD). The time of the gentleman from Illinois has expired.

Mr. WILLIAMS. I yield five more minutes to the gentleman.

Mr. RAINY. Mr. Speaker, shipbuilding in this country is not a craft any more. It is not necessary to protect it by this character of laws. Shipbuilding in this country is simply a process of manufacture. We manufacture watches, we do not make them any more. They simply feed strips of metal into a machine and it comes out parts of watches at the other end. You can not find watchmakers any more in this country. There are no shoemakers now. No man can make a shoe unless he is a very old man at the present time. We manufacture all of our shoes, and we manufacture ships. Nowadays the man who makes the blueprints builds the ship, and it does not take subsidies and coastwise laws to develop men who can make blueprints. The enlarged blueprints are laid down on a floor. Strips of basswood are laid over the blueprints and cut out, and from the basswood strips the parts of an iron ship are quickly molded up. The parts are then riveted together, and the ship is quickly launched and finished up.

It does not require subsidies to accomplish that. They are building ships now in other parts of the world—iron ships—in about half the time it takes us to build them here. It requires now in a shipyard only a few men skilled in the metal trades and a large number of laborers. Yet we are maintaining our absurd navigation laws upon the theory that we are helping to build up a shipbuilding industry in this country. The real reason why we maintain our navigation laws is this: We maintain them intact in order to enable the steel trust to charge 33 $\frac{1}{3}$  per cent more for ship plates sold here in American shipyards than those same steel ship plates, manufactured by the same trust, are sold to foreign yards.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. RAINY. Yes.

Mr. CRUMPACKER. Is it not true that under the present tariff law all imported material that goes into the construction of a ship comes in free of duty; that shipbuilders pay no duty on imported material, iron or anything else?

Mr. RAINY. I am not surprised that the gentleman makes that mistake. The same mistake was made by the President of the United States in an address he made not long ago. I deny that that is the law. The law is this: Under the law of 1894, and again under the law of 1897, material for the construction of ships to be used

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. I yield the gentleman two minutes more.

Mr. RAINY. Material for the construction of ships constructed for foreign ownership or to be used in the foreign trade are admitted free of duty, provided a ship constructed for American ownership out of material admitted free of duty can be used in the coastwise trade for only sixty days in the year.

Mr. CRUMPACKER. Mr. Speaker, I ought to have qualified my question according to the gentleman's statement. I knew, of course, that ships that are used in the coastwise trade and have an absolute monopoly of that trade secure no special advantages in construction, but it is true that ships built in American shipyards for the foreign trade do have the right to import material for construction free of duty.

Mr. RAINY. I just stated that, and the vessel can be used in our profitable coastwise trade for only sixty days in the year, and during all the life of that vessel it is excluded from our coastwise trade for a longer period each year than that. I have a bill pending here providing for free raw material for building and equipping ships. There are 1,200 firms and individuals in the United States engaged in building ships or in equipping and furnishing material for ships. I wrote to every one of them and got 500 answers. I was able to find only one ship ever constructed in an American yard which took advantage of the law of 1897, the *Dirigo*, of Maine. I was able to find only one ship that ever repaired under that law, and I have letters from both those shipowners and they say they are sorry they took advantage of it. Why? Because they are excluded forever from our coastwise trade; you can not coast sixty days in the year and go foreign the rest of the time. It cost James J. Hill nearly a million dollars more to build the *Minnesota* and the *Dakota* out of American material, although those two vessels were to be used in exclusive foreign trade, than it would

have cost him if he had taken advantage of this law. Why didn't he do it? Because during the entire life of those great ships—one of them is now destroyed—if he had taken advantage of this law, he could not have stopped at two American ports on the Pacific coast before crossing the ocean, and so he paid the tribute of a million dollars to the steel trust and built them out of American material. [Applause.]

The SPEAKER pro tempore. The gentleman from Mississippi has one minute remaining.

Mr. WILLIAMS. Well, I do not know just exactly how it was calculated, but there ought to be at least two minutes remaining. Mr. Speaker, I am in favor of this bill because I am in favor of treating the Filipinos fairly and generously.

The SPEAKER pro tempore. The Chair begs the gentleman's pardon. The gentleman from Mississippi has three minutes remaining.

Mr. WILLIAMS. Ah, I thought it could not be less than two. Mr. Chairman, I am in favor of treating the Filipinos fairly as long as they are unjustly held under the American flag. I would give them the benefit of our markets to purchase our goods in, and I would give our people the benefit of their markets to purchase their goods in. And I would give them the cheapest possible freight for the trade between them and us, and undoubtedly the cheapest possible freight could be secured by allowing full competition in the freight-carrying business between the two localities.

Ninety per cent of the ships engaged in the trade between continental United States and the Philippines are of foreign ownership. I introduced a bill, the object of which was to enable American-owned ships to be bought anywhere by Americans who chose to buy them and go into the business, and to be free of the restrictions of the coastwise navigation laws so long as they were exclusively used in the trade between the mainland of the United States and the Philippines or Hawaii, or between the Philippines and Hawaii. I wanted to try the experiment and see if we could not build up an American merchant marine in the Pacific Ocean by free American-owned ships. Now, this committee, with its large majority of Republicans, seemed to prefer rather to have foreign ships carry on the business than to have American-owned free ships carry it on. Still I am in favor even of this bill, because I think it is much better, both for us and the Filipinos, than we now have.

I think it is much better than to tax these people with heavy exploiting freight charges by American-built ships possessing a law-given monopoly to let even foreigners carry on the trade. But I would much rather have seen the experiment tried of American-owned free ships in that trade between the mainland of the United States and the Philippines, between the mainland of the United States and Hawaii, and between Hawaii and the Philippines, and I want to express my regret that that bill has not been brought in rather than the one that has been brought in. I do not now remember whether that bill was referred to the Committee on Insular Affairs or the Committee on Merchant Marine and Fisheries, but, at any rate, to whichever committee it was referred, it has slept the sleep.

Mr. COOPER of Wisconsin. I will say to the gentleman from Mississippi that I have no recollection of any such bill coming to the Committee on Insular Affairs.

Mr. WILLIAMS. I am informed it was sent to the Committee on Merchant Marine and Fisheries. The assignment was a proper one, I believe, though it might have gone to either committee, and would have stood a better chance, I believe, in the Committee on Insular Affairs. Now, Mr. Speaker, I am of the opinion we should have the right to encourage an industry by untaxing trade. I have never held to the idea you had a right to encourage it by taxing trade, but you have a right to encourage it by lightening the burdens of taxation, though not by increasing the burdens of taxation.

The SPEAKER pro tempore. The time of the gentleman has expired. [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has five minutes remaining.

Mr. COOPER of Wisconsin. Then, Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I want to say just a word in regard to the argument for free ships which was made by the gentleman from Illinois [Mr. RAINY]. He spoke about the effect free ships would have. I wish to call his attention to the fact that on the Pacific coast to-day we have the three great ships of the Oceanic Line that were running across the Pacific Ocean receiving a subsidy of \$283,000 a year from the Government; it had a regular trade already established, yet those ships are unable to continue to run. Now, if

the American shipowner can not run ships which he already owns, where he also receives a subsidy and has a trade already established, I am unable to see how anyone can argue that he would go abroad and buy ships at any price and run them. If he can not run the ship which he already owns and which the Government helps him to run, how can the gentleman figure that he can go abroad and buy ships and run them, even if they were given to him?

Mr. WILLIAMS. But the gentleman must admit the ship that is bought cheaply will make more profit on its trade than one which is bought at a high price?

Mr. HUMPHREY of Washington. I admit that the gentleman is correct about that, but where a man already owns a ship and can not run one at a profit, and where he already has an established business, and is receiving assistance from the Government—

Mr. WILLIAMS. But if he already had it, it is because he has already bought it, and if he has already bought it, then he has got to make interest upon his plant. That is the reason why he can not run at a profit.

Mr. HUMPHREY of Washington. But if he owns a ship, or, in other words, if a ship is given to him, and he has a ship already and can not run that at a profit, how can he run another one at a profit?

Mr. WILLIAMS. I have not heard of anybody having any given to them.

Mr. HUMPHREY of Washington. They already own the ships, have got their money invested in them, and yet can not afford to run them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I will grant the gentleman one minute more.

Mr. HUMPHREY of Washington. I want to refer just one moment to the fact that when the bill was brought into the House, two years ago, to extend the time of the coastwise laws going into effect, at that time there were seven vessels running to the Philippines. There are now only two, and while at that time I should have opposed the bill had I known it was coming up for consideration, under present conditions I think that this bill should probably be passed. The damage was done two years ago, when the bill was introduced on one day, reported the next day, and called up in this House and passed on the third day, before any opportunity was given for anyone to be heard upon it. In addition, a similar bill had been pending before the Committee on Merchant Marine and Fisheries and was reported adversely.

Mr. COOPER of Wisconsin. Mr. Speaker, it was not the Committee on Insular Affairs which reported the bill and called it up for consideration two years ago.

Mr. HUMPHREY of Washington. The gentleman is mistaken. It was from the Insular Committee. It was introduced by the gentleman from Indiana [Mr. CRUMPACKER], and my recollection is that it was introduced one day, reported the next day, and called up in the House on the third day. I know that I went to the gentleman from Indiana [Mr. CRUMPACKER] and asked him when the bill was going to be considered by his committee, as I would like to be heard on it, and he informed me that he was just going to call it up for passage.

Mr. CRUMPACKER. The gentleman from Washington [Mr. HUMPHREY] is partially right. It had taken up about four days, and the Insular Committee did report and put in the last bill.

Mr. COOPER of Wisconsin. This bill ought to pass for another reason than any that has been given. It is this: We have a tariff against Philippine products of 75 per cent of the Dingley rates, and yet Congress passed this law limiting after April 1, 1903, the carrying of all freight between the United States and the Philippines to American bottoms. If anything more unfair was ever done by Congress since Congress came into existence, I have never read or heard of it—to put a tariff of 75 per cent upon products coming from the Philippines, and at the same time compel the business men of the Philippines to send them in nothing but American ships. Congress ought to have repealed this law the next day after it was passed. We now propose to do tardy justice by repealing it. Mr. Speaker, I call for a vote.

The SPEAKER pro tempore. The question is, Shall the rules be suspended and the bill passed?

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 221, nays 4, answered "present" 11, not voting 151, as follows:

YEAS—221.

Adair	Dixon	Huff	Parker, S. Dak.
Adamson	Draper	Hughes, N. J.	Parsons
Aiken	Durey	Hull, Tenn.	Patterson
Alexander, Mo.	Ellis, Mo.	Humphrey, Wash.	Payne
Allen	Ellis, Oreg.	Humphreys, Miss.	Pollard
Andrus	Esch	Johnson, Ky.	Pou
Ansberry	Ferris	Johnson, S. C.	Pray
Ashbrook	Fitzgerald	Jones, Va.	Rainey
Barchfeld	Flood	Jones, Wash.	Randell, Tex.
Barclay	Floyd	Kennedy, Iowa	Ranch
Bartlett, Ga.	Focht	Kinkaid	Reeder
Bartlett, Nev.	Fornes	Kipp	Reynolds
Beale, Pa.	Foster, Ill.	Kitchin, Claude	Richardson
Bede	Foster, Ind.	Knapp	Robinson
Bell, Ga.	Foster, Vt.	Knopf	Rodenberg
Bennet, N. Y.	French	Knowland	Rothermel
Bingham	Fuller	Küstermann	Russell, Mo.
Bonyng	Gaines, Tenn.	Lamar, Mo.	Ryan
Booher	Gardner, N. J.	Lamb	Sabath
Bowers	Garner	Laning	Scott
Boyd	Garrett	Lassiter	Sheppard
Bradley	Gilhams	Lawrence	Sherley
Brodhead	Gillespie	Lee	Sherwood
Brownlow	Glass	Lenahan	Slemp
Burgess	Godwin	Lever	Smith, Cal.
Burleigh	Goebel	Lindbergh	Smith, Iowa
Burleson	Goldfogle	Lloyd	Smith, Mo.
Burton, Ohio	Graff	Longworth	Smith, Tex.
Butler	Granger	Loudenslager	Sparkman
Caldwell	Greene	McCall	Sperry
Campbell	Gregg	McGavin	Spight
Candler	Griggs	McHenry	Staftord
Capron	Gronna	McKinlay, Cal.	Stanley
Carter	Hackney	McKinley, Ill.	Steenerson
Cary	Hale	McKinney	Stephens, Tex.
Chapman	Hamilton, Iowa	McLaughlin, Mich.	Sterling
Clark, Mo.	Hamilton, Mich.	Macom	Stevens, Minn.
Clayton	Harding	Madden	Sulzer
Cockran	Haskins	Mann	Thomas, N. C.
Cole	Haugen	Maynard	Thomas, Ohio
Conner	Hawley	Miller	Tou Velle
Cook, Pa.	Hay	Mondell	Townsend
Cousins	Hedin	Moon, Tenn.	Underwood
Cox, Ind.	Helm	Moore, Tex.	Volstead
Craig	Higgins	Morse	Wanger
Crumpacker	Hill, Conn.	Murdock	Watson
Cushman	Hinshaw	Murphy	Wheeler
Daizell	Holliday	Nelson	Willett
Darragh	Houston	Nicholls	Williams
Davis, Minn.	Howell, N. J.	Norris	Wilson, Ill.
Dawson	Howell, Utah	Nye	Wood
De Armond	Howland	O'Connell	Woodyard
Denby	Hubbard, Iowa	Olcott	
Denver	Hubbard, W. Va.	Olmsted	
		Page	

NAYS—4.

