

By Mr. MERCER: Petition of post-office clerks of Omaha, Nebr., for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to Samuel F. Fowler—to the Committee on Invalid Pensions.

By Mr. MOON: Affidavits of N. E. Moore and N. W. McDaniel, to accompany House bill No. 7404, for the relief of the Methodist Episcopal Church (McDaniel's Chapel), Shellmound, Tenn.—to the Committee on Claims.

By Mr. OTJEN: Petition of W. F. Kaiser and other druggists of Milwaukee, Wis., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. RAY of New York: Petition of M. A. Newton and others, of North Pitcher, Chenango County, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petition of M. W. Fay, of Fort Wayne, Ind., and American warehouse associations, on subject, of war tax on negotiable warehouse receipts—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Remonstrance of Pennock & Porter and others, of Williamstown, Mich., and vicinity, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the Woman Suffrage Association of the State of New York, favoring a sixteenth amendment to the Constitution granting suffrage to women—to the Committee on the Judiciary.

By Mr. TERRY: Protest of Arkansas cotton oil mill companies, against Government taxes on butterine and other products of cotton seed—to the Committee on Ways and Means.

By Mr. WANGER: Protest of W. W. Dill, of Norristown, Pa., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. WEYMOUTH: Petition of the Woman Suffrage Association of Massachusetts, favoring a sixteenth amendment to the Constitution, granting suffrage to women, etc.—to the Committee on the Judiciary.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill No. 6415, for the relief of Elias Whipple—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase the pension of Alpheus P. Milner—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 4578, to correct the military record of John H. Walters—to the Committee on Military Affairs.

Also, paper to accompany House bill granting an increase of pension to W. R. Burton—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Lewis Kraus—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Alice Bozeman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of J. C. Davis—to the Committee on Military Affairs.

Also, paper to accompany House bill to correct the military record of Robert McCowen—to the Committee on Military Affairs.

## SENATE.

FRIDAY, February 2, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

### HOSPITAL STEWARDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army calling attention to the need of more hospital stewards, and recommending the reenactment of section 2 of the act of March 1, 1887, relative to the appointment of hospital stewards by the Secretary of War; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2431) to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot in the Spanish-American war.

### PETITIONS AND MEMORIALS.

Mr. PROCTOR presented a petition of sundry citizens of the United States, praying for the establishment of a proper tribunal wherein may be adjudicated their claims for property destroyed or confiscated by Spanish soldiers during the late war in Cuba; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of 17 citizens of Medford, Mass., praying for the repeal of the stamp tax upon medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented sundry petitions of railway mail clerks of Woburn, Pittsfield, and Milford, all in the State of Massachusetts, praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the petition of John P. Haskell and sundry other railway mail clerks of Webster, Mass., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a petition of sundry railway mail clerks of Floral Park, N. Y., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Eureka Lodge, No. 434, International Association of Machinists, of Brooklyn, N. Y., praying that the United States Government build their own war vessels in the navy-yards of the country, and remonstrating against the present policy pursued by the Government to the detriment of the shipbuilding industry in our navy-yards; which was referred to the Committee on Naval Affairs.

He also presented a petition of 19 members of the staff of the New York State Veterinary College, praying for the establishment of a veterinary corps in the United States Army equal to that in foreign countries; which was referred to the Committee on Military Affairs.

Mr. KYLE presented the petition of George May Powell, president of the Arbitration Council, of Philadelphia, Pa., praying for the repeal of the act creating Utah a State of the Union; which was referred to the Committee on the Judiciary.

### REPORTS OF COMMITTEES.

Mr. RAWLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2198) increasing the limit of the cost of the public building at Salt Lake City, Utah, reported it with an amendment.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1590) for the erection of a public building at Providence, R. I., reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1174) for the erection of a public building at Selma, Ala., reported it without amendment.

Mr. MONEY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1402) for the erection of a public building at Natchez, Miss., reported it without amendment.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 329) to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming, reported it without amendment, and submitted a report thereon.

He also, from the same committee to whom was referred the bill (S. 26) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 854) for the relief of Lieut. Horace P. McIntosh, reported it without amendment, and submitted a report thereon.

### PACIFIC CABLE.

Mr. PERKINS. On behalf of the Committee on Naval Affairs, I present a statement of Gen. Wager Swayne, of New York, in regard to a Pacific cable, made before that committee January 30, 1900. I move that it be printed as a document.

The motion was agreed to.

### THE NATIONAL WHITE CROSS.

Mr. STEWART. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2581) to incorporate the National White Cross of America, and for other purposes, to report it back and to ask that it be referred to the Committee on Foreign Relations. That committee has under consideration a bill for the purposes of the Red Cross Society, and

on investigation it is ascertained that these bills compose the same fields of operation, and they have more or less relation with some forty treaties with foreign countries. Consequently, the Committee on the District of Columbia have come to the conclusion that it is proper that it should be referred to the Committee on Foreign Relations.

Mr. ALLEN. Before that is done, I should like to make an inquiry. This bill was reported favorably in the last Congress from the Committee on the District of Columbia and it passed this body without a dissenting voice. It went over to the House. The committee there recommended favorably the passage of the bill, but this recommendation was not made until the day Congress adjourned, and the bill failed to pass the House. I wish to ask the Senator from Nevada if there is any contest on this bill?

Mr. STEWART. There is no contest whatever, but the operation proposed by the bill must take place in various countries. It is suggested that the treaties with those countries must be considered in connection with it. It is of the same scope of operation as the Red Cross Society, which has a bill pending before the Committee on Foreign Relations. The Committee on the District of Columbia, which reported the bill favorably last year, have no objection to the bill, but the idea is to have it considered by the Committee on Foreign Relations to see whether it will be an agreeable measure for this country and for other countries.

Mr. ALLEN. I shall object to the bill being sent to the Committee on Foreign Relations under the circumstances. It is altogether a domestic organization, and while it is to have operations in other countries, and has now, because it is doing charitable work in the Philippine Islands and that group, and has a great many representatives abroad in other countries, and has been fully established for several years as a voluntary association, yet its relation to other countries must be such as those countries themselves see fit to grant to the organization and can not result from any treaty rights.

Therefore, there is no reason for sending it to the Committee on Foreign Relations. It is purely an organization to be incorporated by Congress, and its own ramifications must be such as it may itself select, with the consent of foreign governments.

Now, there is another committee, the Committee on Corporations Organized in the District of Columbia, to which the bill properly belongs, I think; but it was sent to the Committee on the District of Columbia and reported here in the last Congress, and therefore I had it sent there at the present session.

Mr. STEWART. No member of the Committee on the District of Columbia has suggested any objection to the bill itself, but inasmuch as its operation is to be in foreign countries as much as in our own and may affect our treaties, of which there are about forty in number, with foreign countries in which it is to operate, it was thought proper that it should go to the Committee on Foreign Relations. There is no particular design about it except to have the proper thing done, and I presume this course will facilitate the consideration of the measure. I do not presume there will be any delay there, and there will be plenty of time before the end of the session to pass it.

Mr. ALLEN. There is nothing in the bill—

Mr. PROCTOR. Mr. President—

Mr. ALLEN. If the Senator will permit me, there is nothing in this bill to found any proper jurisdiction in the Committee on Foreign Relations. It does not affect foreign countries.

Mr. STEWART. The operation is to be in foreign countries.

Mr. ALLEN. It is impossible to say that a corporation organized in the United States can affect foreign countries. It can only reach foreign countries by the law of comity, by the consent of those foreign countries. It is impossible for the Red Cross Society or the White Cross Society or any other corporation to go into a foreign country and receive a status there without the consent of the country to which it applies. The seat of its organization must be the United States. That is the situs of the corporation.

Mr. STEWART. That is all true; but inasmuch as its operation is in foreign countries the District Committee thought it would be well for the Committee on Foreign Relations to consider it.

Mr. ALLEN. Then, I suppose, if a railroad company should make an arrangement with some water transporting company, and that company with some railroad company in England—

Mr. STEWART. Oh, no.

Mr. ALLEN. So that there would be a continuous line of water transportation in the United States and in England, we would have to send its proposed charter to the Committee on Foreign Relations because it affected that foreign country. Now, there is nothing in that argument.

Mr. President, this is my bill, and I move that it be referred to the Committee on Corporations Organized in the District of Columbia.

Mr. PROCTOR. Mr. President, there will be very serious objection urged to this bill. Such suggestions have been made to

members of the committee. It seems to me important that it should go to the same committee that is considering bills in regard to the Red Cross, to be sure that there is no conflict and no interference with the purposes of that institution, which has done so much good in this and other countries.

The PRESIDENT pro tempore. The Senator from Nebraska moves that the Committee on the District of Columbia be discharged from the further consideration of this bill, and that it be referred to the Committee on Corporations Organized in the District of Columbia. The question is on agreeing to the motion of the Senator from Nebraska.

Mr. HOAR. I thought the report of the committee recommended the reference of the bill to the Committee on Foreign Relations.

The PRESIDENT pro tempore. It did.

Mr. HOAR. Is there not a rule that on that question, which of course is in the nature of a motion to refer it to that committee, there can not be a motion to amend by referring it to another committee?

Mr. ALLEN. I can not hear the Senator from Massachusetts.

The PRESIDENT pro tempore. The Senator from Massachusetts is clearly right. Unanimous consent was asked that the action be taken, but a motion made by the committee to be discharged from the consideration of a bill and that it be referred to another committee can not be amended by another motion. It can only be amended by adding instructions.

Mr. HOAR. My proposition is that by the rule (I have not looked to see, but it is my impression and my memory) a motion to refer a bill to one committee can not be amended by substituting another, but you must vote down the first motion if you want to get it to the other committee.

The PRESIDENT pro tempore. The Senator from Massachusetts is clearly right.

Mr. STEWART. My motion is to refer the bill to the Committee on Foreign Relations.

Mr. HOAR. That is the motion of the Senator from Nevada.

Mr. STEWART. That is the report of the Committee on the District of Columbia, and my motion is to refer the bill to the Committee on Foreign Relations.

Mr. HOAR. So the question should be put on the motion of the Senator from Nevada.

Mr. ALLEN. Do I understand that the motion to refer can not be amended?

The PRESIDENT pro tempore. It can not be amended except by adding instructions.

Mr. ALLEN. There may be a rule of that kind. I am in ignorance of it if there is. I should like to be heard on the motion to refer. It is a debatable motion, I understand.

The remarks of the Senator from Vermont have disclosed exactly what is anticipated—that this return of the bill to the Senate and its proposed reference to the Committee on Foreign Relations is for the purpose of destroying it. It is an indirect way of throttling it and destroying this organization. If that is the purpose, and if the Senator—

Mr. PROCTOR. Will the Senator allow me?

Mr. ALLEN. If the Senator from Vermont is committed to that policy and proposes to use his powerful influence in this body to carry out that policy—

Mr. PROCTOR. Will the Senator allow me?

Mr. ALLEN. I think it better to withdraw the bill entirely.

Mr. PROCTOR. This action is proposed for the purpose of referring the bill to the committee where it ought properly to be considered, and where it can be considered in connection with the Red Cross, which is well known. There is no purpose on the part of the committee to antagonize the bill in any way.

Mr. ALLEN. The Senator said so. I took him at his word.

Mr. PROCTOR. It came to the knowledge of some members of the committee that probably it would be antagonized, or at least that the purpose would be carefully investigated to see whether it did any harm to the existing Red Cross.

Mr. ALLEN. That is it. Mr. President, there is nothing in this bill, there is nothing in the names of the persons who are proposed as incorporators, to suggest even a suspicion that there is anything wrong in the purpose of the organization. It is purely a charitable organization, and the persons connected with it are disinterestedly engaged in public charity and have been for years. In view of the fact that the bill in the last Congress was recommended by the Committee on the District of Columbia, that it passed the Senate and had a favorable recommendation in the House, and would have passed there but for the adjournment of Congress, what has taken place to induce the Committee on the District of Columbia to return it in this form and undertake to throttle it by this indirect means?

Of course I understand, Mr. President, quite well. I am old enough to understand and I have had experience enough to understand that when gentlemen do not want to be responsible for directly throttling a measure of this kind they always seek out



some indirect channel to get rid of responsibility. That indirect channel to get rid of responsibility in this case is to send it to a committee where it has no proper lodgment—for it is as foreign to the duties of the Committee on Foreign Relations as would be the organization of a domestic corporation in my State—and there permit it to rest until the session of Congress adjourns.

Mr. STEWART. I will state for the information of the Senator from Nebraska that the Red Cross Society is incorporated under the general law of the District of Columbia as a corporation, and they have a bill now pending before the Committee on Foreign Relations. It is a bill for some special privileges. It seems to me that as these matters are purely benevolent and praiseworthy all around, there should be no conflict and that the thing should go along harmoniously. I think the Committee on Foreign Relations, having the whole subject before them, will see that it is carried out in a way entirely just to all concerned and to the encouragement of all the parties who feel called upon to forward the benevolent and praiseworthy work. I believe the bill had better be sent there.

Mr. ALLEN. I ask unanimous consent to withdraw this bill. The PRESIDENT pro tempore. It is the duty of the Chair to ask the unanimous consent of the Senate for the consideration to-day of the motion of the Senator from Nevada [Mr. STEWART]. Is there objection to the present consideration of the motion?

Mr. ALLEN. I object. The PRESIDENT pro tempore. It goes over, then, under the rule.

#### BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 2883) to change the character of Cape Cod light, Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2884) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PLATT of New York introduced a bill (S. 2885) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Bvt. Capt. Second Lieut. James Davison, United States Army, retired; which was read twice by its title, and referred to the Committee on Claims.

Mr. SEWELL introduced a bill (S. 2886) granting an increase of pension to Thomas T. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 2887) for the relief of H. B. Matteosian; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 2888) to authorize the building of a canal from Lake Superior to the city of East Grand Forks, in the State of Minnesota, and granting the right of way therefor across the public lands and Indian reservations located in said State; which was read twice by its title.

Mr. McCUMBER. I ask that the bill be referred to the Committee on Interstate Commerce.

Mr. CULLOM. I am inclined to think that that bill ought to go to the Committee on Commerce instead, as it is a bill providing for the construction of a canal, and so forth. The Committee on Interstate Commerce has not dealt with that subject much.

Mr. McCUMBER. There is no objection to its being referred to the Committee on Commerce.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 2889) for the relief of the estate of Bayliss G. Farley, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 2890) granting a pension to T. W. Dickey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2891) to correct the army record of Thomas Sawyers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2892) to remove the charge of desertion and to grant an honorable discharge to Benjamin Brothers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 2893) to amend section 3 of an act of Congress entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TELLER introduced a bill (S. 2894) for the relief of David H. Mitchell; which was read twice by its title, and, with the accompanying petition of David H. Mitchell, referred to the Committee on Claims.

Mr. ALLISON. On behalf of my colleague [Mr. GEAR], who who is detained from the Chamber by reason of illness, I introduce sundry bills.

The bill (S. 2895) fixing the times when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States, relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment, was read twice by its title, and referred to the Committee on Public Lands.

The bill (S. 2896) to remove the charge of desertion against Anthony R. Ravenscroft was read twice by its title, and referred to the Committee on Military Affairs.

The bill (S. 2897) to remove the charge of desertion from the military record of Stephen A. Troops was read twice by its title, and referred to the Committee on Military Affairs.

The bill (S. 2898) to remove the charge of desertion against James Boyle was read twice by its title, and referred to the Committee on Military Affairs.

The bill (S. 2899) to remove the charge of desertion from the naval records now standing against John Glass was read twice by its title, and referred to the Committee on Naval Affairs.

The following bills, introduced by Mr. ALLISON for Mr. GEAR, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2900) granting a pension to Hannah G. Huff;  
A bill (S. 2901) granting a pension to A. C. Ricketts (with an accompanying paper);

A bill (S. 2902) granting a pension to Jane D. Smith (with accompanying papers);

A bill (S. 2903) granting an increase of pension to Martin B. Fitch (with accompanying papers);

A bill (S. 2904) granting a pension to Caroline Gear;

A bill (S. 2905) granting a pension to George M. Wilson (with an accompanying paper);

A bill (S. 2906) granting a pension to Lewis L. Ratliff (with accompanying papers);

A bill (S. 2907) to pension Henrietta B. Parrott;

A bill (S. 2908) granting an increase of pension to Nelson Wells (with accompanying papers);

A bill (S. 2909) granting a pension to Isabella Freeman (with an accompanying paper);

A bill (S. 2910) granting an increase of pension to William D. Houghland (with accompanying papers);

A bill (S. 2911) granting an increase of pension to Richardson M. Penn (with accompanying papers);

A bill (S. 2912) granting a pension to Mrs. H. D. Pramer (with an accompanying paper);

A bill (S. 2913) granting an increase of pension to William E. Ferree (with an accompanying paper);

A bill (S. 2914) granting a pension to Wilson E. Carter (with accompanying papers);

A bill (S. 2915) granting an increase of pension to Samuel Z. Murphy (with an accompanying paper);

A bill (S. 2916) granting an increase of pension to Margaret R. Clune (with accompanying papers);

A bill (S. 2917) granting a pension to Nathan L. Faulkner;

A bill (S. 2918) granting an increase of pension to Philetus M. Axtell;

A bill (S. 2919) granting a pension to Mary R. Henderson;

A bill (S. 2920) granting a pension to James M. Dick; and

A bill (S. 2921) granting a pension to Archibald Jasper Powell.

Mr. MCOMAS introduced a bill (S. 2922) for the relief of Rinaldo P. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 2923) for the relief of the estate of Elijah Thompson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced a bill (S. 2924) to provide for the purchase of a site and the erection of a public building thereon at Colorado Springs, in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PRITCHARD (by request) introduced a bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek, within the boundary lines of Edgecombe County, N. C.; which was read twice by its title, and referred to the Committee on Commerce.

#### REPORT ON AFFAIRS IN THE PHILIPPINE ISLANDS.

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

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report of a commission appointed by me on January 20, 1899, to investigate affairs in the Philippine Islands.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 2, 1900.

## AMENDMENT TO APPROPRIATION BILL.

Mr. DAVIS submitted an amendment providing for the appointment of a court crier of the United States circuit and district court for the district of Minnesota, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

## AFFAIRS AT OSAGE INDIAN AGENCY.

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

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate the reports made to his Department by United States Indian Inspector James McLaughlin and Inspector James W. Zevely and others regarding the management of affairs at the Osage Indian Agency, Okla., by the United States Indian agent and others, including all affidavits, petitions, and protests filed by the Osage tribe of Indians, or by others on their behalf, together with charges and other papers affecting the management of the said Indian agency since January 1, 1898.

## TRANSACTIONS BETWEEN TREASURY DEPARTMENT AND BANKS.

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

The resolution was read, as follows:

*Resolved*, That a special committee, consisting of nine members of the Senate, be immediately appointed by the President pro tempore to make a thorough and complete investigation of all dealings and transactions between the Secretary of the Treasury or the Treasury Department of the United States and the National City Bank and the Hanover National Bank, of the city of New York, or any other national bank of the United States, from the 4th day of March, 1897, to the present time, and especially in regard to all letters, agreements, papers, or documents between the Treasury Department of the United States, or any person connected therewith, and the National City Bank and the Hanover National Bank, of the city of New York, or any person acting for them, or either of them, since the 4th day of March, 1897, relating to the depositing of public funds, bonds, or revenues in said bank or banks, or any other relations or business transactions now existing or heretofore had between the Government and the said banks, or either of them, and the amount of public money, bonds, or revenue deposited with said banks, or either of them, or with any national bank, by the Government, upon what security, for what length of time, and the reasons therefor, and whether said banks, or any of them, have paid the Government any interest on said deposits, and if so, how much, and all other information concerning the same or in any way relating thereto; and also the date of the sale of the customhouse property of the United States in New York City to said National City Bank, the date of the execution of the deed thereto, the date and manner of payment of the purchase money therefor, the disposition of the proceeds of said sale, and whether or not the Government has paid any rents for said property, or any portion thereof, for any purpose since the day of sale, and if so, to whom, and all facts relating to said transaction, and all other matters in connection therewith or in any way relating thereto; and said committee is authorized to send for persons, books, letters, telegrams, papers, documents, and agreements, administer oaths, and hold open sessions, and sit at any time in any place in the city of Washington, New York, or Chicago, the expense for the same to be paid out of the contingent fund of the Senate, and the Sergeant-at-Arms, or some one acting for him, shall attend said committee and carry out its mandates; and said committee is instructed to make a report to the Senate, with testimony and exhibits, with all convenient speed.