Fordney	Goulden	Lindsay	McMoran
ANSWERED "PRESENT"—11.			
Bates	Gillett	Hardy	Sherman
Carlton	Hamlin	Harrison	Sims
Finley	Hardwick	Padgett	

NOT VOTING—151.

Acheson	Dwight	Kimball	Praet
Alexander, N. Y.	Edwards, Ga.	Kitchin, Wm. W.	Prince
Ames	Edwards, Ky.	Lafean	Pujo
Anthony	Ellerbe	Lamar, Fla.	Ransdell, La.
Bannon	Englebright	Landis	Reid
Bartholdt	Fairchild	Langley	Rhineck
Bennett, Ky.	Fassett	Law	Rordan
Birdsell	Fayrot	Leake	Roberts
Boutell	Foulkrod	Legare	Rucker
Brantley	Fowler	Lewis	Russell, Tex.
Broussard	Fulton	Lilly	Shackelford
Brumm	Gaines, W. Va.	Littlefield	Slayden
Brundidge	Gardner, Mass.	Livingston	Small
Burke	Gardner, Mich.	Lorimer	Smith, Mich.
Burnett	Gill	Loud	Snapp
Burton, Del.	Gordon	Lovering	Southwick
Byrd	Graham	Lowden	Sturgiss
Calder	Hackett	McCreary	Sullivan
Calderhead	Haggott	McDermott	Talbott
Caufield	Hall	McGuire	Tawney
Chaney	Hamill	McLachlan, Cal.	Taylor, Ala.
Clark, Fla.	Hammond	McLain	Taylor, Ohio
Cocks, N. Y.	Henry, Conn.	McMillan	Thistlewood
Cook, Colo.	Henry, Tex.	Madison	Tirrell
Cooper, Pa.	Hepburn	Malby	Vreeland
Cooper, Tex.	Hill, Miss.	Marshall	Waldo
Coudrey	Hitchcock	Moon, Pa.	Wallace
Cravens	Hobson	Moore, Pa.	Washburn
Crawford	Howard	Mouser	Watkins
Currier	Hughes, W. Va.	Mudd	Webb
Davenport	Hull, Iowa	Needham	Weeks
Davey, La.	Jackson	Overstreet	Weems
Davidson	James, Addison D.	Parker, N. J.	Weisse
Dawes	James, Ollie M.	Pearre	Wiley
Diekema	Jenkins	Perkins	Wilson, Pa.
Douglas	Kahn	Peters	Wolf
Driscoll	Keifer	Porter	Young
Dunwell	Kellher	Powers	

So the rules were suspended and the bill was passed. The following additional pairs were announced.

Until further notice:

Mr. ALEXANDER of New York with Mr. FULTON.

Mr. LANDIS with Mr. LEWIS.  
 Mr. PARKER of New Jersey with Mr. SMALL.  
 Mr. BATES with Mr. BRUNDIDGE.  
 Mr. MARSHALL with Mr. CRAVENS.  
 Mr. McMILLAN with Mr. ELBERBE.  
 Mr. TAWNEY with Mr. BYRD.  
 Mr. CALDERHEAD with Mr. BURNETT.  
 Mr. DAVIDSON with Mr. COOPER of Texas.  
 Mr. KEIFER with Mr. DAVENPORT.  
 Mr. LAFEAN with Mr. FAVROT.  
 Mr. MALBY with Mr. HENRY of Texas.  
 Mr. NEEDHAM with Mr. LEGARE.  
 Mr. SMITH of Michigan with Mr. McLAIN.  
 Mr. SOUTHWICK with Mr. PUJO.  
 For the balance of the day:  
 Mr. DWIGHT with Mr. SIMS.

The result of the vote was then announced as above recorded.

IMMIGRATION TO HAWAII.

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 10568.

The Clerk read as follows:

A bill (H. R. 10568) relating to immigration into the Territory of Hawaii.

*Be it enacted, etc.*, That nothing in the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, shall be taken, for a term of six years from the approval hereof, to exclude from admission to the Territory of Hawaii, as contract laborers as defined by section 2 of the said act, European aliens who have been induced or solicited to migrate to the said Territory of Hawaii by offers or promises of employment within the said Territory, held out to them by the said Territory or by the board of immigration of the said Territory, or the officers, members, or agents of such board, or to exclude from admission to the said Territory European aliens whose tickets or passages have been paid for with money of, or who have been assisted to migrate by, the said Territory or its board of immigration, or the officers, members, or agents of such board, even though it is not affirmatively shown that such European aliens' tickets or passages were not paid with money contributed to the said Territory, or its board of immigration, by individuals, companies, partnerships, or corporations: *Provided, however*, That nothing contained herein shall be taken to exempt European aliens induced or solicited or assisted to migrate to the said Territory, in the manner hereinbefore described, from examination and exclusion from the said Territory under any and all of the provisions other than those hereinbefore specifically mentioned of the said act of February 20, 1907.

SEC. 2. That nothing contained in the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, shall be taken, for a term of six years from the approval hereof, to prohibit any person, company, partnership, or corporation from contributing to the said Territory of Hawaii, or to the board of immigration of said Territory, money to be used by the said Territory, or board of immigration, or the officers, members, or agents of such board, in paying the transportation, or assisting or encouraging, by printed or published advertisements or otherwise, the importation or immigration into the said Territory of European aliens in accordance with the provisions of section 1 hereof; or to attach to the contributing of money by any person, company, partnership, or corporation to the said Territory, or its board of immigration, for use in the manner hereinbefore described, or to the doing by the said board, or its officers, members, or agents, of any of the acts herein authorized, any penalty or forfeiture.

SEC. 3. That nothing herein contained shall be construed to admit to any port or place of the United States on the North American Continent any alien who is inadmissible under the provisions of the act approved May 20, 1907.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

The SPEAKER. Under the rules, the Chair orders a second. The gentleman from California is entitled to twenty minutes and the gentleman from Mississippi is entitled to twenty minutes.

Mr. HAYES. Mr. Speaker, this bill was introduced by the gentleman from Iowa [Mr. HEPBURN] and is reported to the House by the Committee on Immigration and Naturalization, by whom I am directed to bring it up. The purpose of it is to permit the government of Hawaii to induce the immigration of white laborers into those islands. As perhaps all Members of the House know, for many years past the islands have been restricted almost entirely to oriental labor. Many years ago a large number of Chinese coolies were landed in the islands. Their number has been gradually lessening, until now they number probably not more than five or six thousand. In more recent years the people of Hawaii have chiefly depended upon Japanese labor, and to-day the Japanese constitute a majority of the inhabitants of the islands. The desire of the citizens of Hawaii is that they may have an opportunity to induce the immigration of white labor into those islands, and they are willing to pay the expenses of transportation there, thinking that it will be impossible otherwise to induce immigration of any considerable number of white laborers, since the expense of going there is so great.

Mr. HAMILTON of Michigan. There are a good many Portuguese in the islands. Will the gentleman state about them?

Mr. HAYES. I was going to state about them. I want to say, in addition to what I have already said, that before the

passage of the last immigration law the government of Hawaii had imported three shiploads of Portuguese and other south of Europe immigrants—two, I think, from Portugal and one from the Azores Islands, in the aggregate about 5,000 people. They have been there now for some time. They are all employed there, all contented, and they are making very satisfactory laborers and very satisfactory inhabitants of those islands, and this bill simply intends to permit the government of Hawaii to go on with what was done before the last immigration law passed by the Congress of the United States went into effect.

Mr. CLARK of Missouri. I should like to ask the gentleman a question.

Mr. HAYES. Certainly.

Mr. CLARK of Missouri. What is the present population of the Sandwich Islands?

Mr. HAYES. I do not know the exact figures, but it is less than 200,000, I think.

Mr. CLARK of Missouri. Is the population increasing or diminishing?

Mr. HAYES. It is increasing.

Mr. CLARK of Missouri. What proportion are Japs, what proportion Chinese, what proportion Kanakas, and what proportion white people?

Mr. HAYES. The proportion of Japanese in the islands is something over 50 per cent, and the proportion of Orientals is over 60 per cent of the population. I should say that of the balance, probably one-fourth, are white and the remainder Kanaka.

Mr. CLARK of Missouri. How do these Japs get there? Does anybody pay their expenses?

Mr. HAYES. Yes.

Mr. CLARK of Missouri. What right has anybody to pay their expenses?

Mr. HAYES. I do not think they have any right, but I have no doubt they are doing it.

Mr. CLARK of Missouri. Is it not positively prohibited by law?

Mr. HAYES. It is.

Mr. CLARK of Missouri. Why does not the Federal court enforce the law?

Mr. HAYES. I am not speaking for the Federal court. Nearly every one of those Japanese and Chinese coolies has his passage paid there by somebody. If it was not paid he could not come to the United States, or to Hawaii.

Mr. CLARK of Missouri. Do you suppose that can be proved?

Mr. HAYES. I do not suppose it can be proved except by oriental testimony, and if the gentleman has had any experience with that kind of testimony, he knows that almost anything can be proved by it that the Oriental wants to prove.

Mr. CLARK of Missouri. I have not had any experience with it and do not want any.

Mr. GAINES of Tennessee. Is not this the fact, that the people who are interested in bringing these laborers there go to Japan and say, "If you will go to Hawaii, I will pay your way, and then you can work out the expense when you go to work for me?"

Mr. HAYES. I have no doubt they do it in some way.

Mr. GAINES of Tennessee. And the steamship companies know that these individuals are being carried there in that way?

Mr. HAYES. Undoubtedly.

Mr. GAINES of Tennessee. It is a commonplace thing, and is it not against the law?

Mr. HAYES. Undoubtedly quite a common thing.

Mr. GAINES of Tennessee. Where are the grand juries and Federal judges in Hawaii?

Mr. HAYES. They are there doing business.

Mr. GAINES of Tennessee. Where is the immigration commissioner there?

Mr. HAYES. He is there doing business.

Mr. GAINES of Tennessee. Who is running Hawaii?

Mr. HAYES. I suppose the government is running it.

Mr. GAINES of Tennessee. What government?

Mr. HAYES. The Territorial government.

Mr. GAINES of Tennessee. In other words, they are running it so as to bring in these people in the face of the law?

Mr. HAYES. No; I do not think the government of Hawaii can be criticised in that regard. Everybody who knows the oriental character knows that you can prove anything by oriental witnesses that they want to prove, and you can not prove anything by those witnesses that they do not want to prove.

Mr. GAINES of Tennessee. What are you going to do about it? Are you going to turn out all the officials in Hawaii and get somebody there who will enforce the law?

Mr. HAYES. I am not speaking for the government of Hawaii.

Mr. GAINES of Tennessee. Do you suppose the government of Hawaii has any cognizance of these things?

Mr. HAYES. I suppose they have, the same as we have, but of course they can not deal with it any more than we can, unless they can prove it or it is proved to them in an official way.

Mr. BONYNGE. Under the provisions of this bill is it not intended not only to permit the government of Hawaii to encourage immigration, but also to permit contract labor to be carried into the Hawaiian Islands?

Mr. HAYES. No, sir; it is not.

Mr. BONYNGE. If you waive the contract-labor provision in the immigration act, will it not permit the importation into the Hawaiian Islands of those under contract for labor in those islands?

Mr. HAYES. No; the law is not waived to that extent. It permits the government of Hawaii, or its immigration commissioners, to induce such immigration and to pay the expenses of those who come there.

Mr. BONYNGE. What is there to prevent the importation of contract labor except the immigration act?

Mr. HAYES. Nothing.

Mr. BONYNGE. If you waive that provision, what then will remain to prevent the importation of contract labor into the Hawaiian Islands?

Mr. HAYES. If we simply abrogated that provision there would be nothing remaining.

Mr. BONYNGE. Is not that what you do?

Mr. HAYES. No; the bill does something less than that.

Mr. BONYNGE. This bill says:

That nothing in the act entitled—

And then you go on to name the act—

shall be taken for a term of six years from the approval hereof to exclude from admission to the Territory of Hawaii as contract laborers, as defined by section 2 of the said act, European aliens who have been induced or solicited to migrate to the said Territory of Hawaii by offers or promises of employment within said Territory.

Is not that the clause prohibiting the importation of contract labor?

Mr. HAYES. No; and it is not permitted to be done by private individuals.

Mr. BONYNGE. The government of the Hawaiian Islands can contract to import laborers into the Hawaiian Islands?

Mr. HAYES. That is the purpose of the bill.

Mr. BONYNGE. That is what I asked. Now, will the gentleman answer two more questions? What is the prevailing rate of wages now in the sugar fields of the Hawaiian Islands to the Japanese?

Mr. HAYES. Twenty to twenty-five dollars a month.

Mr. BONYNGE. What was it when the Japanese first commenced to come to the islands?

Mr. HAYES. I can not answer the gentleman.

Mr. BONYNGE. Is it not a fact that it was about \$8 a month?

Mr. KALANIANAOLE. Formerly, I think, the pay of the Japanese under the monarchy, when they came in under contract, was lower.

Mr. BONYNGE. How much did they get?

Mr. KALANIANAOLE. Fourteen to eighteen dollars a month.

Mr. BONYNGE. Was not it as low as \$8 a month?

Mr. KALANIANAOLE. I should not wonder. But, Mr. Speaker, the purpose of this bill is not to encourage these Asiatic laborers, but to encourage white people, so that in time we will have an increase of American citizens in that country, which at the present time we have not.

Mr. BONYNGE. What is the pay of the Portuguese who are imported there under contract?

Mr. KALANIANAOLE. For the last two years we have imported about 4,000 to 6,000 Portuguese and Spaniards and a few from other European nationalities.

Mr. BONYNGE. How much are they paid?

Mr. KALANIANAOLE. They are not brought there under contract.

Mr. BONYNGE. How much do they get?

Mr. KALANIANAOLE. As soon as they land, the planters have their agents at the immigration station, and they bring forward to them this offer, that they can have an acre or 2 acres to live on, besides getting \$20 or \$25 a month for their work. They work on that scale for a year or two, and at the end of that time the planter turns over to them the title in fee to the 2 acres of land that they had first settled on.

Mr. BONYNGE. I have been advised that the Portuguese were getting only \$8 a month.

Mr. KALANIANAOLE. That is not correct at all. If anybody is getting low wages, it is the Asiatic.

The Portuguese and other laborers from European countries are getting from \$20 to \$25 a month besides having the advantage of the acre or 2 acres of land. In three years, if I recollect correctly, they have the right to work in the plantation, and at the same time they are supplied with a house, firewood, and such as that, and within that three years the planters will give them the fee-simple title to the land.

Mr. BONYNGE. You say it is not correct that the Portuguese are employed at lower wages than the Japanese?

Mr. KALANIANAOLE. No; they are not. We are encouraging these men in order to get rid of the Asiatics in our country.

Mr. BONYNGE. I have been informed that the real purpose of this bill is to get the Portuguese at lower wages than they can get the Japanese for.

Mr. HAMILTON of Michigan. I understand that the Portuguese are said to be the best laborers in the islands.

Mr. KALANIANAOLE. Yes.

Mr. COOK of Colorado. I would like to inquire of the gentleman from California whether the contract labor imported into the Hawaiian Islands from Portugal, China, and Japan does not come in competition with the American laborer in the gentleman's State and all other States producing beet sugar.

Mr. HAYES. I was going to explain further to the gentleman from Colorado [Mr. BONYNGE], and I will explain now, that the governor of Hawaii assures me that these 5,000 white immigrants were not contract laborers; that no one had any contract with them and they had no contracts to labor anywhere; that they were imported absolutely free from any obligation of any kind, but were at liberty as soon as they landed in Hawaii to make any contracts with anybody that they chose.

Mr. COOK of Colorado. Is it not a fact that the sugar producers in the Hawaiian Islands pay the transportation of this cheap labor?

Mr. HAYES. The government did pay the transportation of the 5,000 immigrants from Europe to which I have referred.

Mr. COOK of Colorado. Our Government?

Mr. HAYES. The Territorial government of Hawaii. Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, it seems hard in this House to get consideration for legislation in favor of American labor before the House. It seems easy to get legislation considered that strikes a blow at American labor. This bill strikes down the contract-labor law so far as the islands of Hawaii are concerned. This hurts in the first place the negro laborers of Louisiana who are earning wages upon the sugar plantations there by bringing into quick and easy competition with them contract laborers to raise sugar in Hawaii and to put that sugar upon the American market without any tariff between Hawaii and the United States, and, of course, in competition with these American citizens, negro laborers, in the State of Louisiana. It is a blow, in the second place, though more remotely, at all American labor in the United States, because, notwithstanding the last would-be saving clause of the bill, which says, that "nothing herein contained shall be construed to admit to any part or place of the United States on the North American continent any alien who is inadmissible under the provisions of the act approved May 20, 1907," it would be absolutely a physical impossibility after this bill once passes to prevent these people, having once been settled for a considerable length of time in Hawaii, from crossing the Pacific Ocean to the States upon the Pacific coast. So that, having raised the barrier, they would finally all come here that chose to come.

The idea under this bill is to get cheap Portuguese labor in the Hawaiian Islands upon the sugar plantations there. The very object of it is to get a cheaper labor. Now, the pretext made for it is that the law excluding contract labor is now being violated, as far as the Japanese immigrants into Hawaii are concerned. It is never sound doctrine to repeal a law, if it be a good law with regard to some, because others are violating it. If contract alien labor is entering into Hawaii, whether in the shape of Japanese, Chinese, or Europeans, the proper remedy is to enforce the law and stop it; and if the immigration commissioners now charged with that duty are not performing that duty in the Hawaiian Islands, then it is for this Administration to replace them with others who will perform that duty, or else for the American people to replace the Administration with an Administration that will appoint somebody who will perform the duty of executing the immigration laws. [Applause on the Democratic side.]

Mr. Speaker, I now yield eight minutes to the gentleman from Alabama [Mr. BURNETT], a member of the committee reporting the bill.

Mr. BURNETT. Mr. Speaker, I was not present at the time of the consideration of this bill by the Committee on Immigration. I knew nothing of the fact that it was being considered or was pending before the committee until I found that it had been reported by the committee. I then stated to the gentleman who reported it that I would not support the bill and that I believed it vicious. I believe that it is an attack upon the contract-labor system, or the prohibition of laborers coming in under that system, and it is a step toward breaking it down. If you gentlemen are prepared on either side to take a step to annul that salutary legislation, you have the opportunity to do it now. It is up to you to do it or not to do it. As a member of the Immigration Commission I visited the Azores last spring and found that individuals under the guise of the Hawaiian government had been there getting laborers to go to Hawaii in violation of our contract-labor law. Mr. Speaker, there were those who believed that under the rulings of the Attorney-General in the South Carolina case our law was not stringent enough, and at the last session of Congress a law was passed forbidding the States to engage in this very business.

And yet here is a bill allowing the Territory of Hawaii to do just this very thing. Mr. Speaker, I believe that that is wrong, because I think that the contract-labor law is right; and if that is true, then any innovation, any attack upon it from any direction, is wrong. Why, it might just as well be said that in California, where thousands of Japanese are coming over every year and settling in that country—that that section might make the same appeal in order to get white laborers to drive out this foreign labor. The same argument might be made for both. It is simply an assault upon the white laborers of the country. Mr. Speaker, if they would pay the white laborers of America wages enough, they could get them to go there, and it is all a pretext and subterfuge, in my opinion, to say that these people are being taken there for the purpose of driving out the Japanese or for the purpose of having more white people there than Japanese.

Mr. HAMILTON of Michigan. Will the gentleman permit an inquiry?

Mr. BURNETT. Certainly.

Mr. HAMILTON of Michigan. Is it true that certain States in the South are making arrangements for the importation of laborers from Europe for employment in the South now?

Mr. BURNETT. If the gentleman had remembered about the last immigration bill that was passed, he would have recollect that that was being done by the State of South Carolina, and under the ruling of the Attorney-General was permitted at that time, and the amendment that I have referred to was for the purpose of preventing the States from doing this very thing.

Mr. HAMILTON of Michigan. Did they displace labor to any extent?

Mr. BURNETT. It was displeasing to many who believed too many of that very class of people were coming to the South—

Mr. HAMILTON of Michigan. I asked if they displaced labor to any extent.

Mr. BURNETT. I beg the gentleman's pardon; I misunderstood your question.

Mr. HAMILTON of Michigan. I asked the gentleman if they displaced labor.

Mr. BURNETT. No; they did not displace labor to a very great extent, for there was work for all of them there; but these very men who were then being brought in, since the hard times have come, have taken the wings of the morning and flown away, and carried their money with them, or else they are paupers depending upon the people in many communities to keep them from starving. This at least is the case in my section. [Applause on the Democratic side.] And you will find the same trouble here. Hawaii is going to be populated gradually, and are we bettering the thing by placing there the Italians or the Spaniards or the people from the Azores who are Portuguese side by side with the Japanese? You can not obtain white men or Americans to go there to make contracts to perform that labor when at every stage they have to come in contact with some of the men from the Mediterranean Sea or the Atlantic Ocean that belong to the Iberic race, different from the white people of our own blood; and, Mr. Speaker, I desire here and now to enter my protest against this entering wedge—because that is what it is. If you come up with this kind of a plausible pretext for it in this case, then the next thing you would hear is that some other country needs to be filled up with some other industrious people, and therefore you must open the flood gates in order to let men come in under contract to afford this labor. [Applause on the Democratic side.] Mr. Speaker, I yield back the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK]. [Applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Speaker, in the first place, I believe that the laws against the importation of contract labor into the United States are absolutely right and ought to be enforced rigidly. In the second place, if the United States courts and the district attorneys and marshals and immigration officers in Hawaii are not enforcing the laws they ought to be "fired" and a new set put in who will enforce the laws. [Applause on the Democratic side.] I am in favor of rooting the Chinese, Japanese, and all other Orientals whatsoever out of the Hawaiian Islands and making that a place for white men to live. [Applause on the Democratic side.] Now, let us see what this bill provides for. I am teetotally opposed to making these islands over there the breeding ground for a mongrel lot of foreigners who are going to put our own people out of employment. Now, what does this bill provide? This is the most transparent trick I have ever seen in my lifetime. In the first place, it authorizes the authorities of the Sandwich Islands to practically suspend the laws against contract laborers in the Sandwich Islands for six years. On the face of it that may seem fair to the uninitiated, but on page 2, in line 6, if you will read the clause beginning with the word "even," you will find the "Joker" in this bill. Here it is:

Even though it is not affirmatively shown that such European aliens' tickets or passages were not paid with money contributed to the said Territory or its board of immigration by individuals, companies, partnerships, or corporations.

What does that mean? Why, it means that these corporations, the big sugar planters, and the corporations that run them, shall contribute this money to get these laborers over there and be the beneficiaries of it. If you do not believe that, read the second section of the bill. It makes it absolutely plain. It is as follows:

Sec. 2. That nothing contained in the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, shall be taken, for a term of six years from the approval hereof, to prohibit any person, company, partnership, or corporation from contributing to the said Territory of Hawaii, or to the board of immigration of said Territory, money to be used by the said Territory, or board of immigration, or the officers, members, or agents of such board, in paying the transportation—

of these fellows. That gives the whole thing away. It is just as clear as crystal that the whole object of this bill is to enable the big corporations which run the great sugar plantations in the Hawaiian Islands to get a lot of cheap labor in there for their own benefit, under the guise of having it done by the constituted authorities of the Sandwich Islands.

We have enough trouble here at home now. I saw it stated in a newspaper the other day—I do not know whether it is a lie or the truth—that there are 4,500,000 people out of employment in the United States at this very minute. I take it that that is an exaggeration, but suppose half of it or two-thirds of it is true. Then, as the gentleman from Alabama [Mr. BURNETT] suggested, a gentleman who is on this Immigration Committee and also on the Immigration Commission sent abroad to investigate the subject, let us keep these "cheap Johns" out of the Sandwich Islands; shut the Japanese out, shut the Chinese out, and our own laborers will go to those islands and work the rich land. That is precisely what I want to see. [Applause.] The rest of you can do as you please.

Mr. COOPER of Wisconsin and Mr. PADGETT rose.

THE SPEAKER. To whom does the gentleman yield?

Mr. CLARK of Missouri. I yield first to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. I have been unable to procure a copy of the bill, but I notice in the report this language:

That nothing herein contained shall be construed to admit to any port or place in the United States on the North American Continent any alien who is inadmissible under the provisions of the act approved May 29, 1907.

What act was approved May 20, 1907? We adjourned on the 4th of March.

Mr. CLARK of Missouri. I do not know. That may be a typographical error.

Mr. PADGETT. The gentleman is speaking about the idle. Here is a report, an official document, from New York.

Mr. CLARK of Missouri. How many does it give?

Mr. PADGETT. It gives an itemized statement there.

Mr. CLARK of Missouri. I have not time to read it.

THE SPEAKER. The time of the gentleman from Missouri has expired.

Mr. WILLIAMS. I will give one minute more to the gentleman from Missouri.

Mr. CLARK of Missouri. Now, Mr. Speaker, after full argument in this House, first and last, we all came to the con-

clusion—I do not know that there was any party matter mixed up in it, and it was the best judgment of this House and the best judgment of the Senate—that the laws against importing contract laborers into this country were correct, and they are correct. I was in favor of them before they were ever passed. I am in favor of them now. This bill is just simply the opening wedge to nullify the law that we have been operating under and that we were all in favor of, and that is the test right here now. A man that votes for this bill is in favor of contract labor, and the man that votes against it is against contract labor.