Mr. ALDRICH. Let the resolution be printed and go over.

Mr. ALLEN. I hope the country will note that the objection to this resolution comes from the Republican side and not from this side.

The PRESIDENT pro tempore. The resolution will go over under the rule.

## COMPILATION OF ORGANIC ACTS FOR THE TERRITORIES.

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

*Resolved*, That the Committee on Pacific Islands and Puerto Rico is hereby authorized to have compiled for the use of the committee the organic acts for the Territories of the United States.

## PROCEEDS UNDER ABANDONED PROPERTY ACT.

Mr. JONES of Arkansas submitted the following resolution; which was referred to the Committee on Finance:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to furnish to the Senate a statement showing the amount of money remaining in the Treasury of the United States from the sale of property collected under "An act to provide for the collection of abandoned property and the prevention of fraud in insurrectionary districts within the United States," approved March 12, 1863; and to state the names of officers or agents making such deposits, the amount of each deposit and date of the same, and name of the person reported to have been the owner in each case.

## PROCEEDINGS OF NAVAL COURTS-MARTIAL.

Mr. ALLEN. With the unanimous consent of the Senate, I should like to conclude the remarks that I began yesterday on the resolution relative to transactions with the National City Bank and the Hanover National Bank of the city of New York.

The PRESIDENT pro tempore. The morning business is not completed. Is there further morning business? The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTUS, as follows:

*Resolved*, That the Secretary of the Navy is directed to inform the Senate whether the Navy Department has or has not refused or refrained to communicate to the Court of Claims any information concerning proceedings of naval courts-martial on the call of said court, under section 1076 of the Revised Statutes; and if so, his reasons for such refusal or neglect.

Mr. CHANDLER. I ask the Senator from Alabama to consent to let this resolution go over without losing its place on the Calendar until the next legislative day.

Mr. HOAR. I thought it was amended by consent of the Senator.

Mr. SPOONER. It was, by putting in the word "refrained." The PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

Mr. CHANDLER. I ask that the resolution may be allowed to go over another day without losing its place.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. I should like to inquire simply whether the amendment which was suggested yesterday and accepted by the Senator from Alabama has not been made.

Mr. PETTUS. I did not hear the Senator.

Mr. HOAR. I inquire whether, in the resolution which was just read, the amendment has not been made which I understood was accepted by the Senator from Alabama, to strike out the word "neglected."

Mr. PETTUS. It was so amended.

Mr. HOAR. It has not been so read. It was read as originally presented.

Mr. CHANDLER. Unfortunately, the Senator from Massachusetts did not carry out his idea in full. The words "refusal or neglect" also occur at the end of the resolution. That change has not been made.

Mr. HOAR. That change should not be made.

Mr. CHANDLER. But as the resolution goes over, it can be modified.

Mr. HOAR. I will call the attention of the Senator from Alabama to it.

The PRESIDENT pro tempore. The resolution will go over until to-morrow, without objection, retaining its place on the Calendar. If there be no further morning business the Calendar under Rule VIII is in order.

## THE PHILIPPINE COMMISSION.

Mr. PETTIGREW. Mr. President, I think there is a resolution which I introduced yesterday, which I ask to have considered.

The PRESIDENT pro tempore. The resolution is on the table subject to the Senator's call.

Mr. PETTIGREW. I did not so understand it. I asked to have it go over until to-day.

The PRESIDENT pro tempore. The Senator from South Dakota presented yesterday a resolution and asked that it lie on the table. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

*Resolved*, That the paper entitled "The Philippine Commission" be printed as a document for the information of the Senate.

The PRESIDENT pro tempore. Unless the Senate otherwise orders, the resolution goes to the Committee on Printing.

Mr. PETTIGREW. I ask that the resolution be adopted.

Mr. LODGE. I think a document about which we know nothing had better take the regular course and go to the Committee on Printing. I see no reason to change the usual course.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of the resolution now.

Mr. PETTIGREW. I desire to address the Senate on that subject.

Mr. CHANDLER. Is that motion debatable, Mr. President?

The PRESIDENT pro tempore. The Chair is inclined to think that it is. The Chair does not know of any rule of the Senate to the contrary.

Mr. PETTIGREW. Mr. President, the document which I desire to have printed is a brief one, and is signed by William Birney, J. B. Henderson, J. S. Fowler, Charles H. Turner, Charles James, Patrick O'Farrell, Franklin H. Mackey, P. T. Moran, Rossa Downing, Henry Spofford, Louis Schade, and W. A. Croft, a committee of the Anti-Imperialist League of Washington, D. C. It is a comment upon the report of the commission sent to the Philippines, which they made just before the election last fall. This paper is dated November 18, 1899. It contains no matter, I think, which could be objected to on account of its form or on account of the composition; and I very much hope the Senator from Massachusetts will allow it to be printed as a document without—

Mr. HAWLEY. I think it has already appeared in the press.

Mr. LODGE. The question is not whether it should be allowed or not. We have a rule regulating the matter of printing. We have a Committee on Printing, to whom such matters are referred, as all matters relating to legislation of any sort are referred to the appropriate committees. I can not see why the numerous documents which are offered to be printed should not go through the regular form of a reference to that committee for their report.

Mr. PETTIGREW. Mr. President, the custom of printing documents for the information of the Senate is an old one. It has been



indulged in constantly for the ten years I have been a member of this body, at every session, and for many years before that time. Although I have not looked up the historic fact, I am informed by the oldest members of the Senate that it has been in vogue since they have been here.

I presume the practice of asking for the printing of documents has been indulged in more frequently during the last few years than before, and I think it has been prompted somewhat by the fact that the great journals of the country are not open for the publication of many things which interest at least half of the voters of the United States. They will not report what transpires here. They will not publish in their columns anything that would interfere with the interests which they serve. The result is that very many questions in which the people whom I represent are interested and in which many other people are interested throughout this country can only reach them through this source.

Therefore we have asked, and I have asked many times, for the printing of documents with regard to the question of finance, with regard to the problems in relation to labor, with regard to the Government ownership of corporations which are so situated that their service is a monopoly. It is information in almost every instance that would not be given to the public through the great journals of the day, for the interest and influence which control the Republican party, the great corporations of the country, control the great newspapers of the country. They are anonymous sheets. No one but the corporation that controls them is responsible for their utterances. Their editorials are written by hired men who have a salary and who write that which they are paid to write, without any reference to their personal opinions or convictions on the subject. This has become so notorious that it is well understood by every laboring man and every farmer in America. Therefore we have sought this means of getting before the public these questions which interest our people.

It is well known that nearly all the great journals of the country are in favor of the policy of the Administration. In my opinion fully half of the voters of this country are opposed to that policy. They are unable to present their views and their opinions through the great newspapers; and therefore we have asked that documents upon this subject, written by able men of character and standing, should be printed by the Senate, in order that we may distribute them through the mails under the franking privilege.

The document which I propose this morning to have printed is a communication addressed to the Washington Post, dated November 18, 1899.

Mr. GALLINGER. Mr. President, I rise to a question of order.

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

Mr. GALLINGER. I make the point of order that under the rules of the Senate it is not in order at any time before 2 o'clock for a Senator to debate a motion to take up anything for consideration.

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

Mr. PETTIGREW. That is, that no debate can be had except by unanimous consent?

Mr. GALLINGER. And I do not give unanimous consent.

Mr. TELLER. Why, Mr. President, there are some questions that certainly can be debated. I do not say that this can.

Mr. PETTIGREW. The Chair just ruled that this could be debated.

The PRESIDENT pro tempore. The Chair will have the rule read. The Secretary will read the last clause of Rule VIII.

The Secretary read as follows:

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The PRESIDENT pro tempore. "All motions."

Mr. TELLER. "All motions" to do a certain thing.

The PRESIDENT pro tempore. "To proceed to the consideration of."

Mr. TELLER. Yes; but there are other things that may be done. I understood the Chair to rule that no debate could take place.

The PRESIDENT pro tempore. The Chair simply ruled that debate on this question was out of order if objected to.

Mr. ALLEN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. ALLEN. Could not the Senator from South Dakota, or any other Senator, move to refer this measure to a committee, and debate that motion?

The PRESIDENT pro tempore. No; because it is not before the Senate for consideration.

Mr. GALLINGER. It is not before the Senate.

Mr. ALLEN. That precise question was passed upon by Vice-

President Stevenson in the Fifty-third Congress; it was elaborately debated by my former colleague, General Manderson; and after that debate it was so ruled.

Mr. HOAR. But the matter must have been up so that the motion could be in order.

Mr. ALLEN. It was a question on a motion like this. It was an ordinary motion or resolution that came before the Senate. The same point was made which the Senator from New Hampshire [Mr. GALLINGER] now makes. My former colleague had the floor, and, as I understood, he moved to refer it to some committee. Then the question came up whether that motion was debatable, and, after a discussion, it was held to be debatable.

Mr. PETTIGREW. Mr. President, I was only making a motion, and I understood the Chair to rule that it was debatable. I understood by that that it was debatable now, and therefore I proceeded to debate it.

The PRESIDENT pro tempore. The Senator was proceeding by unanimous consent.

Mr. PETTIGREW. I did not ask unanimous consent. I simply asked if it was debatable.

The PRESIDENT pro tempore. The rule is entirely different where the matter under discussion relates to the printing of a document. That differs from an ordinary resolution which is placed on the table and goes over under an objection, which, under a former ruling, has its day in court. The rule in relation to the printing of a document is that the resolution or motion to print must go to the Committee on Printing, unless the Senate otherwise order. The Chair knows of no way in which the Senate can otherwise order unless the matter is under consideration. The Senator's motion to proceed to consider was right, undoubtedly.

Mr. PETTIGREW. I should like to debate it now upon the motion to consider.

Mr. LODGE. Will the Chair kindly state what is the pending question?

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] moves that the Senate proceed to the consideration of the resolution which has been read to the Senate.

Mr. PLATT of Connecticut. That motion, as I understand, must be decided without debate.

The PRESIDENT pro tempore. The motion must be decided without debate.

Mr. COCKRELL. What is the motion?

The PRESIDENT pro tempore. That the Senate proceed to the consideration of the resolution offered by the Senator from South Dakota, which is for the printing of a document.

Mr. HOAR. What was the parliamentary condition of that resolution before the motion?

The PRESIDENT pro tempore. It was by unanimous consent ordered to lie on the table, subject to the call of the Senator from South Dakota.

Mr. HOAR. That order was made yesterday—

The PRESIDENT pro tempore. It was made yesterday.

Mr. HOAR. When it came up in its order.

The PRESIDENT pro tempore. It came up in its order under the head of resolutions. The resolution was presented yesterday.

Mr. HOAR. What is the effect, then, of the unanimous consent of the Senate that a matter lie on the table subject to the call of the Senator from South Dakota? Is he not entitled to call it up in the morning hour?

Mr. GALLINGER. I would suggest to the Senator from Massachusetts that undoubtedly the Senator from South Dakota is entitled to call it up, and he did so, but action must be taken without debate when it is called up.

The PRESIDENT pro tempore. The Chair would hold that the resolution on the table by consent comes up to-day at the request of the Senator; but there it meets another rule of the Senate, which is, that it must be referred to the Committee on Printing, unless the Senate otherwise order.

The Chair was mistaken about the Senator from South Dakota asking that the resolution lie on the table subject to his call. It is simply on the table, and the Chair assumed that it was subject to the Senator's call.

Mr. TELLER. Will the Chair have the Secretary read exactly what did occur?

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

The Secretary read from the CONGRESSIONAL RECORD of February 1, 1900, as follows:

THE PHILIPPINE COMMISSION.

Mr. PETTIGREW. I submit a resolution, and ask to have it read and lie on the table. To-morrow morning I shall wish to speak to the resolution.

The resolution was read, as follows:

"Resolved, That a paper entitled 'The Philippine Commission' be printed as a document for the information of the Senate."

The PRESIDENT pro tempore. The Senator from South Dakota asks that the resolution lie on the table. Is there objection? The Chair hears none. It is so ordered.

Mr. TELLER. It seems to me that, according to the usage and custom of the Senate, the Senate had given permission to the Senator from South Dakota to speak on the resolution to-day. That is the way it looks to me. He announced his desire to have the resolution lie on the table for the purpose of speaking upon it, and to that there was universal assent; otherwise the resolution would not have any rights, and would go to the Committee on Printing or elsewhere.

Mr. HOAR. It would have gone over one day.

Mr. TELLER. It would have gone over one day, and then to-day it would come up. It seems to me that the Senate granted permission to the Senator from South Dakota to speak on that resolution.

The PRESIDENT pro tempore. The Chair is compelled to hold otherwise.

Mr. PETTIGREW. Mr. President, I do not care to object to the ruling of the Chair, but it seems to me that it is a departure from the custom and practice of the Senate. I simply want to call attention to the fact that it is a departure from the practice and custom of the Senate; and inasmuch as we are making so many departures from everything that our country has ever done heretofore and from every principle of government that we have ever indorsed, and inasmuch as no longer are the mails of the United States safe, but are opened and rifled by the Government; and inasmuch as—

Mr. GALLINGER. I object to further debate, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire objects to debate.

Mr. COCKRELL. Mr. President, I rise to enter my solemn protest against the decision of the Chair in this case; and I shall be greatly obliged if the clerks of the Senate will make a thorough search to find a precedent to sustain it. I know the Chair aims to do what is right, but I do not believe that this decision is in accordance with the universal rules and customs of this body.

Mr. HOAR. May I be allowed to say one word?

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. Mr. President, I sympathize, as I suppose everybody knows, with the desire of the honorable Senator from South Dakota to have the fullest information get to the people about this great subject, in which he takes so deep an interest, and I think that in some quarters there has been a tendency to withhold information from the people; but I am bound to say, in justice to the Chair and to the Senate, that I do not see how the Chair could have ruled otherwise on this particular occasion.

The Senator presented his resolution yesterday. If it had gone over as an ordinary resolution, it would have come up to-day, and he would have been entitled, under the usage of the Senate, to be recognized and then to speak in his right. I am not now speaking of anything connected with the printing, but I am speaking generally as to resolutions. Instead of doing that, the Senator consented that the resolution should go to the table; and that is all that appears in the RECORD, which has been read, that it lie on the table, with no reservation of a right on the part of the Senator to call it up at his pleasure.

Mr. TELLER. Oh, yes.

Mr. HOAR. I do not so understand.

Mr. TELLER. Then the Senator does not know the fact.

Mr. HOAR. Let us see.

Mr. COCKRELL. Let me read what occurred.

Mr. HOAR. Very well; read it.

Mr. COCKRELL. This is what occurred as shown by the RECORD:

Mr. PETTIGREW. I submit a resolution, and ask to have it read and lie on the table. To-morrow morning I shall wish to speak to the resolution.

The resolution was read, as follows:

"Resolved, That a paper entitled 'The Philippine Commission' be printed as a document for the information of the Senate."

The PRESIDENT pro tempore. The Senator from South Dakota asks that the resolution lie on the table. Is there objection? The Chair hears none. It is so ordered.

Mr. HOAR. That is all. The request from the Chair, therefore, is all that the Senate can take notice of as a matter of order, and that is simply that the resolution lie on the table. To that no objection was made.

This is, in substance, in form, in every way, it seems to me, an ordinary motion to take a subject from the table; and a motion to take a subject from the table—to say nothing about the general parliamentary law—is, like a motion to lay on the table, undebatable. There is an express rule of the Senate that a motion to proceed to the consideration of a matter in the morning hour, before 2 o'clock, is not debatable. Under those circumstances, saying nothing about the point that this is a resolution for printing, which is governed by another rule—I do not say anything about that—it seems to me, while all my sympathies are with the Senator from South Dakota, that the Senate is bound, when such a solemn protest is made as that made by the Senator from Missouri [Mr.

COCKRELL], to do justice to the Chair. I think the Chair has ruled exactly right.

Mr. COCKRELL. I do not.

Mr. HOAR. In other words, it makes no difference what was said before the order of the Senate was made as to the desire or expectation or hope of the Senator from South Dakota. We are bound by what the Chair submitted to the Senate and by what the Senate agreed to.

Mr. TELLER. And the Senate agreed that the Senator from South Dakota might speak.

Mr. HOAR. Oh, no.

Mr. TELLER. The giving of that notice by the Senator from South Dakota, which was not objected to, was as clear an agreement as was ever made on the floor of this body.

Mr. HOAR. I know it is a technical point. There are other ways in which the honorable Senator from South Dakota can get what he desires and can not be prevented, and I do not suppose he will be.

Mr. COCKRELL. Mr. President, I challenge anyone to show me a precedent in the case of a Senator introducing a resolution and asking that it lie on the table and saying that to-morrow morning he would address the Senate on that question where the Senate has refused him that privilege.

Mr. HOAR. That is a courtesy, not a parliamentary right. The Chair can not expound the rules of courtesy.

Mr. COCKRELL. It has been construed as a right. There has never been any requirement that the Chair should announce that fact and state that it had been agreed to by the Senate. This is the first time—and I challenge any Senator to show the contrary—where this custom and rule has been departed from.

Mr. TELLER. I do not want to continue a discussion on a matter that has been settled, but it seems to me that the Senate, as well as it could, has made an order that the request of the Senator from South Dakota should be granted. His request was not that the resolution should lie on the table, but that the resolution should lie upon the table and that he should be allowed to speak upon it.

Mr. PETTIGREW. This is the fact.

Mr. TELLER. And the Chair submitted that whole question, if he submitted anything at all. The Chair did not say that the resolution would lie on the table, but the Chair inquired whether there was objection to the request of the Senator from South Dakota.

I agree with the Senator from Missouri [Mr. COCKRELL] that there never has been a case of this kind when a Senator has announced himself as anxious to speak on a resolution under such circumstances where there has ever been a denial of it. There certainly never has been since I have been a member of the Senate, and I do not believe such a precedent can be found. Of course such a request may possibly be denied, but it is a courtesy due to the Senator from South Dakota, and there is no reason why there should be any obstacle interposed.

I am not in sympathy with the resolution of the Senator, as I said yesterday or the day before, but I am in sympathy with maintaining the traditions of the Senate and I am in favor of full and fair debate.

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

Mr. TELLER. Yes.

Mr. HOAR. Does the Senator from Colorado understand when a Senator gives notice that he will call up a subject on the table on a future day, whether the next day or the next week or at any other time, it is always granted? If the request is granted is it not by courtesy of the Senate and not by parliamentary right?

Mr. ALLEN. Mr. President, I rise to make an inquiry—

Mr. HOAR. I agree with the Senator from Colorado that such a request has never been denied, and that it ought not to be denied now; but I am speaking of the ruling of the Chair.

Mr. TELLER. Where the Chair submits the question to the Senate I say it is more than a courtesy, it is the right of a Senator. If I rise and say, "To-morrow I shall address the Senate on a certain proposition" or that "I will call up a certain measure," and the Chair says nothing, that request is understood to be granted. There is no analogy between the two cases. Here the Senate made an order—

Mr. HOAR. What was the order?

Mr. TELLER. The order was that the resolution should lie on the table, and that the Senator from South Dakota should have the privilege of speaking upon it.

Mr. HOAR. Oh, no.

Mr. ALLEN. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] a while ago objected to debate, and the Chair ruled that debate was out of order.

Mr. CHANDLER. Will the Senator allow me to make a request on this subject?

Mr. ALLEN. Certainly.



Mr. CHANDLER. It seems to me it is rather confusing to discuss these parliamentary questions; and, under the circumstances, I ask unanimous consent that the Senator from South Dakota may be permitted to proceed in order.

Mr. ALLEN. I hope the Senator from South Dakota will not avail himself of that privilege.

Mr. CHANDLER. We have got to hear one or the other, either the Senator from South Dakota or the Senator from Nebraska; and I think the Senator from Nebraska ought not to object to allowing the Senator from South Dakota to go on. [Laughter.]