Mr. WILLIAMS. Mr. Speaker, how much time has this side left?

The SPEAKER. There are six minutes remaining.

Mr. WILLIAMS. How much has the affirmative?

The SPEAKER. Six minutes.

Mr. WILLIAMS. Does the gentleman from California [Mr. HAYES] propose to occupy that entire six minutes in one speech?

Mr. HAYES. No, sir.

Mr. WILLIAMS. Then, will you yield to somebody on that side?

Mr. HAYES. I yield to the gentleman from Ohio [Mr. KEIFER] four minutes.

Mr. KEIFER. Mr. Speaker, I wish we had time to properly consider this bill. Those who seem to be against it proceed upon the idea that they know all about the conditions in the Hawaiian Territory. They talk as though the conditions that they are familiar with at home exist there. They talk as though they would like to dedicate those islands to our own American laborers who are employed here at very high wages comparatively. It is impossible to do that. The situation in the Hawaiian Territory for some purposes is exceedingly unfortunate. Our laborers will not go to the island, and until conditions entirely change there they never will. They can get better wages under better circumstances at home.

The central idea of the bill is to secure white European labor into the Hawaiian Territory to become permanent settlers and to take the place of Japanese or Chinese laborers. And the bill also looks to a method of procuring white or European laborers to secure the more certain development of these rich islands, and to discourage the emigration of a worse class of residents.

The islands are well adapted to raising fruit, pineapples, and oranges, and all things of that kind, but there is no general or foreign market for such fruit because they are so far away from a country that would consume it, and their sales can only be to their own people and to the ships that come into their harbors. These islands can not compete with California in selling fruit to the people in the States. They are too remote and the transportation by water is too slow. The whole of the islands, and they are rich islands, are chiefly adapted to raising sugar. No ordinary farmers of usual qualifications will or can go there to cultivate the cane or anything else on any considerable scale. The cane growth is the best growth of course, but that is impossible with men of ordinary means. Most all the great cane fields there cost a million or more dollars in preparation and for canals or ditches for irrigation before you can raise any cane on them at all. On some of those great canals and ditches they have spent \$3,000,000 before they got the water on the cane fields. Without an adequate supply of water in general, the lands are valueless. The owners of the lands in these rich islands can not get the kind of laborers they ought to have. I went over the Kona district, in the western part of the great island of Hawaii, which is largely grown up with coffee trees, every one looking perfect, not a blasted leaf, not a stem that did not have coffee upon it. Everything looked prosperous, but everybody looked dejected, and why? Because there was not enough labor in that region to harvest one-tenth of the coffee that was growing in that district.

Mr. McGAVIN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. McGAVIN. Being with the same party that the gentleman went out with—

Mr. KEIFER. In the same wagon.

Mr. McGAVIN (continuing). I will ask him if it is not a fact that with many of the sugar planters there was a demand for this cheaper labor from Asia, but among the people of the Hawaiian Islands generally there was a positive and most emphatic opposition?

Mr. KEIFER. There was against Asiatic labor, but in favor of the kind of labor this bill is intended to bring into the Islands.

Mr. McGAVIN. I will ask if it is not a matter of common knowledge in the Hawaiian Islands that these Japanese and Chinese were being imported from the Hawaiian Islands up to Nova Scotia and then down into the United States? [Loud applause on the Democratic side.]

Mr. KEIFER. I did not go into that question. I do not believe it was so. The people in the Hawaiian Islands, Japanese, Chinese, and all, have plenty of employment in every direction, and they were not seeking other places of employment. In general, the Japanese and Chinese do not remain long in the island, but go home after a few prosperous years.

Mr. COOK of Colorado. I would like to inquire of the gentleman from Ohio whether or not he is in favor of the importation of contract labor, either Japanese, Chinese, or Portuguese, to work in the fields in his district or State? [Loud applause on the Democratic side.]

Mr. KEIFER. If we had that subject up I might consider it. Of course not. In this bill we are not attempting to deal with that question. My district is not a district at all like the Hawaiian Islands, and the conditions do not exist there that exist in Ohio. Now, I am in favor of some labor there. American labor does not go there. The American farmer can not go there, because he can not live under the conditions that now exist there. If you are going to make those Islands productive you must get labor from where it can be had. No amount of wages will induce the laborers of any of the States of the United States to go to these islands. I am not in favor of having Japanese labor and Chinese labor go there or anywhere else, but I am in favor of getting white labor if it has to come from Portugal, Spain, or South America, or wherever it may come from, to go there to take the place of the Asiatic laborers. I am in favor of building up that country so that it may be equal to all its opportunities.

Mr. WILLIAMS. I now yield three minutes to the gentleman from Colorado.

Mr. BONYNGE. Mr. Speaker, I am opposed to this bill, because, in my judgment, its principle is absolutely wrong. I do not think it is necessary to be familiar with conditions in the Hawaiian Islands to determine whether or not we are in favor of the passage of this bill. Every Member upon the floor of this House, upon both sides of the middle aisle, has declared in favor of the provision prohibiting the importation of contract labor. [Applause.] This bill, by section 2, absolutely suspends that provision of the law in reference to the Hawaiian Islands, and permits corporations and others engaged in sugar production in the Hawaiian Islands to contribute money to the Hawaiian authorities for the purpose of importing into those islands cheap labor. It will not do, Mr. Speaker, to attempt to fool the House of Representatives by asking us to believe that these sugar planters are desirous of contributing that money to the treasury of the Hawaiian Islands for any philanthropic purpose. They are doing it because they will be enabled thereby to get cheaper labor than they otherwise could.

Now, Mr. Speaker, the sugar made in the Hawaiian Islands is admitted to the United States free of duty. They have an advantage now over the sugar producers of the United States, because sugar can be produced in the islands cheaper than in the United States, and they want an additional advantage, by being able to get cheaper labor there than we can in the United States; and that is the milk in the coconut in this bill, and nothing else.

Moreover, Mr. Speaker, I want to call attention to another fundamental objection to the bill. It is true that section 3 provides that nothing in the bill shall be construed to admit those who have been imported into the Hawaiian Islands to come to the United States; but everyone knows, who will give it a moment's consideration, that if this contract labor is admitted into the Hawaiian Islands, it will be impossible to keep that same labor out of continental United States. They will work their way to continental United States, and the Hawaiian Islands will be the gateway through which contract labor can be imported not only into those islands but into the United States. [Applause.]

Mr. WILLIAMS. I now yield one-half of one minute to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, I am opposed to this bill, because I believe it is a discrimination in favor of large interests and against labor. I live in a community where labor is very hard to get and where we have to pay as high as \$3 a day for harvest men. Why not give to the small farmer, with the small acreage, the same opportunity to get his work done as you are giving to the people who own these large plantations? [Applause.]

Mr. WILLIAMS. I now yield the remaining two minutes and a half to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. The gentleman from California [Mr. HAYES] has introduced a bill to exclude the Japanese from California. He is willing to have alien European labor come in by way of the Hawaiian Islands. If the House passes both his bills, he gets the benefit "coming and going." I wish to call the attention of the House to this fact, that this bill will not accomplish what its authors desire. Several shiploads of Portuguese farmers were brought to the Hawaiian Islands. They were employed there by the sugar planters. Because of the conditions and the terms of employment it was a notorious fact, evident to everybody in the islands when I was there last summer, that just as quickly as those men could accumulate the price of passage to this continent, they immediately embarked for the United States. The Portuguese are home seekers, they are home builders; they wish to acquire a small tract of land and to build and own their own homes. In those families where it was impossible for the heads of families, because of the drastic conditions under which they were employed by the sugar planters, to accumulate enough money to take their families of five or six to the United States, the young men, as soon as they reached the age of 21, left the employment of the sugar planters and went into other fields, and as soon as they could get sufficient money, or if they could get employment of any character upon a ship coming to the coast, they took passage and came here.

This bill should be entitled "A bill to permit the sugar planters of the Hawaiian Islands to legalize peonage," because that will be its effect. Until some change is made in the Hawaiian Islands, so that the home seeker, the man who desires to acquire his acre or 2 acres and to build his own house and establish his own home for his family, is permitted to do so, then it is a wrong to permit men to be brought to the Hawaiian Islands with their families and practically placed in perpetual slavery and bondage to the sugar planters. [Applause.] I hope the bill will be defeated.

Mr. HAYES. I now yield one minute to the gentleman from Hawaii [Mr. KALANIANAOLE].

Mr. KALANIANAOLE. Mr. Speaker, much has been said about the Americanizing of the islands of Hawaii. How can you do it? As it is to-day the islands are open to any American citizen who will come there. Since the annexation of the islands, what has been done in the way of the settlement by Americans from the mainland going to Hawaii? Nothing whatever has been done. Everything has been given in the way of inducements to encourage your people to go to those islands, but has that been successful? Not so far as farmers and agricultural laborers are concerned. Why do they not come down there? There are many thousands of acres of land there that are open to American citizens if they will only come down there. But we are so far from mainland markets that the American farmer and laborer thinks he can do better for himself in the States than he can in Hawaii. Since we can not get them to come, what are we going to do? I, as an American, am in hearty sympathy with American ideas on the subject of labor. If any Americans there are being driven out, it is not by Europeans, but by Asiatic cheap labor. [Applause.]

Now, we, as American citizens, want to do away with these conditions as they are there to-day. We want more laborers who are citizens or eligible to become citizens. There is no other way unless we get you to come down and settle our country; and if you can not come, or will not come, we must get people who will come and who will in time be American citizens that you will be proud of, and these people are the Europeans. [Applause.]

Mr. HAYES. Mr. Speaker, I think I am as thoroughly in favor of the contract-labor law and its rigid enforcement as any gentleman on the other side of the House, and helped to frame the present law on that subject; but that question is not involved in this bill. I yield the remainder of my time to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, that probably is just enough time for me to say that, differing as I do with the gentleman from Iowa [Mr. HEPBURN] on the immigration question, I agree with him on this. The condition of the Hawaiian Islands is simply this: There is no white labor to speak of, and the native race represented by the gentleman from Hawaii, who has just spoken, is decreasing. There are 60,000 Japanese in the islands, 8,000 of them veteran soldiers of the war between Russia and Japan. Why that 8,000 are there I leave the answer to your imagination. The sentiment of the American citizens there is in favor of white people, but they can not get them. They have been getting them, but we passed an act

which prevents them from getting any more. I am in favor of their getting every white man they can and keeping out the Japanese laborer.

My friend from Colorado [Mr. BONYNGE] says that we want cheap labor. The labor they get from the Portuguese islands costs more money than the Asiatic labor. They are now bringing in dearer labor, and they are willing to pay more for it because they are paying it to white men.

The SPEAKER. The time of the gentleman has expired. The question is on suspending the rules and passing the bill.

Mr. WILLIAMS. Mr. Speaker, upon that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were yeas 19; nays 186; answered "present" 15; not voting 167; as follows:

YEAS—19.

Allen	Bradley	Durey	Mondell
Ames	Calderhead	Hill, Conn.	Olcott
Andrus	Cary	Keifer	Parsons
Bennet, N. Y.	Cocks, N. Y.	Küstermann	Pollard
Bingham	Cook, Pa.	Mann	

NAYS—186.

Adair	Ferris	Johnson, Ky.	Pou
Aiken	Flinley	Jones, Va.	Pray
Alexander, Mo.	Fitzgerald	Jones, Wash.	Prince
Ansberry	Flood	Kennedy, Iowa	Rainey
Bannon	Floyd	Kennedy, Ohio	Randell, Tex.
Barclay	Focht	Kinkaid	Rauch
Bartlett, Nev.	Foster, Ill.	Kipp	Reeder
Beall, Tex.	Foster, Vt.	Kitchin, Claude	Reid
Bell, Ga.	French	Knapp	Reynolds
Bonyng	Fuller	Knopf	Richardson
Booher	Gaines, Tenn.	Knowland	Rodenberg
Boutell	Garner	Lafean	Russell, Mo.
Bowers	Garrett	Lamar, Mo.	Ryan
Boyd	Gilhams	Lamb	Sabath
Brownlow	Gillespie	Lawrence	Scott
Burgess	Glass	Lee	Sheppard
Burleigh	Godwin	Lenahan	Sherley
Burleson	Goldfogle	Lindbergh	Sherwood
Burnett	Goulden	Lindsay	Slemp
Campbell	Graff	Lloyd	Small
Candier	Granger	Longworth	Smith, Mich.
Capron	Griggs	McCall	Smith, Mo.
Carlins	Gronna	McGavin	Smith, Tex.
Carter	Hackney	McHenry	Sperry
Chapman	Hamilton, Iowa	McKinlay, Cal.	Stafford
Clark, Mo.	Hamilton, Mich.	McKinney	Stanley
Clayton	Hammond	McLachlan, Cal.	McLaughlin, Mich.
Cole	Harding	Stephens, Tex.	Sterling
Cook, Colo.	Haskins	Macon	Sulzer
Cooper, Pa.	Hawley	Madden	Thistlewood
Cooper, Wis.	Hay	Madison	Thomas, N. C.
Cox, Ind.	Heflin	Maynard	Thomas, Ohio
Craig	Helm	Moon, Tenn.	Tou Velle
Crumpacker	Henry, Tex.	Moore, Tex.	Townsend
Cushman	Higgins	Morse	Underwood
Daizell	Hinshaw	Murdock	Vreeland
Davenport	Holliday	Murphy	Washburn
Davis, Minn.	Houston	Needham	Watson
Dawson	Howell, Utah.	Nelson	Webb
De Armond	Howland	Nicholls	Willett
Denby	Hubbard, Iowa	Norris	Williams
Denver	Hubbard, W. Va.	Nye	Wilson, Ill.
Dixon	Huff	O'Connell	Wood
Draper	Hughes, N. J.	Page	Woodyard
Ellerbe	Hull, Tenn.	Parker, S. Dak.	
Ellis, Oreg.	Humphrey, Wash.	Patterson	
Fairchild	Humphreys, Miss.	Payne	

ANSWERED "PRESENT"—15.

Adamson	Gaines, W. Va.	Jenkins	Robinson
Ashbrook	Gillet	Johnson, S. C.	Sims
Bartlett, Ga.	Hamlin	Padgett	Talbott
Cousins	Howard	Parker, N. J.	

NOT VOTING—167.

Acheson	Coudrey	Gardner, Mich.	James, Ollie M.
Alexander, N. Y.	Cravens	Gardner, N. J.	Kahn
Anthony	Crawford	Gill	Kelher
Barchfeld	Currier	Goebel	Kimball
Bartholdt	Darragh	Gordon	Kitchin, Wm. W.
Bates	Davey, La.	Graham	Lamar, Fla.
Beale, Pa.	Davidson	Greene	Landis
Bede	Dawes	Gregg	Langley
Bennett, Ky.	Diekema	Hackett	Lanning
Birdsall	Douglas	Haggott	Lassiter
Brantley	Driscoll	Hale	Law
Brothead	Dunwell	Hall	Leake
Broussard	Dwight	Hamill	Legare
Brumm	Edwards, Ga.	Hardwick	Lever
Brundidge	Edwards, Ky.	Hardy	Lewis
Burke	Ellis, Mo.	Harrison	Lilley
Burton, Del.	Englebright	Haugen	Littlefield
Burton, Ohio	Esch	Hayes	Livingston
Butler	Fassett	Henry, Conn.	Lorimer
Byrd	Favrot	Hepburn	Loud
Calder	Fordney	Hill, Miss.	Loudenslager
Caldwell	Fornes	Hitchcock	Lovering
Caulfield	Foss	Hobson	Lowden
Chaney	Foster, Ind.	Howell, N. J.	McCreary
Clark, Fla.	Foulkrod	Hughes, W. Va.	McDermott
Cockran	Fowler	Hull, Iowa	McGuire
Conner	Fulton	Jackson	McKinley, Ill.
Cooper, Tex.	Gardner, Mass.	James, Addison D. McLain	

McMillan	Porter	Slayden	Volstead
McMorrin	Powers	Smith, Cal.	Waldo
Malby	Pratt	Smith, Iowa	Wallace
Marshall	Pujo	Snapp	Wanger
Miller	Ransdell, La.	Southwick	Watkins
Moon, Pa.	Rhineck	Sparkman	Weeks
Moore, Pa.	Riordan	Steenerson	Weems
Mouser	Roberts	Stevens, Minn.	Wesle
Mudd	Rothermel	Sturgiss	Wheeler
Olmsted	Rucker	Sullivan	Willey
Overstreet	Russell, Tex.	Tawney	Wilson, Pa.
Pearre	Saunders	Taylor, Ala.	Wolf
Perkins	Shackelford	Taylor, Ohio	Young
Peters	Sherman	Tirrell	

So the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. ELLIS of Missouri with Mr. ROBINSON.

Mr. HOWELL of New Jersey with Mr. JOHNSON of South Carolina.

Until further notice:

Mr. CURRIER with Mr. LEVER.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. STERLING with Mr. BRODHEAD.

Mr. LANING with Mr. ASHBROOK.

Mr. FOSTER of Indiana with Mr. GRANGER.

Mr. PARKER of New Jersey with Mr. WOLF.

Mr. CONNER with Mr. COCKRAN.

Mr. FORDNEY with Mr. FAVROT.

Mr. GREENE with Mr. FORNES.

Mr. HAUGEN with Mr. GREGG.

Mr. HAYES with Mr. LEGARE.

Mr. SMITH of Iowa with Mr. McDERMOTT.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. BARTLETT of Georgia. Mr. Speaker, I voted "no." I desire to change that vote to "present," on account of being paired with the gentleman from Pennsylvania [Mr. BUTLER].

The SPEAKER pro tempore (Mr. AMES). The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BARTLETT of Georgia, and he answered "present."

Mr. ROBINSON. Mr. Speaker, I voted "no." I am paired with the gentleman from Missouri, and I desire to be recorded as being "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ROBINSON, and he answered "present."

Mr. JOHNSON of South Carolina. Mr. Speaker, I am paired with the gentleman from New Jersey [Mr. HOWELL]. I voted "no." I desire to withdraw that vote and vote "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. JOHNSON of South Carolina, and he answered "present."

The result of the vote was announced as above recorded.

#### OREGON AND CALIFORNIA RAILROAD LAND GRANT.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and adopt the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

*Ordered*, That immediately upon the adoption of this order the joint resolution (S. R. 48) authorizing the Attorney-General to institute certain suits, etc., shall be read in the House and one amendment thereto may thereupon be offered, and said resolution and amendment shall be considered in general debate for not exceeding three hours, at the end of which time a vote shall be taken, first, upon the amendment if any be offered, and thereafter a vote shall be taken on the final passage of the resolution, amended or unamended as the case then shall be, without intervening motion or question.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Has the Committee on Rules been abolished?

The SPEAKER pro tempore. The rules are such that a majority of the House can have its way. [Applause on the Republican side.] Is a second demanded?

Mr. FITZGERALD. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Wyoming [Mr. MONDELL] is entitled to twenty minutes and the gentleman from New York [Mr. FITZGERALD] to twenty minutes.

Mr. MONDELL. Mr. Speaker, this is a Senate resolution authorizing the Attorney-General to institute suits for the purpose of enforcing all of the rights and remedies of the United States in the matter of certain land grants. The resolution as it is now presented to the House was, as I understand, prepared by the Attorney-General, and comes to us with the unanimous in-

dorsement of the other body, and is reported to the House practically unanimously from the Committee on Public Lands.

Mr. GAINES of Tennessee. The gentleman means the Senate resolution, and not this resolution or order has been practically unanimously reported.

Mr. MONDELL. This is the Senate resolution. Mr. Speaker, I want to say to the House that this matter has had an unusual amount of consideration. Our committee had numerous hearings in regard to it. We heard all interested parties who expressed a desire to be heard. We had before us the officials of the Attorney-General's Office who had investigated the present status of these land grants. Various amendments were proposed. All were carefully discussed and considered, and the committee agreed, as I say, practically unanimously to report the resolution to the House unamended.

Mr. STEPHENS of Texas. Will the gentleman yield for a question

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. This is the Pacific Railroad land grant that is aimed at?

Mr. MONDELL. This is what is known as the "Oregon and California land grant." I shall come to that in a moment. Mr. Speaker, this resolution has to do with certain large grants of land, the history of which I shall give to the House very briefly.

In 1866 a grant of land was made by Congress to aid in the construction of a railroad from Portland, Oreg., to a connection with the Central Pacific road in California. By reason of non-compliance with the terms of the grant it became necessary for Congress two years later to provide for an extension of the grant, and again, the conditions of the grant not having been fulfilled, a further extension of the grant was had in the year 1869, and at that time an amendment was made to the original grant, which amendment forms the basis of the action now proposed, and it is, therefore, exceedingly important. That amendment was as follows:

That the lands granted by the act aforesaid shall be sold to actual settlers only in quantities not greater than one-quarter section to one purchaser and for a price not exceeding \$2.50 per acre.

Before I discuss the question of the manner in which the railroad company proceeded to dispose of the grant I desire to call attention to the fact that the resolution also treats of another and a smaller grant made in aid of a railway from Portland to Astoria and McMinnville, in Oregon, and also a grant made to the State of Oregon to aid in the construction of a military road from Coos Bay, on the coast, to the town of Roseburg. The grant to what became the California and Oregon Railway amounted approximately to 3,000,000 acres including the small amount which was included in the McMinnville grant. The grant in aid of the military road amounted to about 100,000 acres. Mr. Speaker, these roads were not constructed in accordance with the terms of the grant, but Congress waiving the right of forfeiture for failure to construct within the time limit fixed in the grant and the roads having finally been completed, the Interior Department began to patent the land to the railroad company. For a time the lands were sold in substantial compliance with the conditions of the grant—that is, they were sold to persons claiming to be settlers in tracts not to exceed 160 acres and for not more than \$2.50 an acre. Approximately 127,000 acres were so sold in substantial compliance with the terms of the grant.

There came to be, some years after the grant was made, something of a demand for the lands on the part of those who desired larger areas than 160 acres, and the companies holding the grants began to sell their lands in larger areas than 160 acres and at a price in excess of \$2.50 an acre. The Oregon and California Company and its successors in interest continued this policy of selling the lands in larger areas and for a higher price and entirely ignored the provision requiring the land to be sold to actual settlers. So it came about that there was eventually sold of the Oregon and California grant of nearly 3,000,000 acres approximately 600,000 acres in violation of all the conditions of the grant.

Mr. SCOTT. Will the gentleman permit a question?

Mr. MONDELL. Certainly.

Mr. SCOTT. When this violation of law took place why was not complaint made? Why did it not become the duty of the Attorney-General or the United States district attorney to institute suit and compel the proper carrying out of the law? Why is it necessary now to direct the Attorney-General by resolution to proceed to enforce the law of the United States?

Mr. MONDELL. Mr. Speaker, I expect to reach the last question proposed by the gentleman from Kansas in just a moment, but answering the first question, I would say that it occurs to me it would have been right and proper for the officials

of the Government to have called attention to the fact that the terms of the grant were being violated. Why they did not do this, I am not informed.

Mr. GAINES of Tennessee. Will the gentleman please read to the House the proposed amendment? There are a good many inquiries over here, and we would like to know what it is.

Mr. MONDELL. I will say to the gentleman I have not myself seen the proposed amendment except to have a very hurried glance at it, and I do not know its exact form. I presume it will be offered by the gentleman from Michigan for the information of the House very shortly.

Mr. GAINES of Tennessee. Well, we are fixing an order here to consider an amendment that no one knows anything about except one or two people.

Mr. MONDELL. The amendment must be before the House for three hours, I will say to the gentleman. Under this rule the amendment must be offered the moment this order is adopted.

Mr. STEPHENS of Texas. I desire to inquire whether it will be in order to offer another amendment to recover for grants in New Mexico obtained by the Santa Fe Railroad? Would it be in order to amend and include the Santa Fe Railroad Company's lands unlawfully secured in New Mexico and held away from actual settlers?

Mr. MONDELL. It will not. I wish the gentleman would not take up my time. I have not very much time, and I am anxious to discuss this matter so that others will understand it. Now, Mr. Speaker—

Mr. CLAYTON. Mr. Speaker, would it interrupt the gentleman to inquire of him how this land-grant law was violated? Who owns these lands now acquired in pursuance of that violation of law?

Mr. MONDELL. Possibly the gentleman has not been here during my discussion of the matter.

Mr. CLAYTON. No; I confess I have not.

Mr. MONDELL. I will say to the gentleman that there are three limitations. The land shall be sold in tracts not to exceed 160 acres, at a price not to exceed \$2.50 an acre, and to actual settlers, and from the time the grant was made down to the present time practically all of those limitations have been ignored by the companies claiming the grants whenever it was to their interest to ignore them, and large areas of lands have been sold in very large tracts.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. I would like, if possible, to make a brief statement of the facts, as I think I can present the matter to the House better in that way. I will be very glad to yield to the gentleman a little later.

Mr. Speaker, as I said a moment ago, approximately 600,000 acres of these lands were sold in violation of the terms of the contract. They were sold in tracts as large as 45,000 acres to one corporation.

Mr. CLAYTON. Who owns them now?

Mr. MONDELL. Over 2,000,000 acres are still held by the railroad company and about 800,000 acres are held and claimed by the purchasers from the railroad company.

Mr. GAINES of Tennessee. Harriman owns the most of them, I can tell the gentleman.