Mr. ALLEN. Mr. President, I regret that I did not hear what the Senator from New Hampshire said. He is always saying witty things at my expense, which I fully appreciate; but I do not think, if I may be indulged a moment, that the Senator from South Dakota—of course he is his own master and can do as he sees fit—but I do not think—

Mr. CHANDLER. Mr. President—

Mr. ALLEN. I do not want to be interrupted.

Mr. CHANDLER. I want to apologize to the Senator.

Mr. ALLEN. No; you owe me no apology. You could not offend me if you sought to.

I do not think the Senator from South Dakota ought to accept a gratuity at the hands of the majority in this Chamber, for it is a gratuity, and grudgingly given. Yesterday the Senator who made objection here a moment ago asked leave of the Senate to publish a document—I mean the Senator from New Hampshire [Mr. GALLINGER]—and it was given. To-day some other Senator on this side asked leave to publish a document which was as vulnerable to this rule as the document offered by the Senator from South Dakota. Leave was given. The only ground of objection to the publication of this document is that it hurts you a little, and you do not like it. You do not want the people to know the truth.

Mr. ALDRICH. To what document does the Senator from Nebraska allude?

Mr. ALLEN. I am referring to the document the Senator from South Dakota has been trying for almost a week to get before the Senate.

Mr. ALDRICH. The Senator said just a moment ago that the Senate had to-day consented to the publication of a document.

Mr. ALLEN. The Senator from Ohio [Mr. FORAKER] asked for the publication of some paper as a document.

Mr. ALDRICH. That was for a compilation of the laws of the United States, and it was reported from a committee.

Mr. ALLEN. The Senator from New Hampshire [Mr. GALLINGER] did not have a compilation of the laws of the United States printed. What he asked was for the printing of some private publication.

Mr. FORAKER. I did not so understand. What I understood the Senator from California [Mr. PERKINS] to ask permission to have published was the testimony taken before his committee in regard to the laying of cables in the Pacific Ocean.

Mr. ALLEN. No; that is not the one to which I refer.

Mr. FORAKER. The Senator asked that it might be published for the use of the Senate.

Mr. ALLEN. That is not the one at all.

Mr. FORAKER. That was what I called attention to.

Mr. PERKINS. That was from the Committee on Naval Affairs.

Mr. ALLEN. I am not referring to that at all.

Mr. GALLINGER. If the Senator will permit me, I did ask yesterday for the publication of a very brief document which shed light on pension matters, which I thought would be of interest to the Committee on Pensions and to the Senate. Of course it was competent for any Senator to object to the printing of that document if he had chosen to do so, but no objection was interposed, and the order was made that the document should be printed.

Mr. ALLEN. And no objection ought to be made.

Mr. HOAR. Will the Senator from Nebraska permit me to ask that the entry in the Journal as to what happened yesterday may be read?

Mr. CHANDLER. Mr. President, am I not entitled to have my request for unanimous consent submitted to the Senate, according to the rules and usages of the Senate?

Mr. ALLEN. I do not see how the Senator from New Hampshire got the floor.

The PRESIDENT pro tempore. Does the Senator object?

Mr. CHANDLER. I do not think a request for unanimous consent has ever been destroyed by a speech. [Laughter.]

Mr. ALLEN. I do not understand how the Senator from New Hampshire can get the floor and make a request while I myself have the floor.

Mr. CHANDLER. I made the request before the Senator took the floor.

Mr. ALLEN. I beg your pardon.

Mr. CHANDLER. The Senator took the floor to object to unanimous consent.

Mr. ALLEN. I had the floor and was recognized before the Senator from New Hampshire rose.

Mr. CHANDLER. The Senator from Colorado [Mr. TELLER] yielded to me.

Mr. ALLEN. Oh, no.

Mr. CHANDLER. The Senator from Nebraska is on the floor all the time.

Mr. ALLEN. I will withdraw—

Mr. WOLCOTT. I rise to a question of order.

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

Mr. WOLCOTT. I understand this discussion is proceeding by unanimous consent.

The PRESIDENT pro tempore. It is.

Mr. WOLCOTT. In the furtherance of the public business, I desire to object to further discussion.

Mr. ALDRICH. Regular order.

Mr. ALLEN. That, of course, is the proper way to cut out all debate, and that is in accordance with the course of procedure here.

The PRESIDENT pro tempore. The regular order is demanded. Mr. CHANDLER. Now I renew my request.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

C. R. DOBBINS.

The bill (S. 746) to authorize C. R. Dobbins to accept a gold watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia, was announced as first in order on the Calendar.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. ALLEN. Mr. President, I think this important measure needs some debate before the question is put on its passage.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. ALLEN. Mr. President—

The PRESIDENT pro tempore. The Senator from Nebraska will allow the Chair to suggest that, under Rule VIII, only five minutes are allowed for debate to any one Senator.

Mr. ALLEN. Very well, Mr. President, five minutes is not of very much value to me, and I will surrender it to the Senate. [Laughter.]

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

ADJOURNMENT TO MONDAY.

Mr. CHANDLER. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

SALARY OF POSTMASTER AT WASHINGTON, D. C.

Mr. WOLCOTT. I rise to morning business.

The PRESIDENT pro tempore. Without objection, morning business will be received.

Mr. WOLCOTT. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C., to report it favorably without amendment. It is a bill which consists of but a few lines, increasing the salary of the postmaster of Washington City to \$6,000 a year. I ask that the bill which was passed by the House shall be substituted for a similar bill reported from the Senate Committee on Post-Offices and Post-Roads.

I beg to say to the Senate that under the rules and regulations of the Post-Office Department the business at the Washington post-office justifies the payment of \$6,000 a year salary to the postmaster in this city; but under an arbitrary law some years since enacted it was provided that the postmaster at Washington should receive a salary of \$5,000. This puts him only on the footing of other postmasters of the country whose business warrants such a salary. There is no such overworked and overburdened official in the United States, under the Post-Office Department, as the postmaster at Washington, and I ask that this bill, which consists of but four or five lines and has come from the House of Representatives, may be acted upon by the Senate.

Mr. ALLEN. I object to it.

Mr. TELLER. I ask my colleague if the salary provided in the bill is based on the business of the office?

Mr. WOLCOTT. It is based entirely on the business of the office. There is a larger business done in the Washington post-office than in any other office except that at New York.

The PRESIDENT pro tempore. The Senator from Colorado reports a bill from the Committee on Post-Offices and Post-Roads, the title of which will be stated.

The SECRETARY. A bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C.

The PRESIDENT pro tempore. The Senator from Colorado asks that this bill be substituted for Senate bill 1807, on the same subject.

Mr. COCKRELL. No, Mr. President; I hope the Senator from Colorado will not ask for that, but will merely ask for the passage of the House bill.

Mr. WOLCOTT. I am asking for the substitution of the House bill for the Senate bill.

Mr. COCKRELL. But you do not want to substitute the House bill for the Senate bill. If you do that it becomes a Senate bill and would have to go back to the House of Representatives for its action.

Mr. WOLCOTT. The Senator from Missouri is correct. That is the proper formula, and I am obliged to the Senator.

The PRESIDENT pro tempore. Then the Senator from Colorado asks for the consideration of the House bill?

Mr. WOLCOTT. That is correct. That is what I intended to ask.

The PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. I object.

The PRESIDENT pro tempore. The Senator from Nebraska objects.

Mr. WOLCOTT. I hope the Senator will not object.

Mr. ALLEN. We are even now.

Mr. WOLCOTT. Oh, well, but we are more than even. I would far rather be under obligations to the Senator from Nebraska than have him under obligations to me. I hope the Senator will yield.

Mr. ALLEN. There will be no obligation.

Mr. WOLCOTT. If it was a matter that affected me personally I should be very glad to have the Senator object, but I have no desire in the world in making the request I have except to relieve this overburdened officer.

Mr. ALLEN. I only desire to establish Senatorial parity and courtesy, and I insist on my objection.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. WOLCOTT. I hope the Senator from Nebraska will withdraw his objection.

Mr. ALLEN. You can vote it over.

Mr. WOLCOTT. I do not wish to vote it over. I do not wish to do anything to which the Senator from Nebraska objects.

Mr. ALLEN. Well, I will be more generous than was the Senator from Colorado, and I will withdraw my objection.

Mr. WOLCOTT. I am very much obliged to the Senator.

Mr. ALLEN. And he can have the right of way to the floor all day if he desires it.

Mr. WOLCOTT. I do not. I had far rather sit and listen to the Senator from Nebraska.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C. It proposes to repeal so much of section 4 of the act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, as fixes the salary of the postmaster at Washington City, D. C., and provides that the salary shall hereafter be adjusted, as provided in the cases of other postmasters, under section 1 of that act.

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

Mr. COCKRELL. Let the Senate bill on the same subject be indefinitely postponed.

The PRESIDENT pro tempore. In the absence of objection, the bill (S. 1807) fixing the salary of the postmaster at Washington, D. C., will be indefinitely postponed.

CHARLES T. RADER.

Mr. COCKRELL. I ask that the Calendar be proceeded with. The PRESIDENT pro tempore. The next bill in order on the Calendar will be stated.

The bill (S. 707) for the relief of Charles T. Rader was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. In line 7, after the word "unappropriated," I move to insert "nonmineral;" and after the words "public lands," in the same line, to insert "subject to entry under the desert-land laws." That is evidently the purpose of the bill, and not to give permission to enter any and every kind of land.

Mr. CARTER. There is no objection to the amendment. I think the word "nonmineral" should come after the word "unappropriated" instead of before.

Mr. COCKRELL. That is where it is to be inserted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. In line 7, after the word "unappropriated,"

it is proposed to insert "nonmineral;" and after the words "public lands," in the same line, to insert "subject to entry under the desert-land laws."

The amendment was agreed to.

Mr. PETTIGREW. I should like to have the bill read at length. I did not hear it fully when it was read.

The PRESIDENT pro tempore. The bill as it has been amended will be read.

The Secretary read as follows:

*Be it enacted, etc.,* That Charles T. Rader, of Fort Logan, Mont., be, and is hereby, authorized and empowered to select by legal subdivisions, at such place or places as he may desire in the State of Montana, 480 acres of unoccupied and unappropriated nonmineral public lands, subject to entry under the desert-land laws, and when such selection shall be by him certified to the Secretary of the Interior patent shall be issued to said Rader for the same.

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

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

The Committee on Public Lands reported an amendment to strike out the preamble; which was agreed to.

#### ABANDONED PROPERTY.

The bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, was announced as the next case in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The PRESIDENT pro tempore. Without objection, the bill will go over, retaining its place on the Calendar.

#### LEGAL REPRESENTATIVES OF NAPOLEON B. GIDDINGS.

The bill (S. 421) for the relief of Napoleon B. Giddings was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Mex., and deposit with A. B. Dyer, lieutenant of ordnance, United States Army, by order of Sterling Price, colonel commanding the army in New Mexico at that time, of 140 kegs of gunpowder, and if the same, or any part thereof, was never returned to Giddings, then the Secretary of the Treasury is directed to cause to be paid to the legal representatives of Giddings the reasonable market value of such powder.

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

The title was amended so as to read: "A bill for the relief of the legal representatives of Napoleon B. Giddings."

#### GEORGE A. ORR.

The bill (S. 422) for the relief of George A. Orr was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay George A. Orr, as acting assistant provost-marshal at Mount Vernon, Mo., from May 28, 1863, to January 30, 1864, at the rate of \$100 per month for his services, and such sum for legitimate expenses during that period as may be shown and found to have been actually expended by him in the lawful discharge of his duties and necessary for the public service.

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

#### TRANSACTIONS WITH NEW YORK CITY BANKS.

Mr. ALDRICH. Mr. President, yesterday the Senator from Nebraska [Mr. ALLEN] commenced a speech upon the resolution which was then pending before the Senate in regard to discharging the Committee on Finance from the consideration of certain Senate resolutions. He was not able to finish his speech yesterday, and the resolution went to the Calendar. I ask now that the resolution may be taken up out of order to enable the Senator from Nebraska to finish his speech.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the Senate proceed to the consideration of the resolution submitted by the Senator from Nebraska [Mr. ALLEN], which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 31st ultimo, as follows:

*Resolved,* That the Committee on Finance be, and they are hereby, discharged from the further consideration of Senate resolutions of inquiry dated January 4 and 23, 1900, concerning certain transactions between the Treasury Department of the United States and the National City Bank and the Hanover National Bank, of the city of New York.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none. The Senator from Nebraska is recognized.

Mr. ALLEN addressed the Senate in continuation of the speech begun by him yesterday. After having spoken for thirty-five minutes,

The PRESIDING OFFICER (Mr. CLAY in the chair). The hour of 2 o'clock having arrived, it becomes the duty of the Chair



to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALDRICH. I ask that the unfinished business may be laid aside informally so as to allow the Senator from Nebraska to finish his remarks.

Mr. ALLEN. When the hour of 2 o'clock arrives, the Senator from Nebraska departs, thank you.

Mr. ALDRICH. I would be very glad to have the unfinished business laid aside if the Senator wants to conclude.

Mr. ALLEN. No.

Mr. President, yesterday my remarks were cut short by the speech of the Senator from Virginia [Mr. DANIEL], who had given previous notice of his intention to address the Senate at a given hour, and this morning I find that the political kaleidoscope has been making so many rapid revolutions in so many different directions that I do not know whether I can collect myself sufficiently to resume the thread of my discussion where I left it yesterday.

I hurriedly finished a very hurried review of Senate Document No. 70 of this Congress, and was about to proceed to review Senate Document No. 121, which is the reply of the Secretary of the Treasury sent to the Senate a few days ago in response to its resolution. I had not reached that portion of my discussion where I desired to direct attention to the unexplained and inexplicable conduct, as I think, of the Secretary of the Treasury in connection with the sale of the old custom-house in the city of New York. Without referring to dates, because dates are not at all material in the discussion, it is sufficient to say that the last Congress authorized the sale of the old custom-house in New York for not less than \$3,000,000, and that the Secretary of the Treasury, pursuant to that authority, sold the custom-house to the National City Bank of New York for about three and a half million dollars.

Any ordinary business transaction would have been characterized either by the payment of the consideration to the grantor or its securing in some proper businesslike form, but that was not done in this instance. It was currently reported in the press at the time, and it has never been denied, so far as I know, that Mr. Stillman, president of the National City Bank, came to this city with a check for over \$8,000,000, whatever the amount of the purchase money was, and for some reason unknown to the country, and unknown to me, he returned to New York, and not a dollar of that money was ever covered into the Treasury or any sub-treasury of the United States. A book account was opened with the Government, and the Government was credited on the books of the bank, as I am informed, with that sum of money, which simply made the bank the debtor of the United States the same as it would be the debtor of an ordinary depositor or person to whom credit had been given.

Mr. President, \$50,000 of the purchase money was retained in this peculiar way, that the check or draft did not cover \$50,000. That was retained and the transaction left incomplete. The deed was placed in escrow, and is there yet, I guess, and it was presumably put there and is kept there for the purpose of enabling the National City Bank of the City of New York to escape payment of about \$60,000 of taxes annually, which they have escaped, I understand, up to this time. The Secretary of the Treasury, without ever having received a dollar or a farthing for this property, has rented the building from the National City Bank for at least five years, at a rental of \$130,000 a year, and we have before us now a recommendation of the Secretary of the Treasury to amend the urgent deficiency bill to include the first year's rent. It did not make its appearance, however, I noticed, when the bill was before the Senate and when it was passed.

There may be gentlemen who will say that this is a business transaction; that there is nothing questionable about it. Mr. President, there is not a business man in the United States who, if he carried on his own private business in as loose and slipshod a manner as this business was transacted, would not be bankrupt within twenty-four months from the time he began. Unfortunately for the public virtue of our country, there has grown up the theory, and with it the practice, that there is not required the same high degree of business ability, business application, or business integrity in handling the affairs of the State or nation that is demanded in private enterprises.

Men are heard to say when you speak of these things, "Oh, that is Government business; that is handling the Government's funds," as though the Government property and the Government business ought to be transacted with less regard to business principles and less regard to integrity than the most sacred private enterprise. I wish to take this occasion, Mr. President, to enter my solemn dissent from a conclusion of that kind.

In this last document, which contains the reply of the Secretary of the Treasury, there is no unequivocal denial of the allegations of the resolution. The Secretary of the Treasury simply says

there is not to be found on record such and such things, and that he does not recollect certain things that are inquired about. There is no positive, direct, unqualified negative of an assertion contained in the resolution. There is more backing and filling than anything else.

I wish to repeat, because I do not want the country to get a misapprehension, that I have not the slightest feeling against the gentleman who occupies the position of Secretary of the Treasury of the United States. I barely know him when I meet him. I do not sympathize with him politically; but it is possible for a man to be a gentleman and not be of my politics, and I recognize that fact and I recognize it in his case. It does not always argue, of course, that he is of the clearest political perception, but it is consistent with honesty and honesty of purpose. Therefore I have no motive in the prosecution of this inquiry other than to afford the country that light to which it is entitled respecting the handling of the public funds.

There may be those, sir, who will say that I am actuated by partisan motives. I presume I will be subjected to that charge, certainly to the imputation; but I protest that I am big enough to rise above partisanship and become a patriot before I am a partisan. I can put aside my partisanship, and very frequently do. It does not argue because I am not of the political faith of the Secretary of the Treasury, whatever his political faith may be, that therefore I am actuated by any other than a proper motive in inquiring into his official conduct. I do not understand how his partisan friends can come to his rescue and undertake to block this inquiry.

This morning, when I introduced a resolution of inquiry, objection came with the speed of lightning from the storm cloud, and under the rules of the Senate the resolution went over until to-morrow, and to-morrow will determine its fate, I suppose. The country will understand after to-morrow, if that resolution shall be sent by a vote of the Senate to the Committee on Finance, that that is an end of the inquiry. That is the way we kill resolutions and kill inquiries here—send them to some committee dominated by the friends of the interest that the inquiry is to affect.

Now, what do the letters constituting the correspondence between the National City Bank of New York and the Treasury Department, which can not be disputed or questioned, establish? That correspondence demonstrates that the independent banking system, which was established by this Government a half century ago or more, is entirely broken. The banks have unrestricted and unrestrained rights, according to modern practices, to invade the Treasury Department and carry off the funds of the taxpayers and conduct private business upon those funds. It establishes that these favors granted the National City Bank were in consideration of its political influence, and in consideration of the contributions of that bank and its directors to the Republican campaign fund of 1896.

Mr. Hepburn, in his letter importuning the Secretary of the Treasury to make his bank the recipient of this tremendous sum of money, put it upon the sole and express ground that his bank, and the directors of the bank, were contributors to the Republican campaign fund of 1896. He did not put it upon the ground that his bank had better facilities than any other bank to transact the business. It was a quid pro quo: "We helped the Republican party in 1896 to get control of the Government; we contributed of our funds to corrupt and debauch the ballot box, and now we ask as our consideration for it that we be given the right to transact business upon the Government's money, upon the money of the taxpayers of this nation."

It establishes that shortly after the request was made the Government deposits in that bank ran up from \$200,000 to \$24,000,000, and that for ten months there was carried of Government money in that bank, without any interest coming to the Government, in round numbers, between ten and eleven million dollars. It establishes the fact that the Treasury Department of the United States, under the control of Mr. Gage, is paying off the political debts of the Republican party.

I asked yesterday, and I ask you gentlemen upon the other side of the Chamber now, when you come to reply to me, if you do me that honor, to point out an instance in all the history of your party and its domination of national affairs where it has come to the assistance of the agricultural or the industrial interests of the country. You may say by putting money in the banks in New York it enables them to distribute it and sift it out through the country, and the people get the benefit of it. That is a poor way to distribute the funds of the taxpayers of this nation.

Suppose a whole city were stricken with famine, and the Secretary of the Treasury should select some one bank in that city in which to deposit money, enabling the people to go there and borrow of that bank at its own rate of interest, and thus become the victim of that organization, and when they appealed to him that the money belonged to them as much as to the bank he should say to them, "I have complied with all the reasonable requirements of the situation in putting your own money into the hands of this

bank to loan to you." Would that be right? The Secretary of the Treasury centralized this money in the hands of one organization, and in the hands of that organization solely because it had been a liberal contributor to the campaign fund of the party which he represents.

This correspondence, Mr. President, establishes a direct connection between the Treasury Department of the United States and the Standard Oil Company. There is an unbroken line that leads from the office of Lyman J. Gage to the office of John D. Rockefeller, in New York; and as one humble citizen of this nation, and a representative in part of a great agricultural tax-paying people, I protest in the Senate of the United States that Mr. Rockefeller and the Standard Oil Company shall not have any influence or control over the Treasury of my nation.

Mr. President, this correspondence discloses that even Mr. Gage, during these transactions, was a little shy about meeting Mr. Morgan. He did not like to be caught in bad company, I suppose. So when it was suggested that Mr. Morgan should meet him in Washington, he said no; that he was going to Philadelphia to enjoy a little dinner given by the Bank of North America in his honor, and when there he would meet at the Walton Hotel, he said, fixing the hour, Mr. Morgan and such other gentlemen as might desire to confer with him.

I have always understood that Mr. Morgan is a great financier, accepted as such not only in the city of New York, but in this country and in Europe. What was there about Mr. Morgan or the interest he represented that made the Secretary of the Treasury hesitate to meet him openly in the Treasury Department in this city? Did Morgan propose to come to him with a proposition that was reprehensible and that would excite the resentment of the people or excite their distrust? Evidently so, or the Secretary of the Treasury would have received Mr. Morgan with the same grace and the same courtesy with which he should receive the humblest citizen of this nation. But he did not want to do that.

So the correspondence establishes, what has been charged and what has been believed, that the Treasury Department is owned and dominated and controlled, throughout its length and its breadth, by the sharks and the gamblers of Wall street. The money of the people—the money of the 70,000,000 people who live in this land between the Atlantic and Pacific oceans and between Canada and the Gulf of Mexico, is put by the chief financial officer of the nation into these banks as a gratuity, that they in turn may transact private business on it and enhance their fortunes.

Mr. President, they were reaching out for everything in sight, and they will get it, too (it is only a question of time); and so they wanted the business of the United States with the Philippines. They wanted to handle all the money of the United States.

I say to you, gentlemen on the other side of the Chamber, that 60 per cent of the money of the United States to-day that belongs in the Treasury Department is to be found in certain favored national banks as a gratuity to their owners.

You may say the law gives the Secretary of the Treasury a right to select a national bank as a depository, and in a qualified sense that is true, but not in the sense he would have us believe. He has a right to make a national bank a financial agent for the purpose of distributing money to the Army and Navy and contractors, and make other necessary distributions, to use it as a tentative means to the accomplishment of those ends. But it never was the intention of Congress or of the people of the United States that those banks should have the privilege of holding for an indefinite length of time unlimited sums of the Government's money.

Mr. SPOONER. Will the Senator from Nebraska allow me to ask him a question?

Mr. ALLEN. I will; yes, sir.

Mr. SPOONER. Would the Senator think it would better serve the public interest to have it locked up in the Treasury, out of circulation?

Mr. ALLEN. It would serve the public interest just as well as to have it in circulation by the National City Bank, and it certainly would be safe; at least it would be where the people of the United States suppose it is and where by law it ought to be. Why, Mr. President, the Senator is taking exactly the tack I expected he would take, and he is capable of making the worse appear to be the better cause. I say this in compliment to his ability. He will stand on this floor and, with his magnificent presence and his splendid eloquence, he will defend the conduct of the Treasury Department.

Mr. SPOONER. The Senator did not answer my question.

Mr. ALLEN. Oh, I thought I did.

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. ALLEN. Yes, sir.

Mr. SPOONER. I asked the Senator whether it would be better for the public interest to have the money in the Treasury or all of it in a single bank. I simply asked him the question whether it would be better in his judgment for the public interest to have it in the national banks of the country or locked up in the Treasury.

Mr. ALLEN. I do not think it would be anything for the public interest to have it in the national banks.

Mr. SPOONER. The Senator would rather have it locked up in the Treasury?

Mr. ALLEN. When it would have to go there and pay the banks interest on it.

Mr. SPOONER. But if locked up in the Treasury they could not get it at all.

Mr. ALLEN. There is where it belongs. If you levy that money off the people it belongs in the Treasury Department. But the vice lies deeper than that, Mr. President, and the Senator can not escape through that avenue. You have taxed the people of the United States beyond all reason, and you have put a surplus in the Treasury of the United States that has no business there and that ought to be in circulation among the people from whence it came.

By the sale of Government bonds, \$200,000,000 of bonds, by the levy of a tremendous war tax, by the increase of duties under the Dingley Act, you have wrung from the people of the United States, the hard-working classes, almost \$300,000,000, that are under the control of the Treasury Department to-day, the most of it in the national banks, in favored banks. There has not been a step taken to repeal or modify one of these acts, so that this tremendous sum of money may get out among the people again and there remain where it belongs.

Until you repeal those laws or modify them and prevent this tremendous congestion of money you will not be able to deceive the people of the United States by saying that you have a large surplus there that ought to be in circulation. Repeal your tax or modify it and the money will not accumulate there, and you will not have the privilege of paying off your political debts by the use of public money.

I realize, Mr. President, as fully as any man can realize that it is a hopeless and futile task for me to stand here and ask for an investigation. I do not expect an investigation. I would be surprised if it came. The Republican party has a majority in this Chamber by some 13 or 14. It is as complete a political machine as was ever organized upon this continent. It stands together and obeys the dictates of the caucus. When any resolution comes before this body for an investigation of this or any other transaction of a questionable character, you will see that side rise and vote against it as one man, with absolute unanimity.

The caucus has done the work. I thank God I am not the victim of caucus dictation and I never will be. I have a party of my own, and we can hold our caucus in the elevator. A man must subordinate his judgment, his conviction of right and wrong, to the voice of a mere majority, and he must walk up and take his medicine whether he wants to or not if the caucus says so. I know that there are gentlemen on that side of the Chamber who think this matter ought to be investigated, but who will be compelled by caucus dictation to vote against the resolution.

No, Mr. President, I am not foolish enough to suppose that any investigation will ever be had. This resolution in the course of time will be duly embalmed by the senior Senator from Rhode Island [Mr. ALDRICH], and it will be taken into the political crypt, into the room of the Committee on Finance of the United States Senate, and there with befitting rites, Mr. President, with hymn and song and ceremony, presided over by the splendid genius of my friend from Rhode Island, it will be buried so deep that the music of Gabriel's horn will never reach it. The people will ask, What has become of this resolution? They think the Senate of the United States is engaged in transacting the public business upon lofty ideas of the wants and demands of the country. They do not understand that the game of party politics opens with the opening of the Senate and closes with its adjournment.

Mr. President, it may be that there will come from the North and the South and the East and the West a storm of indignation that will drive the Republican membership of this Chamber into an investigation. If that time comes and the clouds grow dark and the sky ominous, then the chief of the ceremonials of interment will bring out the corpse of this resolution and it will be passed in an emaciated and emasculated form.

Mr. SPOONER. The committee will not emasculate it. It will not be the committee that will emasculate the resolution.

Mr. ALLEN. Oh, yes; the committee will do this work. It will be instructed by the caucus what to do, and it will never fail. It will execute its orders, as the old-time executioner executed the orders of the council of state. There will be no trouble about that.

But, Mr. President, I propose to do my duty as far as I understand it. I am in the minority, it is true, but before free debate is finally cut off in this Chamber, as this morning's proceedings would indicate it is to be, I want to raise my voice in protest against this method of conducting the public business. There will come a time no doubt when we shall be cut off here entirely and a czar rule of procedure will be adopted to prevent the exposure of this and like public iniquities which are taking place from time to time.



Mr. President, nothing is to be gained to me nor to the cause I represent by protracting this discussion, and I do not propose to protract it any length of time. If this evidence were submitted to a jury on the question whether the Secretary of the Treasury had violated the obligation of the discharge of his plain duty, under proper instructions to that jury as to an interpretation of the law, there would be no question of the return of a verdict of guilty.

But, Mr. President, the violation of statutes, the violation of their letter, the violation of their spirit, the violation of their purpose, has become so common and of such constant practice that we seem to think it is all right to do so, after all.

A law, Mr. President, is made to be obeyed, not to be violated; and it is the spirit and policy and purpose of the law that is to be obeyed, for that is the law. When our ancestors established an independent Treasury Department for the purpose of divorcing the national finances from the banks of the country and required our money to be kept in that independent Treasury, they intended that the law should be executed in good faith; and when a great officer, charged as a trustee with the custody of millions of dollars of the money wrung from the taxpayers of this nation to pay off its obligations and its current expenses, takes the money with which he is intrusted and goes outside of the Treasury and places it in private institutions to advance and promote the interests of favorite corporations and favorite individuals, he is guilty of an open and flagrant violation of the law. I say this, as I said a moment ago, in absolute personal kindness to the gentleman who presides over the financial affairs of this nation.

Who has ever heard of the Secretary of the Treasury going out to the people and talking with them on this subject? Has he called together the representative organizations of this nation, the great laboring organizations, the Grange, the Farmers' Alliance, the great organizations of agriculturists, and said anything to them? No; they are beneath his notice; they are not of his make; they are not of his class. They, Mr. President, are mere taxpayers in his opinion, and unworthy of notice. When this gentleman wants to talk about financial matters he puts on his dress suit and goes to New York or Philadelphia and sits down to a "little dinner" given by his friends, the bankers. There, without letting the people know anything about it, they parcel out the money of the taxpayers to the advantage of themselves, their friends, and their party. To this he willingly assents.

#### SENATOR FROM PENNSYLVANIA—THE FINANCIAL BILL.

Mr. CHANDLER. Mr. President, I rise to a privileged question, for the purpose of giving notice that on Monday, after the routine morning business is finished, I shall call up the resolution before the Senate in reference to the vacant seat in this body from the State of Pennsylvania; and I ask Senators who intend to speak upon that question to kindly prepare themselves as soon as convenient.

Mr. ALDRICH. I did not understand the notice given or suggestion made by the Senator from New Hampshire.

Mr. CHANDLER. I shall call up the Pennsylvania election case on Monday.

Mr. ALDRICH. At what time?

Mr. CHANDLER. After the routine morning business. I think the junior Senator from Tennessee [Mr. TURLEY] may be ready at that time to speak on the question, unless the Senate refuses to consider the subject.

Mr. ALDRICH. The Senator is aware that at 2 o'clock the unfinished business is made the order by the unanimous-consent agreement of the Senate; and I give notice that I shall object to any order or business of any kind interfering with that order of the Senate.

Mr. CHANDLER. I understand that. It is very possible that the junior Senator from Tennessee may finish before 2 o'clock. It is my desire that the consideration of the election case shall begin on Monday and that the junior Senator from Tennessee shall speak on that day.

Mr. BURROWS. I would suggest to the chairman of the Committee on Privileges and Elections that whenever that case is taken up for consideration it is desirable that its consideration be continued without interruption until it is concluded. To take up the case on Monday and have an argument made upon it, and then another on Tuesday and so on, from day to day, and possibly from week to week, to have some remarks made upon the case, is not the best way to consider and determine it. I therefore hope that the motion will not be pressed by the chairman, certainly in view of the fact, as he knows, that we are engaged every moment in a hearing before the Committee on Privileges and Elections in another matter, which is liable to occupy the attention of the committee every day next week.

Mr. CHANDLER. I would be very glad to have the case taken up and considered in the way the Senator from Michigan suggests it ought to be—that is, by continuous consideration—but no one knows any better than the Senator from Michigan that questions

are never so considered in the Senate. They are taken up and speeches are made, and they are dropped until other speeches are ready. Every important subject that has ever been under discussion in this body, according to my recollection, has been dealt with in that way.

We must begin to make some progress. Now, the junior Senator from Tennessee informs me that he will be ready on Monday. I know the Senator from Michigan is thoroughly prepared to make a long speech on the same side. We are very anxious to have those speeches before the Senate so that Senators may consider them before the vote is taken. I think it is due to the fact that here is a vacant seat in this body that we should make all the progress possible with that case. Therefore, I shall urge its consideration on Monday.

Mr. PLATT of Connecticut. Mr. President—

Mr. BURROWS. If the Senator from Connecticut will pardon me, I ought to say, in reply to the statement of the Senator from New Hampshire, that he is possessed of information which I do not have—namely, that I shall be prepared to speak on Monday and am anxious to do so. I am not prepared to speak on the case, and I shall not be prepared at that time, for the reasons I have already stated—that the committee has been engaged every day in the consideration of other matters, and it has been impossible for me to give any consideration to that case.

I repeat what I said, that in this case and in the consideration of any case of this character, involving the right of a Senator to his seat, the discussion ought to be, whenever it is entered upon, continued.

Mr. CHANDLER. Has the Senator ever known of such a thing since he has been in the Senate?

Mr. BURROWS. I do not know that I have; but if it never has been done it ought to be done now. A couple of days, probably, will dispose of the case, and I would prefer that whenever it is taken up it be considered continuously until a vote is taken.

Mr. CHANDLER. I do not object to that; but I shall call up the case at the conclusion of the routine morning business on Monday. The Senator from Rhode Island will please take notice.

Mr. ALDRICH. Mr. President, the intimation was made here this morning that because a notice had been given, therefore the Senate was bound to follow that notice. I will give notice to the Senator from New Hampshire that I do not intend to follow that course, and that at 2 o'clock on each day I shall insist that the unfinished business be considered by the Senate, to the exclusion of everything else, until it is disposed of.

Mr. CHANDLER. I do not want to interfere with that. I agree that as the financial bill is to be voted upon a week from next Thursday, if anybody wants to speak on that subject, he should have the preference. It is the universal experience in the Senate that we have two or three subjects running along together, and I intend that this privileged question concerning a vacant seat in the Senate shall have its chance.

Mr. ALDRICH. There are four vacant seats in the Senate, as I understand it; I presume one of them is no more privileged than any other and that it is a matter for the Senate itself to determine.

Mr. CHANDLER. The Senator only fortifies my remarks. There are four vacant seats in this body which may be influenced by a decision of the question in the Pennsylvania case. Therefore it is of such importance that nothing should interfere with it except the bill which the Senator from Rhode Island has in charge, and that should interfere with it only because there has been an agreement to vote a week from next Thursday. If it were wisely disposed of, it would be indefinitely postponed.

#### TRANSACTIONS WITH NEW YORK CITY BANKS.

Mr. PLATT of Connecticut. Mr. President, I do not know that it is of any particular importance, but I should like to say now, while this matter of procedure in the Senate is under consideration and may to some extent be affected by the notice which has been given by the Senator from New Hampshire, that I think there ought to be an opportunity given at the next session of the Senate for some observations, brief perhaps, in reply to the somewhat remarkable attack which has been made during the last two mornings by the Senator from Nebraska [Mr. ALLEN] upon the Secretary of the Treasury, both in his official and personal capacity. I do not know whether the Senator from Nebraska has concluded his attack or not.

Mr. ALDRICH. I understood that Senator to say he was through.

Mr. PLATT of Connecticut. He certainly has not published his remarks which he submitted yesterday, and I do think that while that matter is before the Senate there ought to be a little opportunity given to say something upon that subject. I think it ought to be done on the next morning when the Senate shall be in session.

Mr. SPOONER. Mr. President, will it not suit the convenience of the Senator from New Hampshire to call up the Pennsylvania

case on Wednesday? An elaborate speech has been made here by the Senator from Nebraska, which has not yet appeared in the RECORD, of course, arraigning the Secretary of the Treasury and challenging somewhat the integrity of the management of the Treasury Department, and I for one desire to submit to the Senate some observations in reply to it. I think the case to which the Senator refers will suffer not at all by being postponed until Wednesday.

SENATOR FROM PENNSYLVANIA.

Mr. CHANDLER. Mr. President, my attention has been called at this moment to the notice given by the senior Senator from Louisiana [Mr. CAFFERY] that on Monday, February 5, he would address the Senate with reference to the Philippine Islands. His address will probably take the morning hour. Under the circumstances I agree to the suggestion of the Senator from Wisconsin and give notice that I will call up the Pennsylvania case on Wednesday morning after the routine business is finished.

The PRESIDING OFFICER. The Senator from New Hampshire gives notice as indicated. The next business in order is the unfinished business.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALDRICH. I greatly regret that there seems to be no one ready to discuss the bill which is the unfinished business. I hope that the Senators upon the other side of the Chamber are not going to abandon the silver question or the money question, as I see it sometimes stated in the newspapers they intend to do, and I will certainly hope—

Mr. BACON. The Senator from Rhode Island has made such a vigorous plea in favor of its retaining its place that I do not suppose there is very much need on this side. I understood the Senator in his various colloquies to insist that it was not put out of question by this bill.

Mr. ALDRICH. I insist that the bill shall remain before the Senate; but the time fixed for the discussion and debate and the final voting on the bill was postponed in order that Senators on the other side might get ready to debate the question.

Mr. CHILTON. We want some division of debate. You were going to make some speeches on the other side.

Mr. ALDRICH. We are quite content with the debate which has already taken place.

Mr. CHILTON. Then the Senator ought not to be complaining.

Mr. ALDRICH. We are quite ready to take a vote on the bill; and I suggest that if it is not the intention to discuss it further we come to an agreement to vote at once.

Mr. CHANDLER. No; I am going to make a speech on the other side.

Mr. ALDRICH. I expected that; it is well understood.

Mr. JONES of Arkansas. It is perfectly well known that a number of Senators propose to make speeches on this bill. One Senator, for instance, has been wanting to speak for the last two or three days, but he is now out of the city, supposing that the Senate would, as usual, adjourn over Friday and Saturday. The Senator from Rhode Island need not distress himself about any failure to have his bill sufficiently discussed. It seems to me that it has already been completely torn to shreds, and if the Senator had followed the debate as far as it has gone he would not think there was any necessity for anything else to be said to absolutely use it up.

Mr. ALDRICH. The speeches to which the Senator alludes must have been made when I was absent from the Chamber.

Mr. JONES of Arkansas. Most of them have been made while the Senator was absent, as he usually is.

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

Mr. COCKRELL. I hope the Senator will let us go to the Calendar for a few minutes.

Mr. DAVIS. There is some executive business which I think ought to be attended to.

Mr. COCKRELL. Let us go to the Calendar for thirty minutes.

Mr. DAVIS. Very well; I will give way for thirty minutes.

The PRESIDING OFFICER. Does the Senator from Minnesota withdraw his motion?

Mr. DAVIS. I withdraw it, and will renew it at the expiration of half an hour.

Mr. COCKRELL. Let the Calendar be proceeded with in its regular order.

The PRESIDING OFFICER. The first bill on the Calendar will be announced.

JOSEPH W. CARMACK.

The bill (S. 423) for the relief of Joseph W. Carmack was announced as the first bill on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Joseph W. Carmack, late of Company A, Sixth Missouri Cavalry, the pay and allowances of a first sergeant of cavalry from the 1st day of May, 1862, to the 30th day of September, 1862, less any pay received by him during such period.

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

JOHN S. NEET, JR.

The bill (S. 424) for the relief of John S. Neet, jr., was considered as in Committee of the Whole. It proposes that there shall be paid to John S. Neet, jr., late a private in Company C, Third Regiment Missouri State Militia Cavalry, afterwards Company L, Sixth Missouri State Militia Cavalry, \$100, in full payment of the sum allowed him in October, 1878, by the Third Auditor of the Treasury Department.

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

JOHN M. DAVIS.

The bill (S. 425) for the relief of John M. Davis was considered as in Committee of the Whole. It directs the Secretary of War to revoke and set aside the general order, headquarters Department and Army of the Tennessee, dated Huntsville, Ala., April 30, 1864, issued by order of Major-General McPherson, approving and confirming the sentence of the court-martial dismissing John M. Davis, captain of Company H of the Sixty-third Regiment Illinois Volunteer Infantry, and that there be issued to him an honorable discharge as of date of April 9, 1865.

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

EZRA S. HAVENS.