Mr. MONDELL. One of these purchases amounts to 45,000 acres, and it was made at, approximately, \$10 per acre. Other purchases were made of less acreages at a somewhat lower price, but in the aggregate, as I said a moment ago, 600,000 acres of these lands have been sold in violation of all the conditions and terms of the grant. Now, about two years ago the railroad company, the Central Pacific having succeeded to the ownership of the Oregon and California Company, and therefore to the ownership of these lands, adopted a policy of retaining the lands from sale—of making no sales whatever. So long as the company was selling the lands, even though in large blocks and at high prices, the public sentiment in the region of these grants was not aroused against the violations of the terms of the grant to the extent that it has been since the railroad company refused to sell the lands to anybody at any price. Mr. Harriman has declared that it is the intention of his company to retain these lands, largely timbered lands, in the hands of the company indefinitely, to establish a permanent estate.

Now, the effect upon the State of Oregon can be readily understood when you take into consideration the fact that these lands constitute an area nearly as large as the State of Maryland, with the alternate sections of the public lands lying in the same area. And now that the railroad company has ceased to sell this land, the industries of that vast region have practically been brought to a standstill, except as the lumbering industry is being carried on on some of the lands which have been sold. It is practically impossible for the people of southwestern Oregon

to develop their country by reason of the fact that the railroad company, the owner of the alternate sections, refuses to dispose of them, and it is practically impossible to develop the Government sections with the railroad sections thus held in a single ownership.

The gentleman from Kansas [Mr. Scorr] asked me a moment ago why this resolution is presented. It is presented because it is the opinion of the Attorney-General that Congress alone can declare a forfeiture, and that Congress alone can authorize proceedings with a view of declaring a forfeiture. All other rights and remedies the Government now has, save alone the remedy of forfeiture, and this resolution is presented for the purpose of giving to the Attorney-General the right to institute suit to declare a forfeiture of the railroad land grant, and at the same time to set up all other rights and remedies of the Government in the premises. Remember that the railroad company still holds approximately 2,000,000 acres of this land.

That means an estate larger than Delaware by 25 per cent, if I remember correctly the area of that Commonwealth, and, with the alternate Government sections, represents an area, as I said a moment ago, as large as Maryland—a territory tied up so its development is practically at a standstill except as the lumber business is carried on by those who have purchased from the railroad company, by reason of this policy established by the Union and Central Pacific Railway interests.

When this condition of affairs is taken into consideration, it is patent that some action should be taken for the purpose of determining whether or no the railroad companies now holding these lands under the grant have a right to permanently withhold them from settlement and development.

That question has been raised, not by adverse action of the Government, but by the policy of the company, first, in selling the lands in large blocks contrary to the provisions of the grant, and later in refusing to sell them under any conditions, and it is absolutely essential, not only in the interest of the people at large, in the interest of the Government which placed these limitations upon the grant, but in the interest of the purchasers from the railroad company themselves, that suit be instituted to settle the question of title.

Public sentiment in the region has been so thoroughly aroused, attention has been so emphatically and persistently called to the limitations of the grant, all titles under the grant have been so sharply called in question, the titles of all holders are so continuously challenged and insecure, and the rights of the company to hold the land so challenged, that proceedings in the courts are essential and necessary to the quieting of all titles claimed under the grant.

It is claimed on behalf of the Government that the limitations contained in the grant are in the nature of conditions subsequent, and that a breach of these conditions by the railroad company renders the grant liable to forfeiture. Forfeiture can only be asserted through action by Congress. Hence the necessity of the resolution which authorizes the Attorney-General to institute proceedings for the purpose of establishing all of the rights and remedies of the Government, including that of forfeiture. It is of course possible that the courts will not hold that the lands are subject to forfeiture, in which event the Government, through the Attorney-General, can still assert its other rights and remedies, including that of demanding specific performance by the companies, or, in other words, a compliance with the terms of the grant as to the lands now unsold.

It is so patent to some of the purchasers under these grants that their titles can never be made secure until proceedings have been had for the purpose of settling at rest the questions in controversy, that the present holders of the grant made in aid of the Coos Bay military road, holding practically the entire grant for that road of approximately 90,000 acres, have requested the Attorney-General in writing that suits be instituted by the Government for the purpose of determining what their rights are.

The resolution as it passed the Senate and as reported from the Public Lands Committee ought to be passed without amendment, because the amendment proposed is almost certain to defeat the Government in its attempt to assert its rights and remedies against the railroad companies that are the present holders of the grants. If the conditions contained in the grant were conditions subsequent, then it is very doubtful if the Government can assert, successfully, its claim for a forfeiture by reason of a breach of these conditions if in advance we confirm the very sales by which the conditions of the grant were breached, and no amendments—least of all, no such amendment as has been proposed—is necessary to protect the rights of bona fide purchasers, for such rights will and must be preserved by

the courts in the suits in equity which will be brought by the Attorney-General under this resolution.

The SPEAKER. The gentleman's time has expired. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. I am opposed to the adoption of this order. I wish to call the attention of the House to the existing order. Up to this time we have been operating in a manner under which no amendment could be offered to anything brought before the House. At last light has penetrated the minds of those in control of the organization here, and now they have condescended to permit a bill to be brought before the House and to permit one amendment to be offered to the bill. I wish to congratulate the Speaker of the House upon the fact, as the Speaker announced that under the rules now adopted the majority can do as it pleases. [Laughter.]

Mr. MONDELL. Will the gentleman yield to me for a very brief explanation?

Mr. FITZGERALD. The gentleman has consumed twenty minutes; I only wish to talk a few minutes.

Mr. MONDELL. I simply want to say to the gentleman that I have made inquiry among the Members of the House, and it is believed an opportunity to offer one amendment would be sufficient.

Mr. FITZGERALD. I decline to yield. The gentleman did not ask whether I wished to offer any amendment to this resolution. I have just as much right to consider resolutions and to offer amendments as the gentleman and those who are interested in some particular phase of the question.

I wish to call the attention of the House to the fact that yesterday I stated that the Speaker was the whole business in this House. This resolution demonstrates it. [Laughter.] The Committee on Rules yesterday slipped up; the mechanism was not well geared; instead of having forty minutes' debate on a rule, we had eighty minutes. The Speaker evidently made up his mind not to trust it again; the committee had gotten so rusty that he would not trust them again. So he handed this order or rule to an outsider, one who has not been permitted to sit within the sacred circle up to this time—an outsider on the subject of rules—to move to suspend the rules and pass the order now before the House. Poor old Committee on Rules. [Laughter.] No more will they be able to get up before us and say, "I offer a privileged report." The Speaker will take no more chances. [Laughter.] The crown has been snatched from the head of the gentleman from Pennsylvania. [Laughter.] He has been banished and relegated to oblivion until he freshens up a rusty memory and becomes familiar with the practices—the practices in a Republican House under a Republican set of rules [laughter and applause on the Democratic side]—so that when the Speaker pulls the string the marionettes will work in harmony with his wish.

Mr. MONDELL. Will the gentleman permit me?

Mr. FITZGERALD. I hope the gentleman will not intrude in the discussion of this order anything relating to the merits of the resolution to be considered under this rule.

Mr. MONDELL. I object to the gentleman referring to me as "an outsider." [Laughter.]

Mr. FITZGERALD. Mr. Speaker, I tender my sincere apologies to the gentleman from Wyoming, and I congratulate him and the House that to-morrow he will appear here as radiant as Solomon in all his glory, bedecked with one of the selected carnations reserved for the "big five of the House." [Laughter and applause on the Democratic side.]

Mr. Speaker, of course anybody who is familiar with the rules of the House, who understands their simplicity, who realizes how easy it is for the majority to do business under the rules, who appreciates the value of the Committee on Rules to the organization of the House, must protest against this outrage, perpetrated, not upon the minority of the House, but perpetrated against that sacred, omnipotent, Committee on Rules.

I wish to voice the resentment of the gentleman from Pennsylvania [laughter]; I wish to enter his emphatic protest against the scandalous manner in which he, who has reveled in the delight of running roughshod over the minority of this House, has been ruthlessly set aside by a Republican Speaker. How outraged he now looks when he finds that his crown has been stolen and that the chairman of the Committee on Public Lands is substituted for him as the man who shall hold the throttle and make this perfect organism go!

Now, Mr. Speaker, how much time have I used?

Mr. WILLIAMS. Before the gentleman sits down—

Mr. FITZGERALD. I am not going to sit down. [Laughter.]

The SPEAKER. The gentleman has used five minutes.

Mr. WILLIAMS. I wanted to ask the gentleman if it had occurred to him that, perhaps, the real reason for the adoption of this procedure was to prevent my colleague, the gentleman

from Missouri [Mr. DE ARMOND], and myself, the minority members of the committee, from running over the Speaker and the other members of the committee?

Mr. FITZGERALD. Why, just now, under the leadership of the gentleman from Mississippi, the House by an overwhelming vote defeated one of the privileged motions that was introduced and was thought would be adopted by this House. Naturally, the Speaker took no chances. [Laughter.]

Now, let me read from these sacred rules:

The following-named committees shall have leave to report at any time on the matters herein stated, *viz.*:

The Committee on Rules, on rules, joint rules, and order of business.

I understand, Mr. Speaker, why the Speaker would not permit the gentleman from Pennsylvania [Mr. DALZELL] to offer this resolution. It would be too offensive for the Speaker to ask the gentleman from Pennsylvania to offer a resolution that would permit even a single amendment to be offered to anything before the House. [Laughter.] His specialty is to bring in resolutions and orders that will prevent anything being done except the minority obtaining their constitutional right to call the roll; and if even this slight condescension was to be given, not to the minority, but to a Member of the majority, that he be permitted to offer an amendment, the gentleman from Pennsylvania would resent that as an intrusion upon his rights and would insist that no amendment be offered at all.

This illustrates what a farce it is for the gentleman from Pennsylvania, at the opening of the session, before anybody has had time to read the rules, to stand up here and tell his side of the House that they are the most perfect system ever devised. Hereafter the gentleman from Pennsylvania will bear in mind that this tyrannical power lodged in the Speaker will be used against him, just as it will be against the most humble Member on this side; and whenever he slips up, whenever he misbehaves, whenever he grows rusty, that the power will be taken from him and some other Member of the majority elevated to the high place that he now occupies.

Mr. Speaker, I wish to yield five minutes of the time left to the gentleman from Tennessee [Mr. GAINES] and the balance of the time to the gentleman from Michigan [Mr. FORDNEY] in whichever order they prefer to take it. How much time is there remaining. Mr. Speaker?

The SPEAKER. Eleven minutes.

Mr. FITZGERALD. I yield six minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker, as the gentleman from Wyoming [Mr. MONDELL] has said, if this resolution is enacted into law without amendment it will authorize the Attorney-General of the United States to proceed in a court of equity to forfeit all lands granted to the California and Oregon Railroad Company, all lands granted to the Military Wagon Road Company—that company built a wagon road from Coos Bay to Roseburg in Oregon—128,000 acres of land granted and patented to a railroad company known as the Portland, Astoria and McMinnville Railroad; in all, Mr. Speaker, about 3,300,000 acres of land, 915,000 acres of which have been sold by these companies to individuals, to corporations, and to lumbermen in that State.

Mr. Speaker, practically all of the lands that have been sold by these companies to present holders have been patented. Some 2,800,000 acres of land were patented to the California and Oregon Railroad Company. There is due that company yet some 300,000 acres of land for which they have not received patents. What I will show if I am given time to-morrow in general debate is this, that there are 127,000 acres of those lands sold by the California and Oregon Railroad Company to individuals, strictly in compliance with the terms of the granting act; that is to say, that they have been sold in quantities not exceeding 160 acres, and to actual settlers, and at a price not exceeding \$2.50 per acre.

The Assistant Attorney-General representing the Government in opposition to this bill before the Committee on the Public Lands stated that there had been 173,000 acres of those lands sold in quantities not exceeding 160 acres to actual settlers, but at prices slightly in excess of \$2.50 cents per acre. The balance of 815,000 acres of those lands sold by the railroad company have been sold in quantities in excess of 160 acres and at prices exceeding \$2.50 cents per acre.

Let me say to you briefly, gentlemen, that there are 250 sawmills in the State of Oregon, cutting timber from those lands, employing 8,000 men and cutting 600,000,000 feet of lumber annually. On those lands are large sawmills and lumbering operations; railroads constructed from the mills into the lumber woods to haul the timber to the mills, and in some instances villages consisting of more than a thousand people situated on those lands that have been sold by this company, all of which this resolution proposes to forfeit to the Government.

Those people have purchased these lands, purchased them without knowledge of any limitations or restrictions whatever as to their disposition. I have here and will show to-morrow an abstract of title taken from Crook County, Oreg., records, where patents were recorded by the Government which refer to the act of 1866 only, and nowhere do these patents refer to the act of 1869, which act contains the limitations as to the quantity and price, and as to whom it should be sold. And when these people went to the abstractor in Crook County and obtained an abstract of title it showed an absolutely clear title from the Government to the parties whom they purchased from, and on the strength of that abstract and by the advice of the best legal talent that could be had, they paid the consideration and took the land. Now you propose by this resolution to authorize the Attorney-General to go into court and cancel the patents that were issued as far back as 1872, and some of which carry General Grant's signature to them. Gentlemen, it is absurd.

The SPEAKER. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Speaker, I wish to show to the gentlemen of the House, so that they may get my amendment, and I will have it read for information.