The bill (S. 426) for the relief of Ezra S. Havens was considered as in Committee of the Whole. It directs the accounting officers of the Treasury to pay to Ezra S. Havens, late captain of Company G, Eighteenth Regiment Missouri Volunteer Infantry, the pay and allowances of a captain of infantry in the late volunteer service from the 11th of March, 1862, to the 2d of February, 1863.

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

A. F. FLEET.

The bill (S. 427) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo., was considered as in Committee of the Whole. It directs the Secretary of War to relieve A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo., from all money responsibility for so much of the ordnance and ordnance stores issued to the academy under its bond dated August 13, 1892, as was destroyed by fire on September 24, 1896.

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

LAURA S. GILLINGWATERS.

The bill (S. 428) for the relief of Laura S. Gillingwaters, widow of J. E. Gillingwaters, was considered as in Committee of the Whole. It directs the Secretary of War, notwithstanding the records of the proceedings and sentence of the court-martial in the case of Private James E. Gillingwaters, late of Company H, Twelfth Missouri Cavalry Volunteers, to issue to him an honorable discharge of the date of his release from military control; it also directs the Secretary of the Treasury to cause to be paid to Mrs. Laura S. Gillingwaters, widow of James E. Gillingwaters, all pay and allowances forfeited by the proceedings and sentence of the court-martial and full pay and allowances up to the date of his release from military control, and restores to him all rights and privileges forfeited by the sentence of the court-martial.

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

JAMES W. HOWELL.

The bill (S. 432) for the relief of James W. Howell, late of Company H, Fifty-fourth Regiment Illinois Infantry Volunteers, was considered as in Committee of the Whole. It directs the Secretary of War to revoke and set aside General Orders, No. 10, Headquarters United States Forces, Pine Bluff, Ark., July 31, 1865, issued by G. M. Mitchell, colonel commanding, approving the proceedings, findings, and sentence of the general court-martial in the case of James W. Howell, of Company H, Fifty-fourth Regiment Illinois Infantry Volunteers, and to issue to him an honorable discharge as of date July 31, 1865.

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



## RICHARD C. SILENCE.

The bill (S. 433) for the relief of Richard C. Silence was considered as in Committee of the Whole. It directs the Secretary of War to enter on the rolls and to recognize Richard C. Silence as first lieutenant of Company I, First Regiment of West Tennessee Cavalry, from November 29, 1862, to March 7, 1863, and to issue to him an honorable discharge as of date March 7, 1863.

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

## PERRY J. KNOLES.

The bill (S. 436) to correct the military record of Perry J. Knoles was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of Perry J. Knoles, a private of Company E, One hundred and first Regiment Illinois Infantry Volunteers, by removing the charge of desertion, and substituting therefor, "Absented himself from Benton Barracks in January, 1863, and was enrolled under the name of James Maddux on July 29, 1863, at Camp Dennison, Ohio, and mustered into service August 5, 1863, as a private in Company B, Second Ohio Heavy Artillery Volunteers, to serve three years, and served faithfully until he was honorably discharged at Knoxville, Tenn., on May 11, 1865," and provides that no pay or allowance shall be given him during his absence without leave by virtue of this act.

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

## ISAAC M'CONNAUGHAY.

The bill (S. 437) for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers, was considered as in Committee of the Whole. It directs the Secretary of War to issue to Isaac McConnaughay a certificate of honorable discharge, to date from the 16th of November, 1862, as a private of Company H, Fortieth Iowa Infantry Volunteers, it having been established that the service rendered in that company and regiment in the name of Isaac McConnaughay subsequent to that date was rendered by Thomas J. McConnaughay, and that Isaac McConnaughay shall hereafter be held and considered to have been in the military service of the United States as a member of said organization from the 14th of August, 1862, until honorably discharged from the service; but he shall not be entitled to any pay, bounty, or allowances by any reason of the relief granted.

Mr. COCKRELL. I move to amend, in line 5, on page 2, by striking out the word "any," before the word "reason;" so as to read:

That he shall not be entitled to any pay, bounty, or allowances by reason of the relief herein granted.

The amendment was agreed to.

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

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

## JAMES M. CRABTREE.

The bill (S. 438) for the correction of the military record of James M. Crabtree was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of James M. Crabtree, late private, Company D, Thirty-second Regiment Missouri Infantry, by removing therefrom the charge of desertion and substituting therefor "absented himself without proper authority on January 10, 1863, and remained so absent until June 13, 1863, when he was enrolled, and on June 23, 1863, mustered into service in Company A, Eleventh Regiment Missouri Cavalry, and served faithfully to July 27, 1865, when he was honorably mustered out with Company F of said regiment, to which he had been transferred," and to issue to him a certificate accordingly, showing his service; but he shall not be entitled to any pay, bounty, or allowance by virtue of this act.

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

## JOHN R. LEONARD.

The bill (S. 439) for the correction of the military record of John R. Leonard was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of John R. Leonard, private of Company D, Thirty-second Regiment Missouri Infantry, by removing therefrom the charge of desertion and substituting therefor "Absented himself without proper authority on January 10, 1863, and remained so absent to July 26, 1863, when he was enrolled, and on September 10, 1863, was mustered into the service as a private in Company E, Eleventh Regiment Missouri Cavalry, and was mustered out with his company July 25, 1865, serving faithfully during such term," and to issue to him a certificate accordingly, showing his service; but he shall

not be entitled to any pay, bounty, or allowance by virtue of this act.

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

## PORT OF ASTORIA, OREG.

The bill (S. 359) to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg., was considered as in Committee of the Whole. It provides that the privilege of immediate transportation of dutiable goods, in accordance with the provisions of an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, and the amendments thereto, be extended to the port of Astoria, Oreg.

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

## MEDALS FOR GALLANTRY IN REVENUE-CUTTER SERVICE.

The joint resolution (S. R. 51) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila, was considered as in Committee of the Whole.

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

Mr. COCKRELL. I ask that there may be published in the RECORD, in connection with the joint resolution which has just been passed, the report made regarding it, so that the reason for its passage will appear.

Mr. McMILLAN. I hope that will be done.

The PRESIDENT pro tempore. The request of the Senator from Missouri [Mr. COCKRELL] will be complied with in the absence of objection. The Chair hears no objection, and it is so ordered.

The report referred to, which was submitted by Mr. McMILLAN from the Committee on Commerce January 4, 1900, is as follows:

The Committee on Commerce, to whom was referred the joint resolution recognizing the gallantry of Lieut. Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *McCulloch* at Manila, having duly considered the same, report with a recommendation that it pass.

The facts in the case are fully presented in the letter of the Secretary of the Treasury and the accompanying papers, which are appended and made a part of this report.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., December 16, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, referring to me joint resolution (S. R. 25), Fifty-sixth Congress, first session, "Recognizing the gallantry of Lieut. Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *McCulloch* at Manila," and requesting me to furnish the committee with such suggestions as I may deem proper touching the merits of the joint resolution and the propriety of its passage.

I respectfully return herewith the resolution referred to and cordially recommend the passage of the same.

There was no more heroic action performed during the Spanish war than that by Lieutenant Newcomb, his officers and men, at the battle of Cardenas, May 11, 1898, and no more efficient and meritorious service than that performed by Captain Hodgson, commanding the *McCulloch*, at Manila.

A joint resolution similar to this was passed by the Senate (Fifty-fifth Congress) June 29, 1898. In this connection I transmit herewith the following papers:

Three reports by Lieutenant Newcomb on the part of his command at the battle of Cardenas, Cuba.

A letter from the Secretary of the Navy, commending the gallantry of Lieutenant Newcomb.

A letter by Admiral George Dewey, commending Capt. D. B. Hodgson, of the *McCulloch*, at the battle of Manila.

Copy of the message of the President to the Fifty-fifth Congress, recommending recognition of the services of Newcomb and Hodgson.

Respectfully,

L. J. GAGE, Secretary.

Hon. WILLIAM P. FRYE,

Chairman Committee on Commerce, United States Senate.

## To the Congress of the United States:

On the 11th of May, 1898, there occurred a conflict in the bay of Cardenas, Cuba, in which the naval torpedo boat *Winslow* was disabled, her commander wounded, and one of her officers and a part of her crew killed by the enemy's fire.

In the face of a most galling fire from the enemy's guns the revenue cutter *Hudson*, commanded by First Lieut. Frank H. Newcomb, United States Revenue-Cutter Service, rescued the disabled *Winslow*, her wounded commander, and remaining crew. The commander of the *Hudson* kept his vessel in the very hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until he finally got a line made fast to the *Winslow* and towed that vessel out of range of the enemy's guns, a deed of special gallantry.

I recommend that, in recognition of the signal act of heroism of First Lieut. Frank H. Newcomb, United States Revenue-Cutter Service, above set forth, the thanks of Congress be extended to him and to his officers and men of the *Hudson*, and that a gold medal of honor be presented to Lieutenant Newcomb, a silver medal of honor to each of his officers, and a bronze medal of honor to each member of his crew who served with him at Cardenas.

It will be remembered that Congress, by appropriate action, recognized the several commanders of ships of war for their services in the battle of Manila, May 1, 1898.

The commander of the revenue cutter *Hugh McCulloch*, present and in active cooperation with the fleet under Commodore Dewey on that occasion (by Executive order, under the provisions of section 2757, Revised Statutes), is the only commander of a national ship to whom promotion or advancement was not and could not be given, because he already held the highest rank known to the Revenue-Cutter Service.

I now recommend that in recognition of the efficient and meritorious services of Capt. Daniel B. Hodgson, United States Revenue-Cutter Service, who commanded the *Hugh McCulloch* at the battle of Manila (that officer being now in the sixty-third year of his age, and having served continuously on active duty for thirty-seven years), be placed upon the permanent waiting orders or retired list of the Revenue-Cutter Service on the full duty pay of his grade.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, June 27, 1898.

UNITED STATES NAVAL FORCE ON ASIATIC STATION,  
FLAGSHIP OLYMPIA,  
Cavite, Philippine Islands, June 12, 1898.

SIR: I take pleasure in bringing to the attention of the Department the zeal and efficiency of Capt. Daniel B. Hodgson, Revenue-Cutter Service, commanding the *McCulloch*, while serving in the squadron under my command.

2. The *McCulloch* steamed from Hongkong to Manila Bay in the squadron formation and ran the batteries at the entrance with the squadron, and, while not placed in the line of battle at the battle of Manila Bay, was kept near by and in readiness to assist any vessel that might be disabled.

3. Since joining my command, and up to the time of his detachment, Captain Hodgson has kept the *McCulloch* in a high state of efficiency and ready to move at a moment's notice, and made her a valuable auxiliary to the squadron.

4. I request that the Department will communicate this report to the honorable the Secretary of the Treasury.

I have the honor to be, very respectfully,

GEORGE DEWEY,

Rear-Admiral, United States Navy,

Commanding United States Naval Force on Asiatic Station.

The SECRETARY OF THE NAVY,  
Washington, D. C.

NAVY DEPARTMENT, Washington, D. C., June 15, 1898.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant and to forward herewith a copy of the report requested. I regret that inadvertently a copy of this letter was not forwarded to you immediately after it was received.

The rescue of the *Winslow* by the *Hudson* was so gallantly done, in the face of a most galling fire, that First Lieut. Frank H. Newcomb, Revenue-Cutter Service, commanding, his officers and men, deserve the warmest commendation. The *Winslow* was riddled with shell, disabled, helplessly drifting onto the beach into the hands of the enemy, her captain wounded, her only other officer and half her crew killed, but the *Hudson* courageously remained by her in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally a line was made fast to the *Winslow* and that vessel towed out of range of the enemy's guns.

Very respectfully,

JOHN D. LONG,  
Secretary.

The SECRETARY OF THE TREASURY.

U. S. S. HUDSON,  
Key West, Fla., May 15, 1898.

SIR: In obedience to Department order of the 19th instant I have the honor to submit the following full detailed report of the part taken by my command in cooperation with vessels of the Navy in the recent action at Cardenas, Cuba.

At daylight on the morning of the 11th instant the *Hudson* was cruising on blockade duty off Cardenas, about 6 miles north of Cruz del Padre light-house, in company with the U. S. S. *Machias*. The smoke of a steamer approaching from the eastward was discovered, and the *Hudson* was pointed for it under a full head of steam. As soon as near enough to ascertain the steamer to be the U. S. S. *Wilmington* the *Hudson* was headed to the westward, following the *Machias* toward the day anchorage under Piedras Cay. As we rounded Mona Cay the *Machias* signaled, "Regulate your movements by this vessel," which was done.

The *Machias* led the way in by Piedras Cay and up the outer bay, and at about 9 o'clock came to anchor 1½ miles NNE. of Diana Cay, one of the islands guarding the inner approaches to Cardenas Bay. At this time three Spanish gunboats were observed in the western part of the bay, 4 or 5 miles distant, steaming slowly toward Cardenas.

Upon approaching within hail the *Hudson* was ordered by the *Machias* to proceed up toward two sunken sloops in the channel on the east side of Diana Cay, look around, and see what could be found. As an impression prevailed on board that torpedoes had been planted in this channel, I asked the *Machias*, "Do you want us to go up to those sunken vessels?" The answer was, "No; be very careful."

The *Hudson* then proceeded very slowly up the channel, sounding constantly and carefully feeling the way, going ahead and backing on the engine as occasion required. Oftentimes there was less than 6 inches of water under her. She was drawing 9 feet 4 inches aft. In about an hour we had worked up to within 100 yards of the sunken sloops. Then, finding deeper water to the eastward, we worked around inside of them and stopped, not feeling justified under our orders to proceed farther into the bay.

The largest Spanish gunboat came within about 3 miles of us, evidently watching our movements. After lying still ten minutes about half a mile east of Diana Cay, and finding that the enemy's gunboat was not disposed to come any nearer, we returned to the *Machias*, reporting alongside about 11 o'clock. We were then ordered to report to the *Wilmington*, which vessel and the torpedo boat *Winslow* had joined the *Machias* during our absence. By the *Wilmington* we were ordered to proceed with the *Winslow* and sound out the channel between Romero and the largest of the Blanco Cays, and to sweep it with our small boats for torpedoes. We started right away, following the *Winslow*, which by reason of her superior speed soon distanced us. When off the eastern end of Romero Cay, while running at full speed, the *Hudson* grounded and stopped, with only 7 feet of water under her. After several ineffectual attempts to back off, the 6-pounder ammunition in the after hold was carried

forward, and finally the *Hudson* was backed off into deeper water. We then sounded our way down the channel about a mile, when we met the *Wilmington* coming slowly in.

All three vessels then proceeded into the bay, the *Wilmington* in the center, with the *Winslow* on her port bow and the *Hudson* on the starboard. After proceeding in this manner for several miles, the *Hudson* was ordered to fall back upon the *Wilmington's* starboard quarter, clear of her guns, supplemented by, "When you get up there, gather in all you can." The *Winslow* occupied a similar position on the opposite side.

About 1 p. m., when nearly abreast of Corogal Point, the *Hudson* was ordered by the *Wilmington* to "Go out and look for small craft." Accordingly we started over to the northward, toward Diana Cay, and circled along the western shore of the bay, standing as near in to the land as the shoal water would permit. In crossing the main ship channel three black buoys were seen in line, about half a mile apart, which were avoided for fear they marked torpedoes or mines. Finally, at 1.35 p. m., not having seen vessels of any kind whatever on that side of the bay, we steamed at full speed toward the *Wilmington* and *Winslow*, now nearing Cardenas.

At 1.45 p. m. they had arrived off the city and were steaming to the eastward along the water front, probably 1½ miles offshore. Suddenly the *Winslow* dashed in toward the wharves, and when about 1,800 yards distant, the smoke of a gun fired from the center of the city front was observed. Both vessels immediately returned the fire; more guns followed from the shore, and when we arrived at the scene, about ten minutes later, a general engagement was in progress. The *Hudson* steamed in between a bark and a full-rigged brig lying at anchor, and taking a position about 1,800 yards from the shore, off the western end of the city, opened fire with her two 6-pounder Driggs-Schroeder guns upon the enemy's battery, which could only be located by the smoke from the guns. Meantime the *Wilmington* had turned and was steaming slowly to the westward, outside of the *Hudson*. The *Winslow* still maintained her original position when first fired upon. After firing several rounds from the *Hudson's* guns it was seen that she would soon be in line with the *Wilmington's* fire. Accordingly we ran out around the latter vessel to obtain a clearer field for our operations. Passing within hail of the *Wilmington*, I asked, pointing toward the *Winslow*, "Shall I go down there and pitch in?" The answer was, "Yes."

Up to this time I had received no official intimation whatever as to the object in view, nor what part the *Hudson* was expected to take in the affair. A signal had been flying from the *Wilmington's* masthead for some time, which could not be made out from the *Hudson*. What it signified I have never been informed.

The *Hudson* ran in at full speed until about 150 yards inshore of the *Winslow* and a short distance to the eastward, when the engine was stopped and firing resumed with the two 6-pounders. Upon our original entry into the engagement the first two or three shells from each gun struck the water a trifle short of the city front, but after that all of our shells appeared to land in among the buildings on shore, some of them in close proximity to the enemy's guns.

After having been in action a few minutes it was noticed that the *Winslow* was moving about in a very strange and erratic manner, and it was found quite difficult at times to avoid a collision with her. She was darting back and forth in line with the city front, and as the fire of the enemy appeared to be directed mainly upon her it was concluded finally that she was being maneuvered in this way to avoid the fixed, concentrated range of their guns. It was afterwards learned that one of her boilers and the steering engine had been struck and disabled, and that her commander was trying to point either end of her offshore in order to withdraw.

The enemy's shells were falling and bursting all over and around the two vessels, and why the *Hudson* was not seriously damaged by them is beyond comprehension. I saw one shell, that passed close over the top of our pilot house, strike the *Winslow*, but fortunately it failed to burst. Another shell, apparently a large one, passed close to us, and, striking the water alongside the *Wilmington*, half a mile outside, threw a column of spray nearly as high as her bridge. The use of smokeless powder in some of the enemy's guns made it impossible to locate them; but their marksmanship was very poor, and many of their shells struck the water a long way inside of us. We had been firing steadily for about twenty minutes, most of the time lying inshore of the *Winslow*, and often between her and the enemy's guns as we maneuvered for position, when it was reported to me that she was probably disabled. I immediately offered assistance to her commanding officer, which he declined by a negative shake of the head. Ten or fifteen minutes later, when we were to windward and outside of the *Winslow*, he reported his vessel as totally disabled, and requested to be towed out of range of the enemy's guns. This was the first definite information received on board the *Hudson* of the *Winslow's* condition.

There was quite a fresh breeze blowing obliquely on shore from the eastward, and the *Winslow* was making so much leeway in consequence, and constantly shoaling the water, that I found it very difficult to bring the *Hudson* in position to throw a line to her. Our propeller was constantly stirring up the bottom, and steerage-way was invariably lost as soon as the speed slackened. It was upward of thirty minutes before we succeeded in getting hold of the *Winslow's* towline and started ahead with her. While making the effort the *Wilmington* had been firing over us, and a number of her shells exploded upon leaving the guns, the fragments striking the water all around us.

We were within 100 feet of the *Winslow* when a shell exploded killing Ensign Bagley and three men, and the sad casualty was distinctly visible to most of our officers and crew. The *Wilmington* fired the last guns in the engagement, apparently silencing the enemy's batteries. When we started ahead with the *Winslow*, the *Wilmington* was nearly a mile distant, steaming out to windward. The *Hudson* followed slowly with the *Winslow*. The latter vessel's steering gear being disabled, she was yawing about wildly, and we had not proceeded more than a quarter of a mile when the towline parted.

It was a matter of only a few minutes to get out another towline, and then we went ahead again. After a long and laborious chase dead to windward, we finally overtook the *Wilmington*, and hailing her requested that the doctor be sent on board the *Winslow*. Both vessels had been attempting to wigwag the same message to the *Wilmington* for some time previously.

After the dead and wounded had been transferred to the *Wilmington*, we made fast alongside the *Winslow* in an endeavor to tow her in that manner. But owing to the roughness of the bay it was found that the water thrown up between the two vessels was likely to sink the *Winslow* in her shattered and disabled state, so the attempt was abandoned. About 4 p. m. we started out of the bay with the *Winslow* in tow astern, following in the wake of the *Wilmington*. We arrived alongside the *Machias* at dark, and at 9.30 p. m., dropping the torpedo boat, started for Key West with dispatches and the dead and wounded from the *Winslow*, arriving there at 7.30 on the following morning.

While I may not particularize any individual act of heroism during the action without doing an injustice to others equally as meritorious, I take great pleasure in directing the attention of the Department to the cool and efficient manner in which each and every officer and member of the crew performed the duties intrusted to him.



Without the combined efforts of all hands on board this vessel, the *Winslow* and the surviving members of her crew would have been lost.

Respectfully, yours,

FRANK H. NEWCOMB,

First Lieutenant, R. C. S., Commanding.

The SECRETARY OF THE TREASURY,  
Washington, D. C.

U. S. S. HUDSON,  
Key West, Fla., May 13, 1898.

SIR: I have the honor to submit the following report of the participation of this vessel in the engagement with the Spanish forces at Cardenas on the 11th instant.

At 11.30 a. m., while off the main entrance to Cardenas Bay, the *Hudson* was ordered by the senior officer present to accompany the U. S. S. *Wilmington* and the U. S. torpedo boat *Winslow* inside. All three vessels started immediately, and, after some preliminary soundings to determine the best water, passed through Blanco Channel into the bay and headed for Cardenas.

About 1 p. m., when abreast of Corogal Point, the *Hudson* was ordered by the commanding officer of the U. S. S. *Wilmington* to "go out and look at small craft." Steamed over toward Diana Cay and skirted the western shore of the bay. Discovered no vessels, and, observing that the *Wilmington* and *Winslow* were nearing Cardenas, at 1.35 p. m. steamed toward them at full speed.

At 1.45, when a little over a mile distant from our vessels, saw firing commence from shore, which was immediately returned by our ships. At 1.50, when within range of the shore guns, the *Hudson* opened fire upon them with her two 6-pounders. Observing that the *Winslow* was quite inshore and exposed to the full strength of the enemy's guns, ran up alongside of the *Wilmington* and asked if we should go to her assistance (*Winslow*). Received the answer, "Yes;" and at once steamed into the immediate vicinity of the *Winslow*, keeping up a constant and rapid fire from the *Hudson's* battery upon the enemy's guns on shore. At 2.20 commanding officer of the *Winslow* reported his vessel totally disabled, and requested to be towed out of range. Owing to the shoal water and the rapid drift toward shore of the *Winslow* (the wind was onshore), it was fully thirty minutes before the *Hudson* succeeded in making a line fast from the *Winslow* and started ahead with her. The enemy kept up a constant fire during this time, which appeared to be especially directed toward the *Winslow*, and which was returned at every opportunity by the *Winslow* and *Hudson*.

The *Winslow* was towed alongside the *Wilmington*, from which vessel a boat was sent with a medical officer, who transferred the dead and wounded from the *Winslow* to the *Wilmington*. Finally, at about 3.30 p. m., all three vessels steamed out of the bay, the *Winslow* in tow of the *Hudson*. At about dark joined the U. S. S. *Machias* outside, where the *Winslow* was anchored. At 9.15 p. m. the *Hudson* started for Key West with dispatches for the senior officer commanding that station, and carrying the dead and wounded from the *Winslow*. Reported to the senior officer commanding at Key West at 7.10 on the morning of the 12th instant. The only damage resulting to the *Hudson* during the engagement was a few slight marks from small projectiles upon two of the fire-room ventilators and a few bullet marks upon the outside of the pilot-house plating. One hundred and thirty-five shells were fired from the two 6-pounders during the action.

Respectfully, yours,

FRANK H. NEWCOMB,

First Lieutenant, R. C. S., Commanding.

The SECRETARY OF THE NAVY,  
Washington, D. C.

U. S. S. HUDSON,  
Key West, Fla., June 16, 1898.

SIR: For the better information of the Department, I have the honor to submit the following supplementary report containing certain facts relating to the part taken by this vessel in the late engagement at Cardenas on the 11th ultimo, which were omitted in the hasty preparation of my report of the 31st ultimo.

The injuries sustained by the *Hudson* from the enemy's projectiles were as follows: The hull was struck in two places below the guards on the starboard side, and two places on the port side, one below the guards and the other on the after filling piece between the guards, evidently by a piece of a large projectile, as it left quite a deep dent in the hard wood. No damage resulted from the other places struck beyond knocking off the paint and scaling the iron at the points of contact.

The rudder on the port side where it joins the stock was struck once with similar results. The forward fire-room ventilator on the starboard side above the upper deck was struck four times, one only resulting in a perforation three-fourths of an inch in diameter. The after ventilator on the same side was struck once and perforated, the hole being about one-half of an inch in diameter.

The after end of the pilot house was spattered with numerous small pieces of lead, each of which was buried out of sight in the wood. The light joiner work of the cabin was shaken and shattered more or less by the fire of the after 6-pounder, while windows, lamp shades, and other fragile articles were smashed.

During the action 135 rounds were fired from the two 6-pounder guns. The Colt automatic gun on the upper deck was not used, its fire being reserved for short range in case the vessel became disabled and drifted near the shore.

Second Lieut. J. H. Scott was in charge of the after 6-pounder and Third Lieut. E. E. Mead of the forward one. The coolness and intrepidity manifested by these gentlemen in handling their respective gun's crews and taking advantage of every favorable opportunity to get in an effective shot at the enemy, and their efforts under the most trying circumstances to run lines to the disabled *Winslow*, are deserving of the highest commendation.

The professional skill and promptness displayed by Mr. N. E. Cutchin, the engineer (first assistant) in charge, in responding to the constant and exacting demands upon the machinery in maneuvering the vessel, merit unstinted praise. Not the slightest hitch or delay of any kind occurred in the workings of his department, and the successful issue of the day's operations was undoubtedly due in a great measure to his efforts and those of the men under him.

Whenever the services of Second Assistant Engineer T. D. Lewton could be spared from the engine and fire rooms he cheerfully repaired to the pilot house, where his aid in locating the other vessels and the direction of the enemy's guns, in the midst of the dense smoke from the *Hudson's* guns which at the time prevailed, was of the utmost assistance.

Each and every member of the crew, from the boatswain down to Moses Jones, the colored boy, who attached himself to the after gun and never failed to have a shell ready when it was needed, did his whole duty cheerfully and without the least hesitation. This appears the more remarkable in view of the fact that none of them had ever been under fire before, and that the guns were without protection or shelter of any kind. They deserve the most sub-

stantial recognition in the power of the Government for their heroic services upon this occasion.

I take pleasure in testifying to the remarkable bravery displayed by Lieutenant Bernadou and the men of the *Winslow*, and consider it as one of the greatest privileges of my life to have been an eyewitness of their conduct at a time when many men would have felt justified in abandoning all hope. With such officers and such men the American nation may well be proud of its Navy.

Respectfully, yours,

FRANK H. NEWCOMB,  
First Lieutenant, R. C. S., Commanding.

The SECRETARY OF THE TREASURY,  
Washington, D. C.

PUBLIC BUILDING AT PROVIDENCE, R. I.

Mr. ALDRICH. I ask unanimous consent for the consideration at this time of Senate bill 1590, for a public building at Providence, R. I., which has been reported favorably from the Committee on Public Buildings and Grounds.

Mr. ELKINS. Can not we proceed with the Calendar? We have only about eight minutes left for its consideration.

Mr. ALDRICH. I hope the Senator will allow the bill to which I have referred to be passed.

Mr. ELKINS. I must object. I want to get the bills through which I have reported, and two of them come next on the Calendar. If the bill of the Senator from Rhode Island is taken up, there will not be time enough left for their consideration.

Mr. PLATT of Connecticut. There will not be time to consider the bills referred to by the Senator from West Virginia within eight minutes. They are very important bills.

The PRESIDENT pro tempore. To which bills does the Senator refer?

Mr. PLATT of Connecticut. The bills which are numbered 36 and 37 in the Order of Business.

Mr. COCKRELL. They are bills to extend the laws relating to commerce, navigation, and merchant seamen over Puerto Rico and the Hawaiian Islands.

Mr. PLATT of Connecticut. Orders of Business 36, 37, and 39 can not be considered within the time allowed this morning.

Mr. COCKRELL. Of course it will be impossible to consider those bills under the five-minute rule.

Mr. PLATT of Connecticut. I am ready to have any of those bills taken up at any time when they can be considered, but it can not be done this morning.

Mr. ELKINS. Under the circumstances I withdraw my objection to the request of the Senator from Rhode Island [Mr. ALDRICH].

The PRESIDENT pro tempore. Objection is withdrawn.

Mr. COCKRELL. I inquire what is the order of business on the Calendar of the bill in charge of the Senator from Rhode Island?

Mr. ALDRICH. It is not on the printed Calendar. It was reported this morning from the Committee on Public Buildings and Grounds.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1590) for the erection of a public building at Providence, R. I. It directs the Secretary of the Treasury to accept, as a donation from the city of Providence, R. I., a suitable lot of land situated in Exchange place, in that city, easterly of the east line of Exchange street extended, and to cause to be erected thereon a commodious and substantial building, with fireproof vaults, for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue and other Government civil offices in that city, and appropriates a sum not exceeding \$1,500,000 for the erection of a building thereon.

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

MILITARY HOSPITAL, FORT LEAVENWORTH, KANS.

Mr. BAKER. I ask unanimous consent for the present consideration of House joint resolution No. 6, which is the last one on the Calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 6) authorizing the Secretary of War to use \$60,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans.

The joint resolution was reported from the Committee on Military Affairs with amendments, in line 4, after the word "dollars," to strike out "out" and insert "or so much thereof as may be necessary;" and in line 6, after the word "hospitals," to strike out "mentioned in said act, or so much thereof as may be necessary" and insert "by the act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, approved March 3, 1899;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and empowered to use the sum of \$60,000, or so much thereof as may be

necessary, of the amount appropriated for the construction and repair of hospitals by the act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, approved March 3, 1899, for the construction of a modern military post hospital at the said Fort Leavenworth, Kans., and the limit of cost of said hospital is fixed at said sum.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

#### COMMUTATION OF RATIONS.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 2727) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899.

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

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

#### SOUTH AFRICAN REPUBLIC.

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

Mr. PETTIGREW. Will the Senator withdraw the motion for a moment? I wish simply to offer a resolution, to lie over.

Mr. DAVIS. Very well; I withdraw the motion.

Mr. PETTIGREW. I offer the resolution which I send to the desk, and ask that it may lie over—not on the table—so that I can speak to it on Monday.

The PRESIDENT pro tempore. It is simply offered as a resolution to go over under the rule?

Mr. PETTIGREW. Yes, sir.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Whereas from the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the heroic battle of the South African Republic against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

The PRESIDENT pro tempore. The resolution goes over under the rule.

Mr. PETTIGREW. I notice that the Senator from Louisiana [Mr. CAFFERY] has given notice that he will speak on Monday next on the resolution in regard to the Philippines. If there shall be time after that Senator shall have concluded, I wish to speak to this resolution.

Mr. ALDRICH. I suggest that the Senator from Connecticut [Mr. PLATT] gave notice that he intended to make some remarks in answer to the Senator from Nebraska [Mr. ALLEN].

Mr. PETTIGREW. That may probably consume the time on Monday.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the concurrent resolution of the Senate to print 7,000 copies of so much of the civil report of Maj. Gen. John R. Brooke, military governor of the island of Cuba, made to the Adjutant-General of the United States Army, etc., in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2431) to present to the city of Nashville, State of Tennessee, the cannon of the gunboat *Nashville* from which was fired the first shot in the Spanish-American war; and it was thereupon signed by the President pro tempore.

#### EXECUTIVE SESSION.

Mr. DAVIS. I renew my motion 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 one hour and twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, February 5, 1900, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 2, 1900.*

##### POSTMASTER.

Harry S. Edwards, to be postmaster at Macon, in the county of Bibb and State of Georgia, in the place of J. H. Hertz, whose commission expired February 1, 1900.

#### APPOINTMENT IN THE ARMY—QUARTERMASTER'S DEPARTMENT.

First Lieut. Charles D. Palmer, Sixth Artillery, to be assistant quartermaster with the rank of captain, January 31, 1900, vice Ruhlen, promoted.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 2, 1900.*

##### MARSHAL.

Charles Lewiston, of Wisconsin, to be marshal of the United States for the western district of Wisconsin.

##### INDIAN AGENT.

Lieut. Col. James F. Randlett, United States Army, retired, of La Mesa, Cal., to be agent for the Indians of the Kiowa Agency, in Oklahoma Territory.

##### RECEIVER OF PUBLIC MONEYS.

Thomas B. Hildebrand, of Albia, Iowa, to be receiver of public moneys at Rampart City, Alaska.

##### COLLECTOR OF CUSTOMS.

Ezra B. Bailey, of Connecticut, to be collector of customs for the district of Hartford, in the State of Connecticut.

##### PROMOTIONS IN THE ARMY.

##### ORDNANCE DEPARTMENT.

First Lieut. Odus C. Horney, Ordnance Department, to be captain, December 8, 1899.

##### CAVALRY ARM.

Lieut. Col. Camillo C. Carr, Fifth Cavalry, to be colonel, January 23, 1900.

Maj. Henry Jackson, Third Cavalry, to be lieutenant-colonel, January 23, 1900.

Capt. Henry P. Kingsbury, Sixth Cavalry, to be major, January 23, 1900.

First Lieut. George L. Byram, First Cavalry, to be captain, January 23, 1900.

##### INFANTRY ARM.

##### To be majors.

Capt. Herbert S. Foster, Eighteenth Infantry, November 15, 1899.

Capt. John C. Dent, Twentieth Infantry, December 15, 1899.

Capt. George K. McGunnele, Fifteenth Infantry, December 18, 1899.

Capt. Edgar B. Robertson, Twentieth Infantry, January 12, 1900.

Capt. Charles A. Booth, Seventh Infantry, January 15, 1900 (subject to examination).

##### To be captains.

First Lieut. Harry H. Bandholtz, Seventh Infantry, November 15, 1899.

First Lieut. Henry T. Ferguson, Thirteenth Infantry, November 15, 1899.

First Lieut. Henry G. Learnard, Fourteenth Infantry, November 15, 1899.

First Lieut. John H. Wholley, Twenty-fourth Infantry, November 20, 1899.

First Lieut. Peter Murray, Twenty-first Infantry, November 26, 1899.

First Lieut. Paul A. Wolf, Fourth Infantry, December 2, 1899.

First Lieut. Henry G. Lyon, Twenty-fourth Infantry, December 15, 1899.

First Lieut. George D. Moore, Twenty-third Infantry, December 15, 1899.

First Lieut. Willis Uline, Twelfth Infantry, December 18, 1899.

First Lieut. Ernest B. Gose, Thirteenth Infantry, December 23, 1899.

First Lieut. Charles C. Clark, Fifth Infantry, January 13, 1900.

First Lieut. Vernon A. Caldwell, Twenty-fifth Infantry, January 15, 1900.

First Lieut. Edmund L. Butts, Fifth Infantry, January 18, 1900.

##### CORPS OF ENGINEERS.

Maj. William H. Heuer, Corps of Engineers, to be lieutenant-colonel, January 29, 1900.

Capt. Curtis McD. Townsend, Corps of Engineers, to be major, January 29, 1900.

First Lieut. Edgar Jadwin, Corps of Engineers, to be captain, January 29, 1900.

Second Lieut. Harley B. Ferguson, Corps of Engineers, to be first lieutenant, January 29, 1900.

##### Infantry arm.

Lieut. Col. William S. McCaskey, Twentieth Infantry, to be colonel, January 29, 1900.

Maj. Charles R. Paul, Eighteenth Infantry, to be lieutenant-colonel, January 29, 1900.



Capt. George B. Walker, Eleventh Infantry, to be major, January 29, 1900.

APPOINTMENT IN THE ARMY.

To be chaplain.

Rev. Edmund P. Easterbrook (late chaplain Two hundred and second New York Volunteers), of New York, January 31, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant adjutant-general with the rank of lieutenant-colonel.

Maj. Samuel D. Sturgis, assistant adjutant-general, United States Volunteers (first lieutenant, Sixth Artillery, United States Army), January 24, 1900.

To be inspector-general with the rank of lieutenant-colonel.

Maj. Russell B. Harrison, inspector-general, United States Volunteers, January 24, 1900.

To be surgeon with the rank of major.

Maj. Eugene L. Swift, surgeon, Thirty-fifth Infantry, United States Volunteers (captain and assistant surgeon, United States Army), January 24, 1900.

THIRTY-FIFTH INFANTRY.

Sergt. Frank I. Otis, Company A, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, January 25, 1900.

TWENTY-SEVENTH INFANTRY.

Sergt. Maj. Clyde B. Crusan, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, January 29, 1900.

APPOINTMENT IN THE NAVY.

Karl Ohnesorg, a citizen of Connecticut, to be an assistant surgeon in the Navy from the 27th day of January, 1900.

PROMOTION IN THE NAVY.

Gunner Frank H. Whitney, to be a chief gunner in the Navy, from the 7th day of January, 1900, in accordance with the provisions of the act approved March 3, 1899.

POSTMASTERS.

John B. Stong, to be postmaster at Bellbuckle, in the county of Bedford and State of Tennessee.

Edmund D. Hughes, to be postmaster at Mountpleasant, in the county of Maury and State of Tennessee.

Hayward H. Riddell, to be postmaster at The Dalles, in the county of Wasco and State of Oregon.

Lauriston H. Condit, to be postmaster at Canton, in the county of Lewis and State of Missouri.

Frederick A. Smith, to be postmaster at Colchester, in the county of New London and State of Connecticut.

William M. Newell, to be postmaster at Mesa, in the county of Maricopa and Territory of Arizona.

Elizabeth J. Hudspeth, to be postmaster at Nashville, in the county of Howard and State of Arkansas.

Clark H. Barker, to be postmaster at Portland, in the county of Cumberland and State of Maine.

W. N. Burdick, to be postmaster at Postville, in the county of Allamakee and State of Iowa.

R. Clifford Tyler, to be postmaster at Chester, in the county of Middlesex and State of Connecticut.

Evert J. Pruim, to be postmaster at Zeeland, in the county of Ottawa and State of Michigan.

Samuel E. Walker, to be postmaster at East Northfield, in the county of Franklin and State of Massachusetts.

George P. Bliss, to be postmaster at Florence, in the county of Hampshire and State of Massachusetts.

Harry L. Jaques, to be postmaster at Jamesburg, in the county of Middlesex and State of New Jersey.

Henry C. Wright, to be postmaster at Webster Grove, in the county of St. Louis and State of Missouri.

William G. Kitchen, to be postmaster at Bloomfield, in the county of Stoddard and State of Missouri.

William E. McGuire, to be postmaster at Pawhuska, in the Osage Nation of Oklahoma Territory.

O. H. Willard, to be postmaster at Randolph, in the county of Cattaraugus and State of New York.

Charles G. Bacon, to be postmaster at Northville, in the county of Fulton and State of New York.

John Harvey, to be postmaster at Meridian, in the county of Bosque and State of Texas.

Elizabeth L. Bampfield, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina.

Isaac W. Rush, to be postmaster at Stroud, in the county of Lincoln, Oklahoma Territory.

William H. Mosby, to be postmaster at Bedford City, in the county of Bedford and State of Virginia.

Frank S. Huckins, to be postmaster at Ashland, in the county of Grafton and State of New Hampshire.

Eli Hawks, to be postmaster at Juneau, in the county of Dodge and State of Wisconsin.

Charles E. Townsend, to be postmaster at Brunswick, in the county of Cumberland and State of Maine.

Wilbur Sawyer, to be postmaster at Brewer, in the county of Penobscot and State of Maine.

William C. Balee, to be postmaster at Guthrie, in the county of Todd and State of Kentucky.

Fred Slocum, to be postmaster at Caro, in the county of Tuscola and State of Michigan.

Frank A. Peavey, to be postmaster at Upton Works, in the county of St. Clair and State of Michigan.

William H. Coffey, to be postmaster at Tufts College, in the county of Middlesex and State of Massachusetts.