The SPEAKER. Is time yielded to the gentleman to have his amendment read?

Mr. GAINES of Tennessee. Yes; I am anxious to hear it.

The Clerk read as follows:

*Provided, however,* That this resolution shall not relate to any lands for which patents have been issued, which are now held by bona fide purchasers, other than railroad corporations or corporations or persons holding title for any such railroad corporations as trustees to secure any bonded or other indebtedness, or for any purpose whatsoever.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman from Michigan whether the Department of Justice has approved this amendment?

Mr. FORDNEY. I do not think the Department of Justice has ever seen it; no, sir.

Mr. GAINES of Tennessee. Has the gentleman made any effort to submit it to the Department of Justice?

Mr. FORDNEY. No; I hardly had time to prepare it when I heard that the bill was coming up to-day.

Mr. GAINES of Tennessee. Has the Public Lands Committee approved it?

Mr. FORDNEY. I do not think they approve of any amendment.

Mr. GAINES of Tennessee. They do not approve of any amendment, and this morning they voted 15 to 1 to instruct the chairman of the committee to insist on the passage of the Senate resolution 48 without amendment. The Department of Justice—General Bonaparte—and its special counsel, Mr. Townsend, have been before that great committee and insisted upon this resolution being passed exactly as it was sent here by the Senate of the United States last February, and it has been under consideration by that committee down until this morning at 11:30 o'clock, when we were called here to vote on another public-land bill. As I say, this morning, by a vote of 15 to 1, the chairman of the committee was directed to insist upon the Senate resolution and that alone.

The SPEAKER. The gentleman from Tennessee will suspend. The Chair will state that it is not in order to refer in the House to what passed in the committee.

Mr. MONDELL. Will the gentleman yield to me?

Mr. GAINES of Tennessee. I understand that, but there has been so much about public-land frauds, Mr. Speaker, that has been locked up for so long, that this is one of the cases where everything ought to be known.

The SPEAKER. Two wrongs or two infractions of the rules do not make a right.

Mr. MONDELL. I want to call the gentleman's attention to the fact that the committee has offered no amendment; that the committee is opposed to all amendments. The gentleman from Tennessee knows that it is impossible to get on the floor for consideration of these matters unless we give an opportunity to the House to consider an amendment.

Mr. GAINES of Tennessee. I am informed here and elsewhere concerning this matter that the Speaker absolutely refused recognition to bring up Senate resolution 48 without this amendment.

Mr. FORDNEY. The gentleman is mistaken about that.

Mr. GAINES of Tennessee. That is what I am informed by members of the Public Lands Committee, who have the matter in charge, and I say it without reflecting at all upon the Speaker. The Speaker has the right to do it.

The SPEAKER. If the House will indulge the Speaker—and this is not to be taken out of the time of the gentleman from Tennessee—the Speaker desires to say that this is a motion to

suspend the rules, and the Speaker did, in the performance of his duty as a Member of the House and as Speaker, propose that the motion to suspend the rules should give the House a chance to vote upon the amendment. [Applause.]

Mr. GAINES of Tennessee. Here is an amendment to amend a resolution that meets with the hearty approval of the Department of Justice, based upon the recommendation of the President of the United States, a resolution, if you please, that has passed the United States Senate, a resolution that has been pending before, and thoroughly considered for four or five weeks by, and which meets with the hearty approval of, the Public Lands Committee of the House, and yet here is a green amendment brought in here at this late hour. The amendment of the gentleman from Michigan is not submitted to the committee, nor to the Department of Justice, nor to the Senate of the United States.

Yet, with this great question, involving \$50,000,000 in public lands, with the President and the Department of Justice on one side, together with the Senate and the Public Lands Committees of the Senate and House, demanding that justice be done and that the Department of Justice be not clogged by any such amendment as that, we find that the Speaker *will not let this great question come up unless that amendment be considered*, which meets with the approval of a lot, they say, of innocent purchasers—"innocent purchasers!"—that will not submit their claims to the arbitrament of the great Supreme Court of the United States!! *How can they so feel, if they are innocent?* And what does this elaborate and able House report mean, which says "that none of the large sales are to *actual settlers*," but to lumber people and lumber kings and people of millions and "speculators." Harriman is against all this proposition, and he has withdrawn a great portion of the Oregon land from any settlement at all and is paralyzing that State. He will not in recent years let anybody buy this land. He has been disobeying the law, and so has his great railroad, for years and years and years. Yet, Mr. Speaker, here we find an amendment that comes in here undigested, and that does not meet with the approval of but a few at most, which may tie the hands of the Supreme Court of the United States and embarrass the Department of Justice in its great work.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on suspending the rules and agreeing to the motion to adopt the order.

Mr. PAYNE. Mr. Speaker, pending that motion, I move that the House do now take a recess until 11:30 o'clock to-morrow morning.

Mr. SPEAKER. Pending that, the question is on the motion of the gentleman from New York, that the House do take a recess until to-morrow morning at 11:30 o'clock.

The question was taken.

The SPEAKER. The ayes seem to have it.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken, and there were—yeas 123, nays 83, answered "present" 13, not voting 168, as follows:

YEAS—123.

Alexander, N. Y.	Davis	Huff	Parsons
Allen	Humphrey, Wash.	Allen, Wash.	Payne
Ames	Denby	Jenkins	Pollard
Andrus	Draper	Jones, Wash.	Pray
Bannon	Durey	Keifer	Reeder
Barchfeld	Ellis, Oreg.	Kennedy, Iowa	Reynolds
Beale, Pa.	Esch	Kennedy, Ohio	Rodenberg
Bede	Fairchild	Kinkaid	Scott
Bennet, N. Y.	Ferris	Knapp	Slemp
Bonyng	Focht	Knopf	Smith, Cal.
Boyd	Fordney	Knowland	Smith, Iowa
Brownlow	Foss	Lafean	Smith, Mich.
Burleigh	Foster, Ind.	Littlefield	Snapp
Burton, Ohio	Foster, Vt.	McCall	Southwick
Calderhead	French	McKinlay, Cal.	Sperry
Campbell	Fuller	McKinley	Stafford
Capron	Gardner, N. J.	McLachlan, Cal.	Stearns
Cary	Gilmans	McLaughlin, Mich.	Sterling
Chapman	Goldfogle	McMorrain	Taylor, Ohio
Cocks, N. Y.	Hale	Madden	Thistledown
Cole	Hamilton, Mich.	Madison	Thomas, Ohio
Conner	Hammond	Mann	Volstead
Cook, Colo.	Haugen	Mondell	Vreeland
Cook, Pa.	Hawley	Moon, Pa.	Washburn
Cooper, Pa.	Higgins	Morse	Watson
Cooper, Wis.	Hill, Conn.	Murdock	Weeks
Cousins	Hinshaw	Needham	Wheeler
Crumpacker	Holliday	Nelson	Wood
Cushman	Howell, Utah	Norris	Woodyard
Dalzell	Howland	Nye	Young
Davidson	Hubbard, Iowa	Olcott	

NAYS—83.

Adair	Bell, Ga.	Carter	Denver
Aiken	Bowers	Clark, Mo.	Dixon
Alexander, Mo.	Burgess	Clayton	Finley
Ansberry	Burleson	Cooper, Tex.	Fitzgerald
Bartlett, Nev.	Caldwell	Cox, Ind.	Flood
Beall, Tex.	Candler	De Armond	Floyd

Foster, Ill.	Houston	Moore, Tex.	Saunders
Gaines, Tenn.	Hughes, N. J.	Murphy	Sheppard
Garner	Hull, Tenn.	Nicholls	Sherley
Garrett	Humphreys, Miss.	O'Connell	Sherwood
Gillespie	Johnson, Ky.	Page	Smith, Mo.
Godwin	Jones, Va.	Patterson	Smith, Tex.
Gordon	Lamb	Rainey	Splight
Gregg	Leake	Randell, Tex.	Stanley
Griggs	Lee	Rauch	Stephens, Tex.
Hackney	Lindsay	Richardson	Sulzer
Hamilton, Iowa	Lloyd	Robinson	Thomas, N. C.
Hay	McLain	Rothermel	Tou Velle
Heflin	Macon	Russell, Mo.	Webb
Helm	Maynard	Ryan	Williams
Henry, Tex.	Moon, Tenn.	Sabath	

## ANSWERED "PRESENT"—13.

Adamson	Ellerbe	Padgett	Sims
Bartlett, Ga.	Gillett	Parker, N. J.	
Bradley	Hamlin	Roberts	
Brundidge	Lassiter	Sherman	

## NOT VOTING—168.

Acheson	Ellis, Mo.	James, Ollie M.	Olmsted
Anthony	Englebright	Johnson, S. C.	Overstreet
Ashbrook	Fassett	Kahn	Parker, S. Dak.
Barclay	Favrot	Keilher	Pearre
Bartholdt	Fornes	Kimball	Perkins
Bates	Foulkrod	Kipp	Peters
Bennett, Ky.	Fowler	Kitchin, Claude	Porter
Bingham	Fulton	Kitchin, Wm. W.	Pou
Birdsall	Gaines, W. Va.	Küstermann	Powers
Booher	Gardner, Mass.	Lamar, Fla.	Pratt
Boutell	Gardner, Mich.	Lamar, Mo.	Prince
Brantley	Gill	Landis	Pujo
Brodhead	Glass	Langley	Randsell, La.
Broussard	Goebel	Laning	Reid
Brumm	Goulden	Law	Rhineock
Burke	Graff	Lawrence	Riordan
Burnett	Graham	Legare	Rucker
Burton, Del.	Granger	Lenahan	Russell, Tex.
Butler	Greene	Lever	Shackelford
Byrd	Gronna	Lewis	Sladen
Calder	Hackett	Lilley	Small
Carlin	Haggott	Lindbergh	Sparkman
Caulfield	Hall	Livingston	Stevens, Minn.
Chaney	Hamill	Longworth	Sturgiss
Clark, Fla.	Harding	Lorimer	Sullivan
Cockran	Hardwick	Loud	Talbott
Coudrey	Hardy	Loudenslager	Tawney
Craig	Harrison	Lovering	Taylor, Ala.
Cravens	Haskins	Lowden	Tirrell
Crawford	Hayes	McCreary	Townsend
Currier	Henry, Conn.	McDermott	Underwood
Darragh	Hepburn	McGavin	Waldo
Davenport	Hill, Miss.	McGuire	Wallace
Davey, La.	Hitchcock	McHenry	Wanger
Dawes	Hobson	McKinley, Ill.	Watkins
Diekema	Howard	McMillan	Weems
Douglas	Howell, N. J.	Malby	Wesle
Driscoll	Hubbard, W. Va.	Marshall	Wiley
Dunwell	Hughes, W. Va.	Miller	Willett
Dwight	Hull, Iowa	Moore, Pa.	Wilson, Ill.
Edwards, Ga.	Jackson	Mouser	Wilson, Pa.
Edwards, Ky.	James, Addison D. Mudd	Wolf	

So the motion was agreed to.

The Clerk announced the following additional pairs.

For the vote:

Mr. DARRAGH with Mr. AIKEN.

Mr. LILLIE with Mr. CRAIG.

Mr. LOUDENSLAGER with Mr. DAVENPORT.

Mr. McKINLEY of Illinois with Mr. KIPP.

Mr. MILLER with Mr. CLAUDE KITCHIN.

Mr. MOUSER with Mr. McDERMOTT.

Mr. TOWNSEND with Mr. McHENRY.

Mr. WALDO with Mr. UNDERWOOD.

Mr. LAW with Mr. CARLIN.

For the balance of the day:

Mr. HARDING with Mr. SMALL.

Mr. PRINCE with Mr. GLASS.

Until further notice:

Mr. PARKER of South Dakota with Mr. HOBSON.

Mr. HUBBARD of West Virginia with Mr. LENAHAN.

Mr. OLMS TED with Mr. BOOHER.

Mr. BINGHAM with Mr. PUJO.

Mr. BURTON of Delaware with Mr. WILLETT.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

The result of the vote was announced as above recorded.

Accordingly (at 4 o'clock and 46 minutes p. m.) the House took a recess until to-morrow at 11.30 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

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 assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel A. Sheldon, administrator of estate of Henry Bennett,

against The United States (H. R. Doc. 875)—to the Committee on War Claims 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 Choctawhatchee River, Florida and Alabama (H. R. Doc. 876)—to the Committee on Rivers and Harbors and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2, of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18513) to repeal section 5 of an act entitled "An act relating to the sale of gas in the District of Columbia," approved June 6, 1896, reported the same without amendment, accompanied by a report (No. 1499), which said bill and report were referred to the House Calendar.

Mr. SPARKMAN, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate, S. 4171, reported in lieu thereof a bill of the House (H. R. 21173) to provide for continuation of investigations of the water resources of the United States, accompanied by a report (No. 1500), which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21127) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1494), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5938) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and helpless and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1495), which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6192) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent children of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 1496), which said bill and report were referred to the Private Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 19746) to ratify a certain lease with the Seneca Nation of Indians, reported the same without amendment, accompanied by a report (No. 1497), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21135) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1498), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHAPMAN, from the Committee on Invalid Pensions: A bill (H. R. 21127) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. CARTER: A bill (H. R. 21128) providing for the support of a school of mines and mining at Wilburton, State of Oklahoma—to the Committee on Appropriations.