William S. McLaughlin, to be postmaster at Avon, in the county of Livingston and State of New York.

D. D. Cottrell, to be postmaster at North Cohocton, in the county of Steuben and State of New York.

John M. Brown, to be postmaster at Port Jefferson, in the county of Suffolk and State of New York.

Mary W. Chase, to be postmaster at Derby Line, in the county of Orleans and State of Vermont.

Peter H. Zimmerman, to be postmaster at Wayland, in the county of Steuben and State of New York.

Henry P. Wilcox, to be postmaster at Cohocton, in the county of Steuben and State of New York.

Alfred H. Cole, to be postmaster at St. Marys, in the county of Pleasants and State of West Virginia.

Albert J. Munson, to be postmaster at Shelton, in the county of Mason and State of Washington.

James Lane, to be postmaster at Roslyn, in the county of Kittitas and State of Washington.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 2, 1900.

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

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 30, 1900:

H. R. 6777. An act relative to the widening and extension of Sixteenth street, in the District of Columbia.

On January 31, 1900:

H. R. 4602. An act to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes; and

H. J. Res. 129. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Olmedo Alfaro, of Ecuador.

MARINE-HOSPITAL PROPERTY, NEW ORLEANS, LA.

Mr. DAVEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 284) which I send to the desk.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That permission and authority be, and they are hereby, granted to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the United States marine-hospital property in New Orleans, La., in the square bounded by State street, Henry Clay avenue, Tchoupitoulas street, and the Mississippi River; said line of levee to be moved outwardly in the direction of said river to the new line of levee established by the said Orleans levee board, and that the city of New Orleans be, and it is hereby, authorized to extend, lay out, open and to keep open, through the said marine-hospital property, the street known as Front street, 110 feet wide, extending from Penniston street to the upper limits of the city of New Orleans, a distance of about 5 miles, as provided for under ordinance of the city of New Orleans, No. 15080, council series, approved March 1, 1899:

SEC. 2. That jurisdiction, power, and authority be, and are hereby, recognized by the United States as existing in the city of New Orleans to regulate and make improvements in said street as thus opened and extended as fully

and completely as over any other portion of said street, or as fully and completely as said city of New Orleans now has, by her charter and the laws of the State of Louisiana, power and authority to regulate, to make improvements in, or govern any other street in said city.

Mr. DAVEY. There is an amendment to the bill, which I also ask to have read.

The Clerk read the amendment, as follows:

Insert, after the words "ninety-nine," in line 9, the following:

"Provided, That in case the said city of New Orleans has granted, or shall grant, a right of way over said street to any railway company, corporation, firm, or person, or that said street shall be used for railway purposes, such grant, privilege, or use shall be upon condition that no part of said street within the limits of said marine-hospital property (or within 1,000 feet from the same) shall be used for depot purposes, or railroad yard, or for the purpose of switching, shifting, or parking cars, or making up or breaking up trains of cars, or for any other purpose than the ordinary transit, without stopping, of railway trains: *And provided further*, That the inner line of said Front street shall not be located at any point nearer than 8 feet to the present iron fence inclosing the grounds of said marine-hospital property, and the violation of any of the provisions of this act shall, as to the person, company, railway company, municipal corporation, or other corporation so violating any of said provisions, cause a revocation of all rights and privileges given or granted by this act."

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to have some explanation of the bill.

Mr. DAVEY. Mr. Speaker, the letter which I hold in my hand I think will afford a full explanation of the bill, and I ask to have it read from the Clerk's desk.

The Clerk read as follows:

TREASURY DEPARTMENT, Washington, January 30, 1900.

SIR: Replying to your letter of the 29th instant, transmitting a copy of House bill No. 234 and requesting suggestions as to its merits and the propriety of its passage, I have to say that, understanding the bill to be a necessity of commerce and that the levee provided for is essential for the safety of the city of New Orleans, this Department regards it favorably with the following proviso, which is necessary for the protection of the United States marine-hospital reservation:

"Provided, That in case the said city of New Orleans has granted, or shall grant, a right of way over said street to any railway company, corporation, firm, or person, or that said street shall be used for railway purposes, such grant, privilege, or use shall be upon condition that no part of said street within the limits of said marine-hospital property (or within 1,000 feet from the same) shall be used for depot purposes, or railroad yard, or for the purpose of switching, shifting, or parking cars, or making up or breaking up trains of cars, or for any other purpose than the ordinary transit, without stopping, of railway trains: *And provided further*, That the inner line of said Front street shall not be located at any point nearer than 8 feet to the present iron fence inclosing the grounds of said marine-hospital property, and the violation of any of the provisions of this act shall, as to the person, company, railway company, municipal corporation, or other corporation so violating any of said provisions cause a revocation of all rights and privileges given or granted by this act."

Respectfully,

L. J. GAGE,  
Secretary.

CHAIRMAN COMMITTEE ON  
INTERSTATE AND FOREIGN COMMERCE,  
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURTON. Before consent is given, I would like to ask the gentleman from Louisiana a question.

Mr. DAVEY. I shall be very glad to answer the gentleman.

Mr. BURTON. Does the bill contemplate any interference with the navigable channel of the river as it now exists?

Mr. DAVEY. None whatever.

Mr. BURTON. This, I understand, refers to the marine-hospital property in Louisiana, on the Mississippi River?

Mr. DAVEY. Yes, sir.

Mr. BURTON. And does it not authorize the removal of the present or existing line of the levee farther out along the line of the river?

Mr. DAVEY. It authorizes the change from the present location outwardly in the direction of the river to the new line of the levee, established quite recently, but it makes no change as far as the navigable water is concerned.

Mr. BURTON. And leaves the Government still in control of the water front?

Mr. DAVEY. Yes; and only authorizes the extension of the front outwardly in the direction of the river as the levee has been built up.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee on Interstate and Foreign Commerce was considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. DAVEY, a motion to reconsider the last vote was laid on the table.

#### AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6063) to amend chapter 2 of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the

fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That chapter 2 of the laws of the first session of the Fifty-fifth Congress, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, be, and the same is hereby, amended by striking out the following words where the same appear in said act, commencing with the word "Before," in line 38, on page 35 of volume 30 of the United States Statutes at Large, and ending with the word "exists," in the forty-third line of said volume and page, as follows: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists," and insert in lieu thereof the following: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOODY of Massachusetts. Mr. Speaker, before consent is given, I should like some explanation of this bill.

Mr. GAMBLE. I would state, in reply to the gentleman's suggestion, that the grown and matured timber, as well as that which is dead and fallen, under the laws of forest reservations may be sold under authority of the Secretary of the Interior; but before any such sale can be made notice must be given by advertisement. Under the law of 1897 no sale of this character of timber can be made without advertising for sixty days, and allows no discretion whatever to the Commissioner of the General Land Office or to the Secretary of the Interior.

Mr. MOODY of Massachusetts. The sale of what?

Mr. GAMBLE. I am speaking of dead and matured timber on forest reservations. At present the law provides that down, grown, and matured timber, as well as the dead timber, can only be sold by the Secretary of the Interior after sixty days' advertisement has been made, and permits no discretion whatever to the Interior Department.

The necessities of the case are so great and the inadequacy of the existing law so apparent that the Commissioner of the General Land Office in his annual report for 1899 recommended the amendment to the law. After conference with him the bill was introduced and is in the exact words proposed by him and approved by the Secretary of the Interior. It was brought before the Committee on Public Lands and considered by that committee, and in its judgment so great a discretion as the bill proposed should not be lodged in the Department, but the committee believed the original law should be modified and amended in the line proposed.

After further conference with the Department an additional modification was recommended, and the amendment now proposed to this bill was drawn by the Commissioner of the General Land Office. It is offered in his exact language. It is approved by the Secretary of the Interior.

Mr. LOUD. Does not this amendment propose to remove the restriction of advertising as provided under the existing law?

Mr. GAMBLE. No, sir. It only reduces the time from sixty to thirty days. It also allows the Secretary of the Interior to sell without advertisement matured and down timber for the use of miners, and for cord wood, when the value does not exceed \$100. The necessity for the amendment is that frequently on account of delay and the length of time now provided for advertisement no bids are received, and the Government is put to an expense of not less than \$50 in the way of advertising, and in addition to this the time of employees necessarily taken in the examination of the timber proposed to be sold.

Under the amendment proposed the Government is entirely protected, because advertisement must be made; but the sale may be concluded by the party agreeing to pay the full amount bid at the time of the sale. This provision will tend to expedite proceedings. No sale can be made unless on application forwarded to the Department here and subjected to proper examination. Under the present system long delays frequently occur.

I repeat, that under this provision the Government is fully protected, and there is great necessity for the proposed modification of the statute. As I have said, it is strongly recommended by the Commissioner of the General Land Office, as well as by the Secretary of the Interior, and is unanimously reported by the Committee on Public Lands.

Mr. RIDGELY. Does this bill apply alike to all parts of the United States?

Mr. GAMBLE. Yes, sir; it is a general bill.

Mr. LOUD. Mr. Speaker, I dislike to do what may appear to be brutal in a matter of this kind; but I want to say that if I could have prevented the passage of the original bill, I should



have done so, and I now feel obliged to do what I can to prevent the passage of this amendment.

Mr. PACKER of Pennsylvania. I wish to ask the gentleman from South Dakota [Mr. GAMBLE] whether it does not oftentimes happen that under the phrase "dead and down timber" large amounts of live timber are cut and in this way the Government defrauded?

Mr. GAMBLE. That, possibly, has sometimes been the case, but not under this law. I have heard of no such complaint as applied to the forest reservations.

Mr. PACKER of Pennsylvania. It is provided in this case, as I understand, that the value of the timber cut shall not exceed \$100?

Mr. GAMBLE. Yes, sir; and if live timber is sold there must be advertisement. A sale may be concluded by the purchaser giving bond, under such rules and regulations as the Secretary of the Interior may prescribe, to pay the highest amount bid at the sale, so that the Government will be protected, and in this way delay may be saved.

Mr. Speaker, if there is any question about the merits of this bill, I will ask for the reading of the report, which presents the reason and the justification for this proposed modification of the law and shows it is strongly recommended by the Commissioner of the General Land Office and the Secretary of the Interior. Legislation of this kind is a great necessity in the forest reserve in my State. I again assure the House that under the provisions of this amendment the Government will be amply protected. There is great demand from the people residing in the Black Hills forest reserve in my State for the proposed legislation, and I sincerely trust no objection will be made to its present consideration.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Most surely. If I could kill the whole law I would do so, and certainly I am not disposed to enlarge its provisions. In my judgment it is one of the most vicious laws that was ever passed.

The SPEAKER. Objection is made.

#### BRIDGE ACROSS RED RIVER AT GRAND ECORE, LA.

Mr. BREAZEALE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DALZELL. Is the bill reported by the Interstate and Foreign Commerce Committee?

Mr. BREAZEALE. Unanimously.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BREAZEALE, a motion to reconsider the last vote was laid on the table.

#### CUBAN VESSELS.

Mr. CRUMPACKER. By direction of the Committee on Insular Affairs, I ask unanimous consent for the immediate consideration of the bill which I send to the desk.

The bill (S. 734) relating to Cuban vessels was read, as follows:

*Be it enacted, etc.*, That vessels owned by citizens of Cuba and documented as such by officers of the United States shall hereafter be entitled in ports of the United States to the rights and privileges of vessels of the most favored nation, and they and their cargoes shall be subject to no higher charges in ports of the United States than are imposed on the vessels and cargoes of the most favored nation in the same trade.

SEC. 2. That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, upon application and satisfactory evidence, tonnage taxes and light dues which have been imposed on vessels owned by citizens of Cuba entering ports of the United States since April 11, 1899, which have been in excess of the tonnage taxes prescribed by section 11 of the act of June 19, 1886.

Mr. HOPKINS. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. HOPKINS. Then I desire to reserve an objection for the present. I will state to my friend from Indiana [Mr. CRUMPACKER] that in my judgment this is a matter of too much importance to be brought up on a proposition for unanimous consent. It involves a constitutional question upon which there may be a division of opinion.

Mr. CRUMPACKER. If the gentleman will permit, I will make a statement.

Mr. HOPKINS. I will reserve the point of order and let the gentleman make an explanation to the Chair and to the House.

Mr. CRUMPACKER. The object of this bill is to put Cuban

vessels upon the footing of the vessels of other countries with which we have commercial relations.

Under our navigation laws certain taxes are imposed upon foreign vessels. One section imposes a tonnage tax of 50 cents per ton, and another a tax, called light money, of 50 cents per ton, aggregating \$1 per ton. Our commerce is carried on almost exclusively under the terms of treaties that have been negotiated, by which those impositions are removed, and no commercial country on the face of the earth that has any regular trade relations with the United States is required to pay this tonnage tax and the light money, amounting to a dollar a ton.

The Spanish Government is exempt from that tax, and these Cuban vessels, as long as they floated the Spanish colors, were entitled to admission into our ports without being required to pay the tax. At the close of the Spanish war the citizens of the island of Cuba owning the vessels preferred not to operate or navigate them under the Spanish colors. They chose not to transfer them to any other foreign nation, in order that they might obtain the benefit of commercial treaties negotiated by this country.

Mr. HOPKINS. If the gentleman will allow me right there: Cuba at the present time is under a military government. If there is any inequality or any injustice being done them, what is the reason that it can not be remedied by an Executive order?

Mr. CRUMPACKER. I will come to that.

Mr. HOPKINS. Can it be done in that way?

Mr. PAYNE. No, it can not.

Mr. CRUMPACKER. It can not be done in that way, and that is the reason and the necessity for this legislation. The Cuban vessel owners determined to navigate their crafts under the colors or the flag of their own country, but it was determined under the treaty of peace that the island of Cuba had no flag that had any international significance; and on the 16th day of last June the President issued an order authorizing Cuban vessels to hoist the Cuban flag as a distinctive signal, to distinguish Cuban vessels from United States vessels, above which they were to float the American colors, in deference to the peculiar limited control that this country had over the affairs of the island; but in the order the President expressly stated that those boats should be subject to the taxes imposed by sections 4219 and 4225, the tonnage duty of 50 cents and the light money of 50 cents a ton. The President took the position that he could only modify the navigation laws and permit vessels of foreign countries to enter our ports by a treaty, and that Cuba had no such status among the nations of the world as gave her the capacity to negotiate a treaty, and, therefore, the President took the position that he was powerless to relieve the vessel owners of that island from this exorbitant tax.

By the terms of the treaty of Paris this country became a party to an arrangement which disabled Cuba from availing herself of the privilege that is and has been for years extended to all commercial countries, even Cuba, and the object of this bill is to accomplish that which the Executive determined that the Government is unable to accomplish by treaty, because there is no power competent to negotiate on the other side.

Now, the Senate bill was passed as if there were but one section, putting Cuban vessels upon the footing of vessels that enjoy the privileges of the most favored nation clause. The bill as introduced in the Senate contained the section that we put upon it as an amendment, but it was stricken out, and the Senate treated the measure as if it originally contained but the one section. The Committee on Insular Affairs, on investigating the subject, concluded that the Cuban vessels had been unjustly required to pay this extra tax. They never had been required to pay it before. As I said a few moments ago, no other country that enjoys regular trade relations with this Government is required to pay it.

Mr. HOPKINS. One moment. As I understand it, then, this bill gives those flying the Cuban flag sovereign rights the same as any other great power.

Mr. CRUMPACKER. No; the bill gives those vessels flying the Cuban flag as a distinctive signal under the Stars and Stripes the same privileges in our ports in respect to all matters of taxation as vessels flying the Spanish flag, the English flag, the German, French, and Italian flags, and the flags of all commercial countries; that is all.

Mr. DALZELL. You put Cuba back into the privileged position that she occupied while a colony of Spain.

Mr. CRUMPACKER. That and nothing more. We put Cuba back into the position that she occupied before the treaty of Paris.

Mr. HOPKINS. Does it affect the relation of Cuba and this country in any other respect than the one of which you have spoken?

Mr. CRUMPACKER. It does not affect the relations of Cuba with this country in any respect except this one.

Mr. HOPKINS. It does not carry to that island the custom laws or the internal-revenue laws, or the control of the government now existing there under Executive order.

Mr. CRUMPACKER. In no respect whatever; and this bill was prepared by the Commissioner of Navigation, and in our

report we submit a letter from the Secretary of the Treasury asking that the bill be passed, and that the second section be put in so that the money that has been collected from the owners of these small crafts shall be refunded now.

Mr. SHAFROTH. Let me ask the gentleman how much does it involve to return the money to those parties?

Mr. CRUMPACKER. Approximately about \$18,000. On the first day of this year the amount was \$15,719, according to the official statement made by the Commissioner of Navigation. It was suggested that the Senate may have stricken out the second section of the bill, because the vessel owners might have imposed higher rates of freight and thus recouped themselves; but the Commissioner of Navigation made the statement to our committee that the first entries, at least, were made without knowledge of this requirement and that the Government had some controversy with the vessel owners in respect to it; but I think, Mr. Speaker, gentlemen will readily see that by the imposition of this extraordinary taxation the discriminations against these small Cuban crafts were such that the money that we propose to reimburse them with will be but a small equivalent for the loss of trade that they must have sustained on account of the imposition of the tax.

Mr. HENRY C. SMITH. Who own these boats?

Mr. CRUMPACKER. Citizens of Cuba; and they must be and they are documented by Cuban authority.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. HOPKINS. I object for the present, until I have further time to consider the bill.

Mr. PAYNE. I hope the gentleman will not object. This bill was fully considered by the Committee on Insular Affairs, and it is unanimously reported.

Mr. CRUMPACKER. There is a pressing necessity for its passage. Boats are coming in every day or two, and it hampers Cuban trade.

Mr. HOPKINS. All I care is, I am not willing that any legislation of this kind shall come in that will affect whatever may be done by the Government of the United States respecting the island of Cuba hereafter.

Mr. CRUMPACKER. I think the gentleman can be assured that this in no way complicates the situation or embarrasses the Government in its relation with Cuba. It does not involve any question except the one I have mentioned, and it would be entirely just and proper for this Government to pass this bill. If Cuba were a foreign power, the necessity would not exist, because the right would be in the Executive to accomplish by treaty what we are now hoping to do by legislation.

Mr. HOPKINS. I withdraw my objection.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendment to the Senate bill.

The amendment was agreed to.

Mr. CLAYTON of Alabama. Mr. Speaker, I desire to say for the benefit of gentlemen upon this side of the Chamber that this measure came from the Committee on Insular Affairs by the unanimous report of that committee. I think that it is a meritorious proposition, and that it should pass now. I desire in this connection to call attention to the fact that this emphasizes the importance of the United States recognizing the independence of the Cuban people. This is but a forerunner of the piecemeal legislation that Congress will be called upon from time to time to deal out in our intercourse with the Cuban people and with reference to their affairs. This measure is rendered necessary because of the fact that Cuba has not yet been admitted to the family of nations. It can notify a flag; it can not make a commercial treaty.

Mr. CRUMPACKER. Let me make an inquiry. I supposed, under the custom of the House, that I of course had the floor; and I would like to ask the gentleman how much time he desires?

Mr. CLAYTON of Alabama. I think I have an hour under the rule; but I will say for the gentleman's peace of mind that I do not intend to make a very long speech.

Mr. CRUMPACKER. Of course I have no objection to the gentleman discussing the question for a reasonable length of time; but I wanted to understand the situation.

Mr. CLAYTON of Alabama. In my own right, I will consume as much time as I think necessary. [Applause.]

The SPEAKER. The Chair will state to the gentleman from Indiana that the action was going on with the Senate bill; the amendment was agreed to; the gentleman from Indiana did not claim the floor; the gentleman from Alabama did, and controls an hour under the rules, as the Chair understands it. The gentleman from Alabama.

Mr. CLAYTON of Alabama. I think I have a legal advantage, fairly gained, and I intend to assert it. [Laughter and applause.] The necessity for this legislation comes from the fact that we have not done our duty by the Cuban people. This great Government has not lived up to the declared purpose of driving the Spaniards

out of Cuba and leaving the government of that island to its own people contained in the resolution that passed Congress in April, 1895. If we had lived up to that, perhaps this question would not be before Congress now, and the other questions of which this is but a mere forerunner would not have to be met by the membership of this House.