By Mr. BOUTELL: A bill (H. R. 21129) to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries—to the Committee on Ways and Means.

By Mr. HAY: A bill (H. R. 21130) authorizing the extension of Allison street NW.—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 21131) for the relief of laborers, mechanics, and other employees of the United States injured, and the families of those killed, while in the discharge of their duties—to the Committee on the Judiciary.

By Mr. KEIFER: A bill (H. R. 21132) to authorize the purchase of land on which was fought the battle of Monocacy, July 9, 1864, for a park on which monuments and markers may be erected in honor of the troops who fought there—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 21133) to provide for the establishment of an annex to all National Homes for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 21134) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890—to the Committee on Ways and Means.

By Mr. LANING, from the Committee on Pensions: A bill (H. R. 21135) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. DAVENPORT: A bill (H. R. 21136) to pay to certain Cherokee citizens moneys to which they have been found entitled by the Supreme Court—to the Committee on Indian Affairs.

By Mr. TOU VELLE: A bill (H. R. 21137) for the erection of a memorial structure at Fort Recovery, Ohio—to the Committee on the Library.

By Mr. BURTON of Delaware: A bill (H. R. 21138) to increase the efficiency of the Pay Department, United States Army—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: A bill (H. R. 21139) to amend section 2, chapter 1150, United States Statutes at Large, volume 32, part 1, page 405, and for other purposes—to the Committee on the Territories.

By Mr. REEDER: A bill (H. R. 21140) providing for an increase of the irrigation fund, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. MANN: Resolution (H. Res. 350) authorizing the committee on investigation of wood pulp and print paper to print, and so forth—to the Committee on Accounts.

#### 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. ADAIR: A bill (H. R. 21141) granting a pension to Rollin T. Bobo—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 21142) for the relief of the heir of and legal representative of R. W. Daniels, deceased—to the Committee on War Claims.

By Mr. ANSBERRY: A bill (H. R. 21143) granting a pension to Celia Spitsnale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21144) granting an increase of pension to Henry F. Feger—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 21145) granting an increase of pension to Paul Tracy—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 21146) for the relief of the estate of Auguste D. Dudoussat—to the Committee on War Claims.

Also, a bill (H. R. 21147) for the relief of the estate of Louis Cavalier—to the Committee on War Claims.

By Mr. BURGESS: A bill (H. R. 21148) granting an increase of pension to John G. Burchfield—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 21149) granting an increase of pension to Simon Neff—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21150) for the relief of Mrs. Elizabeth M. Strother, of Fauquier County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 21151) for the relief of Henry Simpers, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 21152) granting an increase of pension to James P. Farmer—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 21153) granting an increase of pension to William H. Kidd—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 21154) granting a pension to William Costello—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 21155) granting a pension to Moses Schuman—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21156) granting a pension to Mary Haney—to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 21157) granting an increase of pension to James C. Preston—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 21158) for the relief of Andrew Barr—to the Committee on Claims.

By Mr. LEE: A bill (H. R. 21159) granting a pension to Allen Philpot—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 21160) granting a pension to T. P. Godfrey—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 21161) granting a pension to Thomas E. Shoemaker—to the Committee on Invalid Pensions.

By Mr. MCKINLEY of Illinois: A bill (H. R. 21162) granting an increase of pension to Basil D. Frather—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 21163) granting a pension to Monzue Fabr, alias Monsue Feber—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 21164) granting a pension to Patrick McGrath—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 21165) granting an increase of pension to Emily Lee—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 21166) granting an increase of pension to William J. Caskey—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 21167) to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary—to the Committee on Claims.

By Mr. SNAPP: A bill (H. R. 21168) granting a pension to Clara Zellar Moore—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R. 21169) granting an increase of pension to Nicholas Terhune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21170) granting an increase of pension to Fidelis W. Sweetman—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 21171) for the relief of the heirs of J. D. Bellah, sr.—to the Committee on War Claims.

By Mr. TALBOTT: A bill (H. R. 21172) to refund certain duties inequitably collected on anthracite coal by the collector of customs at Baltimore, Md.—to the Committee on Ways and Means.

#### PETITIONS, ETC.

Under Clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Buffalo Council, No. 184, Knights of Columbus, favoring H. R. 18517, for making the 12th of October a holiday—to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Tri-State Live Stock Dealers' Association, indorsing the Culberson-Smith car and transportation service bills (S. 3644 and H. R. 13841)—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Paper to accompany bill for relief of Edwin W. Smith—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of Equal Suffrage League of Brooklyn, N. Y., for enactment of such legislation as will enforce the fourteenth and fifteenth amendments to the Constitution, and favoring the Bennet bill—to the Committee on the Census.

By Mr. BROWNLOW: Petition of seventy-five citizens of Tennessee, favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Appropriations.

By Mr. BURLEIGH: Petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers of Madison and Solon, Me., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. CALDER: Petition of H. Singer, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of National Child Labor Commissioner, for S. 4812, for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Glens Falls Commercial Association and G. R. Hanford against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petitions of Charles H. Potter and Empire Repair Company, for the bill to carry Panama Canal supplies in American vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of James B. Geary, for remedial legislation from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Frank Gilbert Paper Company, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Valley Grange, No. 1050, of Ellensburg Depot, N. Y., for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

By Mr. DAVEY of Louisiana: Paper to accompany bill for relief of heirs of Jean Cheri Verneuil—to the Committee on War Claims.

By Mr. DUNWELL: Petition of Branch No. 52, Glass Bottle Blowers' Association, of Brooklyn, N. Y., favoring the Hepburn bill, amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Nautical School, for H. R. 20012, for support of public marine schools—to the Committee on Naval Affairs.

Also, petition of National Child-Labor Commission of New York City, for favorable consideration of S. 4812 (regulating child labor in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of International Congress on Tuberculosis, for an adequate space at the National Capital for the exhibit September 21 to October 12, 1908—to the Committee on Disposition of Rooms.

Also, petition of American Bison Society, favoring the Flathead National Bison Herd bill (S. 6159)—to the Committee on Indian Affairs.

Also, petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Tennessee River Improvement Association, for the improvement of the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of Frank Gilbert, of Waterford, N. Y., against repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of Trades Assembly of Norwich, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. ESCH: Petition of L. Forester, favoring H. R. 20472, to prevent manufacture, sale, and transportation of adulterated paint—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of citizens of New York and vicinity for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Marine Engineers' Beneficial Association of San Francisco, against the passage of H. R. 235 and S. 5787—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Security Savings Bank, favoring a purely emergency currency—to the Committee on Banking and Currency.

Also, petition of United Mine Workers of America, for H. R. 100, to investigate causes of mine disasters—to the Committee on Mines and Mining.

Also, petition of American Paper and Pulp Association, deprecating attacks on paper industry of the country—to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Hart's Log Valley Grange, of Alexandria, Pa., for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. FOSTER of Vermont: Petition of Shrewsbury (Vt.) Grange, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petitions of Brotherhood of Pulp, Sulphite, and Paper Mill Workers of Wilder and Milton, Vt., against repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Dr. H. P. Dorsey, of La Salle, Ill., favoring S. 4432, to reorganize Corps of Dental Surgeons in United States Army—to the Committee on Military Affairs.

By Mr. GILL: Petition of Baltimore Federation of Labor, for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584); for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GOEBEL: Petition of citizens of Cincinnati, Ohio, for legislation increasing and equalizing the pay of officers and enlisted men of the Army, Navy, and Marine Corps—to the Committee on Military Affairs.

By Mr. HALE: Paper to accompany bill for relief of H. Q. Walker—to the Committee on War Claims.

By Mr. HAYES: Petition of the Marine Engineers' Beneficial Association, No. 35, of San Francisco, approving the work and policies of the National Rivers and Harbors Congress, held at Washington, D. C., December 4, 5, and 6, 1907—to the Committee on Rivers and Harbors.

Also, petition of the Merchants' Exchange, against the Aldrich currency bill (S. 3023) and the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Franklin Mutual Building and Loan Association, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

By Mr. HAMILL: Petition of mass meeting of citizens at Hoboken, N. J., protesting against a ratification of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HOWELL of New Jersey: Petition of locomotive engineers of Phillipsburg, N. J., favoring S. 6320, to secure safety devices for protection of the lives of trainmen—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of Long Branch, N. Y., against the Crumpacker census bill (H. R. 16954)—to the Committee on the Census.

By Mr. LILLEY: Petitions of citizens of Danbury and Norwalk, Conn., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of the Second Battalion Naval Militia of New York, favoring H. R. 7620—to the Committee on Naval Affairs.

Also, petitions of Abraham L. Gifford and citizens of Brooklyn, N. Y., for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Chicago Federation of Labor, for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. McKINLEY of Illinois: Petition of citizens of Philo, Ill., for legislation making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of the Men's Christian Club, favoring a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLMSTED: Petition of Central Labor Union of Lebanon, Pa., urging legislation providing for cheaper rates of postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of the Eighteenth Congressional District of Pennsylvania, for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584); for the Pearre bill (H. R. 94); the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of Elizabeth Lewis—to the Committee on War Claims.

By Mr. PAYNE: Petition of Wideawake Grange, No. 747, Patrons of Husbandry, of Phelps, N. Y., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of L. M. Baldwin and other citizens of New York, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. POLLARD: Petition of students and instructors of University of Nebraska, for favorable consideration of S. 4812 (regulating child labor in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. POU: Petition of members of the Presbyterian Church of North Carolina, for legislation to compel Alaska-Yukon-Pacific Exposition to close its grounds entirely on Sunday—to the Select Committee on Industrial Arts and Expositions.

By Mr. RYAN: Petition of the Tri-State Live Stock Dealers, favoring the Culberson-Smith car-service bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Kansas City (Mo.) Clearing-House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of American Institute of Homeopathy, favoring H. R. 6089, for placing Homeopathic Pharmacopœia in the food and drug act with the United States Pharmacopœia and National Formulary—to the Committee on Interstate and Foreign Commerce.

Also, petition of Encampment No. 51, Union Veterans' Legion, of Fort Wayne, Ind., for appropriation to erect Anthony Wayne memorial—to the Committee on the Library.

Also, petition of Tennessee River Improvement Association, for appropriation to improve the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of the Union League Club, of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of clearing house of Buffalo, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Central Federated Union of New York, favoring battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Lake Seamen's Union, against H. R. 225, to amend section 4463 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of Local No. 71, A. S. M. Works, of Buffalo, N. Y., against bill for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of District Lodge No. 44, National Association of Machinists, for battle ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Fort Wayne Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of Chicago Federation of Labor, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Tennessee River Improvement Association, for appropriation to improve the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of Union League Club, of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., favoring H. R. 20584, amendment to the Sherman antitrust law, and for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Henry S. Nichols and other members of Frank Powell Post, No. 187, Grand Army of the Republic, of Oxford, Mich., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of New Haven, Addison, Danbury, and Ansonia, Conn., against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Manufacturers' National Bank of Waterbury, Conn., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. TALBOTT: Petition of Hazard Wharf Company, of Baltimore, Md., for refunding duties inequitably collected on anthracite coal during the coal famine of 1902—to the Committee on Ways and Means.

By Mr. WASHBURN: Paper to accompany bill for the relief of Simeon C. Chandler—to the Committee on Invalid Pensions.

## SENATE.

THURSDAY, April 23, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands 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. 15641. An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

H. R. 17827. An act to provide for the disposal of lands chiefly valuable for oil and asphaltum.

The message also announced that the House had passed the bill (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Holyoke, Mass., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented memorials of Local Union No. 105, International Brotherhood of Stationary Firemen, of Glens Falls, N. Y.; of Local Union, International Brotherhood of Stationary Firemen, of Berlin, N. H.; of Local Union No. 252, International Brotherhood of Stationary Firemen, of Wilder, and of Local Union No. 5, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Bellows Falls, in the State of Vermont, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. PLATT presented the memorial of Edward J. O'Connor, of Buffalo, N. Y., and a memorial of the Emmet Club, of Tarrytown, N. Y., remonstrating against the ratification of the arbitration treaty between the United States and Great Britain, which were ordered to lie on the table.

He also presented a memorial of Local Union No. 34, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Willsboro, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Brooklyn, Corning, Poughkeepsie, Watertown, Elmira, Geneva, Oneonta, and Tarrytown, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Manufacturers' Association of Brooklyn and New York City, in the State of New York, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. NIXON presented a memorial of the Clearing House Association of Reno, Nev., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

Mr. BRIGGS presented petitions of sundry citizens and labor organizations of Bridgeton and Glassboro, in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Belleville, West Nutley, Newark, Clayton, Trenton, Lyndhurst, North Arlington, and Kingsland, all in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" excluding labor organizations from its provisions, which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of sundry citizens of Lincolnville, Me., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.