Mr. Speaker, if this Government had acted honestly, fairly, squarely, and promptly, as the facts of the case justify, in dealing with the people of Cuba, we would not have such legislation as this here to-day. If the Cuban people were recognized as an independent government, they could negotiate their own commercial treaties, and they would come under the benefits extended to the favored nations of the world. As it is, we are acting as a guardian for Cuba and her people, and we are not treating the ward fairly and justly. It is proposed in this half-handed, piecemeal way to meet what we, under the solemn obligation and purpose that we have declared to the world, we would meet in another way.

Mr. Speaker, no man, I believe, can read the report of General Brooke in regard to the affairs in Cuba but what he will be satisfied that the time is ripe for the American Government to recognize the Cuban people as entitled to independent sovereignty. They are, according to that report, according to the report of General Lee, General Ludlow, and others, whose reports are embraced in General Brooke's report, and especially the report of General Wilson, a law-abiding, peaceful people, intelligent and capable of self-government. He pronounced the highest praise upon the municipal governments that exist throughout that island, and in that report you will also find that we need not wait until the 30th day of November next for dealing with these Cuban questions, for it is stated in that report that the census now being taken there can be completed in two or three months.

Mr. Speaker, I have no prepared speech on this proposition. I merely desire to call the attention of this House to what is to follow in the wake of this piece of legislation. I desire to call attention to the fact that the time is ripe for us to deal with the Cuban question, and this measure, which is a just measure, merely illustrates the fact that we ought to do the full measure of justice to the Cuban people by recognizing them and admitting them into the family of nations. This can be done if this Congress and the Administration will but say the word. The Cuban people will go to work and set up their own government in Cuba, and when they have set up their government there it will simply remain for this Government to recognize it, and it will then be admitted into the family of nations.

I hope this measure will pass, and I hope at an early day the Administration and the majority in this House will live up to our purposes heretofore declared and give to the Cuban people their own government; and if, in the fullness of time, annexation comes, let it come at the request of the Cuban people. Let us strike from them the fetters of military government; let them set up their own government, and, if they please, let them in their own good time ask for annexation in the regular way. Then, Mr. Speaker, the country and Congress will be prepared to deal with that question when so presented; but let us not by piecemeal legislation deal out a small measure of justice to them and hold them in a sort of subjection, and maybe make them submit to forcible annexation.

Mr. Speaker, I hope this measure will pass. I reserve the balance of my time.

The bill was ordered to be read a third time, and being read the third time, was passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### TO AMEND SECTION 1176 OF THE REVISED STATUTES.

Mr. NORTON of Ohio. Mr. Speaker, I ask unanimous consent to have reprinted and a correction made of House Report No. 87, which accompanies the bill H. R. 911. Matter was inserted in the report that had no business there.

The SPEAKER. The gentleman from Ohio asks to have stricken from the Report No. 87, on House bill 911, a portion of the report beginning with the words "There are a class of pensioners," as it was erroneously included in the report. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### RIGHT OF WAY THROUGH THE ARSENAL GROUNDS, PITTSBURG, PA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That the Allegheny Valley Railway Company be, and it is hereby, authorized to extend its tracks over and occupy all that portion of the Allegheny Arsenal property in the city of Pittsburg, Pa., which adjoins the present right of way of said Allegheny Railway, bounded and described as follows, to wit: All that lot or piece of ground situate in the Fifteenth ward, city of Pittsburg and State of Pennsylvania, bounded and described as follows, to wit: Beginning at a point on the south building line of Fortieth



street at a distance of 10.58 feet from the center line of the north-bound track of the Allegheny Valley Railway; thence along the western wall of the United States arsenal south 12° 35' west 576.70 feet to a point on the north building line of Thirty-ninth street, said point being distant 13.27 feet (measured along the north building line of Thirty-ninth street) from the center of the said north-bound track of the Allegheny Valley Railway; thence south 53° 52' west 11.22 feet along the north building line of Thirty-ninth street to a point; thence north 12° 21' east 575.62 feet to a point on the south building line of Fortieth street; thence north 53° 52' west 13.9 feet to the place of beginning, containing 7,655 square feet: *Provided*, That the value of said property shall be fixed by a competent board of officers to be appointed by the Secretary of War, which value shall be paid into the Treasury of the United States before the occupation by said company of said strip: *And provided further*, That the stone boundary wall on the Allegheny River front of the Allegheny Arsenal, which must be removed to permit the desired extension of the railway, be replaced, or its equivalent, on the new boundary line: *And provided further*, That the said Allegheny Valley Railway Company shall construct for the use of the Government a siding about 777 feet long through the said arsenal property, said siding paralleling the said strip of ground hereinbefore described, all free of cost to the United States in addition to the price paid for the said property.

With the following amendments recommended by the committee:

Strike out all after the words "to wit," in line 8, page 1, down to and including the words "to wit," in line 10, page 1.

Insert, after the word "line," in line 1, page 3, the following: "all free of cost to the United States, and to be approved by the Secretary of War."

Insert, after the word "Government," in line 3, page 3, the following: "on the approval of the Secretary of War."

Strike out the word "seven," in line 3, page 3, and insert in lieu thereof the word "five."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Mr. Speaker, it was almost impossible to hear the bill read so that we could tell what was in it. I gather that it makes a contribution of the land at Pittsburg to this railway company.

Mr. DALZELL. I will explain it in a moment.

The SPEAKER. The gentleman from Pennsylvania will suspend a moment. The House will be in order, and gentlemen will take their seats and cease conversation.

Mr. RICHARDSON. I was about to ask whether this is the report of any committee.

Mr. DALZELL. The bill has been reported unanimously by the Committee on Military Affairs. It was introduced at the suggestion of the War Department. The Allegheny Valley Railroad Company occupies a strip of ground between the Allegheny Arsenal, in the city of Pittsburg, on the one side and the Allegheny River on the other. This is a proposition to sell to the Allegheny Valley Railroad Company an additional right of way over the arsenal property. The value of the property sold is to be appraised by a board appointed by the War Department, and the money is to be paid before occupation by the company is permitted. In addition to that the railroad company is to provide for the Government a siding extending throughout the entire length of the property. There is no cost involved to the Government; on the contrary, the Government is to receive the full value of the land parted with. As I said at the outstart, the bill originated in a suggestion from the War Department.

Mr. CANNON. If this right of way be obtained by the railway company, will there be left sufficient ground for all possible arsenal purposes hereafter?

Mr. DALZELL. There will remain probably 15 or 20 acres. The ground now proposed to be sold is a mere strip 12 feet wide taken off one end of the arsenal property.

Mr. RAY of New York. I wish to ask the gentleman from Pennsylvania [Mr. DALZELL] whether the right of way proposed to be given to this railway company divides the arsenal grounds into two portions?

Mr. DALZELL. Oh, no, not at all; it simply takes off a little strip.

Mr. RIDGELY. Reserving the right to object, I would like some further explanation. Is this to be an absolute grant by the Government without any power of recall or revocation hereafter?

Mr. DALZELL. I think so.

Mr. RIDGELY. Would the gentleman object to an amendment leaving to the Government the option of reclaiming this property at any time when it may desire to use it?

Mr. DALZELL. Why, sir, this is to be a purchase; the railway company pays the money, the amount paid to be fixed by a board appointed by the Secretary of War. It is to be a conveyance for a consideration.

Mr. RIDGELY. Has the measure received the approval of the Secretary of War?

Mr. DALZELL. Certainly. As I stated at the outstart, the bill was introduced at the instance of the War Department; it was prepared pursuant to a communication from the Secretary of War to the Speaker of the House of Representatives.

Mr. RIDGELY. How many acres will be disposed of in this way?

Mr. DALZELL. A strip of land 577 feet long by 12 feet wide—about one-sixth of an acre.

Mr. HULL. May I be allowed a word of explanation? This

railroad company now has a right of way through these grounds. The first right of way was granted in 1853, and an additional strip in 1874. The Department states that the facilities there at present are not sufficient to enable the Government to promptly receive and discharge the freight that it receives or sends out at this arsenal.

Mr. RIDGELY. One other question. I understood the gentleman to say that "we pay for the land." Whom does the gentleman mean?

Mr. DALZELL. The railroad company pays.

Mr. RIDGELY. Does this bill reserve to the Government the use of this track? Is the track to be a switch, or a part of the main line of the road?

Mr. DALZELL. The company is to build for the Government an independent track through the entire length of this strip.

Mr. RIDGELY. And the Government is to have the independent use of that track for all time without charge?

Mr. DALZELL. Yes, sir; absolutely.

Mr. MCCLEARY. From what has been said I understand that this is for the benefit of the Government rather than the railroad company.

Mr. DALZELL. The matter was so put by the Secretary of War in his communication.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to consider the bill.

The amendments reported by the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

#### ELECTION OF SENATORS.

Mr. CORLISS. Mr. Speaker, at the time that the Committee on the Election of President, Vice-President, and Representatives in Congress filed their report on House joint resolution No. 28 it was not understood by the chairman that some members of the committee desired to file a minority report. I now ask unanimous consent that such members of the committee as may desire to do so have until next Wednesday to file their dissenting views upon the joint resolution.

Mr. RICHARDSON. Let us hear the title of the resolution.

The Clerk read as follows:

Joint resolution proposing an amendment to the Constitution providing for the election of Senators of the United States.

The SPEAKER. The gentleman from Michigan [Mr. CORLISS] asks unanimous consent that members of the Committee on the Election of President, Vice-President, and Representatives in Congress be allowed until Wednesday next to file a minority report upon House resolution No. 28. Is there objection?

There was no objection; and leave was accordingly granted.

#### CUBA—CIVIL REPORTS OF MAJ. GEN. JOHN R. BROOKE.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution that I send to the desk.

The SPEAKER. The resolution will be read, subject to the right of objection.

The resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 7,000 copies of so much of the civil report of Maj. Gen. John R. Brooke, military governor of the island of Cuba, made to the Adjutant-General of the United States Army, with accompanying papers and documents, as is in the English language, together with a prepared index, of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department.

The Committee on Printing recommend the adoption of the following amendment: Strike out the word "report," in the third line of the resolution, and insert the word "reports."

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The amendment was considered and agreed to.

The resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C.

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

S. 198. An act to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886.

S. 2354. An act enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table, and referred to their appropriate committees as indicated below:

S. 198. An act to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886—to the Committee on Claims.

S. 2368. An act granting a pension to Mary A. Randall—to the Committee on Pensions.

S. 35. An act granting a pension to Louise Donath—to the Committee on Invalid Pensions.

S. 39. An act granting an increase of pension to Caroline V. English—to the Committee on Invalid Pensions.

S. 240. An act granting a pension to Nancy Ellen Bessom—to the Committee on Invalid Pensions.

S. 349. An act granting an increase of pension to James H. Coventon—to the Committee on Pensions.

S. 354. An act granting a pension to Vincent de Frietas—to the Committee on Pensions.

S. 1003. An act granting a pension to Julia M. Johnson—to the Committee on Invalid Pensions.

S. 1047. An act granting an increase of pension to John McGrath—to the Committee on Pensions.

S. 1059. An act granting a pension to Silas B. Hensley—to the Committee on Invalid Pensions.

S. 1068. An act granting a pension to Jennie A. Kerr—to the Committee on Pensions.

S. 1489. An act granting an increase of pension to Robert C. Rogers—to the Committee on Pensions.

S. 1533. An act granting a pension to David Carroll—to the Committee on Pensions.

S. 1713. An act granting an increase of pension to Alice S. Jordan—to the Committee on Invalid Pensions.

S. 1796. An act granting an increase of pension to Rebecca P. Quint—to the Committee on Invalid Pensions.

## ADDITIONAL STENOGRAPHER FOR COMMITTEES.

Mr. JOY. Mr. Speaker, I desire to submit a privileged report and ask its present consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

*Resolved*, That an additional official stenographer to committees of the House is hereby authorized, who shall be appointed by and be under the direction of the Speaker, to be paid out of the contingent fund of the House at the rate of \$5,000 per year until otherwise provided for.

Mr. BULL, from the Committee on Accounts, submitted the following report, to accompany resolution No. 114:

The Committee on Accounts, to whom was referred resolution No. 114, providing for the appointment by the Speaker of an additional official stenographer to committees of the House, to be paid out of the contingent fund of the House, at the rate of \$5,000 per year, until otherwise provided for, have had the same under consideration and beg leave to report as follows:

At present two official stenographers to committees of the House are employed, at an annual salary of \$5,000 each. They are required to report hearings before the regular and special committees, and to perform such other stenographic work as may be required by committees. During the present session of Congress the demand upon the two stenographers by committees has been greater than usual, and at many times so great that the calls could not be answered, necessitating the employment of outside help at large expense. On many days six committees required the services of two stenographers. These were the Committees on Appropriations and subcommittees, Naval Affairs, Post-Office and Post-Roads, Coinage, Weights, and Measures, Interstate and Foreign Commerce, and the Special Committee on the Roberts Case. It is becoming more and more the custom to report the proceedings of committees, as it has been found that the testimony then taken has proved of great value in subsequent proceedings, especially upon questions involving appropriations of money.

To meet the requirements of all committees demanding such service is a great physical and mental strain upon two stenographers, the proceedings being technical and informal, and the "takes," or the time each man is continually taking shorthand notes, being often five hours long without relief. To transcribe the notes requires additional labor and necessitates the stenographers to remain on duty until midnight in order to keep up with the work.

It is obvious to your committee that an additional stenographer is absolutely necessary. We therefore recommend the adoption of the accompanying resolution. The salary is fixed at the same rate now paid the regular force, \$5,000, for the reason that we believe the character of the work to be performed calls for an expert stenographer.

Mr. JOY. Mr. Speaker, in reference to the resolution just read, I will say that this comes from the Committee on Accounts by unanimous report. Provision is made in the resolution for proper assistance and attendance on the committees of the House where testimony must be taken. At present it is impossible to provide for that with the limited force at the disposal of the House. This provides for the appointment of an additional stenographer for the committees, to be paid out of the contingent fund of the House.

Mr. RICHARDSON. But, if the gentleman will permit me, there is no limitation, as I understand the reading of the report, upon the length of the employment or how long he shall be paid for.

Mr. JOY. The matter is placed in the discretion of the House. He is to be paid out of the contingent fund of the House for this service.

Mr. RICHARDSON. Then it is contemplated that he shall be kept during the entire session of Congress?

Mr. JOY. Certainly.

Mr. RICHARDSON. Would that be necessary? The work may not last but for a very brief time.

Mr. JOY. The report, I will state to the gentleman, is unanimous. We have considered this matter very carefully and find it necessary to adopt the resolution as the committee has provided.

Mr. BARTLETT. I would like to say to the gentleman from Tennessee that the Committee on Accounts came to the conclusion, after very careful investigation of the matter, and of the work which was before the various committees of the House, after listening to members of the House as to the hearings before their various committees, that it was impossible to perform the duties with the existing force, and that an additional stenographer was absolutely required.

The stenographic force of the House as it now exists is not able, as we all are well aware, to comply with the demands of the various committees for assistance in their hearings from time to time. Of course, when these gentlemen are not employed in other committees they are available for the committees which desire to have hearings. But in a session of Congress, especially at the beginning, there is a great demand on their time and attention. They are employed almost without intermission, and the hearings embrace, as gentlemen must be aware, many great and important questions which are important in the legislation that Congress is expected to undertake. Both the majority and the minority of the committee, after an investigation of the matter, have concluded that this request is only a reasonable one and should be allowed; and it is only after a careful investigation in connection with the whole matter that we found it absolutely desirable and, in our judgment, necessary to give this additional help.

Representing the committee—or the minority of the committee, at least in part—I voted, after a full investigation, for the adoption of the resolution, and think it ought now to be passed.

Mr. HITT. I would like to ask the gentleman in charge of the bill a question. By what regulations are the stenographers now governed? Are they subject to the call of any chairman of a committee who desires to have testimony taken before the committee?

Mr. JOY. I will state to the gentleman from Illinois that if they are not otherwise engaged they are subject to the call of any committee that desires or needs their services. It is impossible, however, for them sometimes to attend to the demands of committees which really need their services.

These men are appointed by the Speaker and their duties are clearly fixed. They are always at hand when their services are needed, and the only trouble is that the committees—many in number—requiring their services can not secure them when they are often absolutely necessary.

Mr. HITT. By what regulation is that determined, and where is it to be found?

Mr. JOY. I do not think there is any law with reference to it. They are under the direction of the Speaker of the House. They are appointed by the Speaker and are ordered to appear before committees, when called upon by the chairmen of committees, to report hearings.

Mr. RICHARDSON. There is no law. You have to file your application and get them as best you can. That is the rule.

Mr. HITT. The employment of these officers, then, is limited to the three persons? They are not required to have anybody else to assist them, and when they are not called for their salaries run on?

Mr. JOY. The salaries run on.

Mr. HITT. Well, under the authority of the Speaker, these officers being salaried continuously, could there be an arrangement made by which the current work of committees could be attended to without a chairman having to go and procure a stenographer himself, as has been done repeatedly?

Mr. JOY. That has been done for the simple reason that it was impossible for the two committee stenographers to meet the requirements of the different committees. It has been the practice for many years to have two or more committee stenographers. There are only two now. They sit at a committee meeting and report the proceedings of the committee for perhaps three hours. They then have to write them all up and have the report ready for the next meeting of the committee. These stenographers are therefore busy night and day, and it is impossible after the shorthand notes are taken to get them transcribed into longhand for the use of the committee sometimes for a week or two after the hearing was had, and it has become—

Mr. HITT. I was simply calling attention to the singular inaptitude of the method proposed, of having a man salaried by the year to do a kind of work that comes now and then, with a glut perhaps for four days, but no provision made by which two or three persons, who are employed only a fourth of the time, could have an abundant force to dispose of that work as it arises



Mr. JOY. That would have to be done by a law and not by a resolution.

Mr. HITT. My question was whether there was any regulation or usage that determined that, so as to give a discretion to enable these men to have assistants to dispose of the work rapidly when it comes instead of being compelled to put in a \$5,000 officer here, when we may not have this pressure for more than a week at a time.

Mr. STEELE. I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Indiana?

Mr. JOY. I do.

Mr. STEELE. I would like to ask the chairman of the Committee on Foreign Affairs if he has ever made a call on the Speaker for an official stenographer or sent his clerk to the Speaker for an official stenographer when there was one not employed that he did not get him?

Mr. HITT. I can not say that that ever happened.

Mr. SHAFROTH. I should like to ask the gentleman a question.

Mr. HEPBURN. Will the gentleman yield to me for a moment?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Colorado?

Mr. JOY. I do.

Mr. SHAFROTH. I would like to ask whether or not the stenographer who will be employed will receive any additional compensation for transcribing the testimony that is taken before the committees?

Mr. JOY. Not at all.

Mr. SHAFROTH. That is all included in the \$5,000 salary?

Mr. JOY. That is included in the salary of the stenographer.

Mr. SHAFROTH. He is not authorized to have his assistants paid out of the Treasury?

Mr. JOY. There is no provision for any assistants.

Mr. HEPBURN. Now I should like to ask a question.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. JOY. I do.

Mr. HEPBURN. I simply desire to make this inquiry of the gentleman: Would it not be better to provide for the employment of two stenographers at a per diem equal to that which you will pay to the officer proposed to be employed? I know there is very great difficulty in securing adequate service at these various committee hearings. I know that in my own committee we have had to wait, sometimes very impatiently, because we could not secure a stenographer to report the hearings. The quantity of the work is so great that the two who are now authorized are entirely unable to handle it. The gentleman must remember that in this Congress the demand upon the stenographers is very much greater than ever before. There are so many new questions that are receiving attention. There are so many witnesses whose testimony we desire to preserve that I do not believe three stenographers for the reporting of the committees alone will be able to meet the demand during this Congress.

Mr. BARTLETT. Do you mean three additional?

Mr. HEPBURN. No; I mean the two already employed with the one additional, and I was asking the gentleman if he would not prefer to have two stenographers instead of one, to be paid a per diem compensation.

Mr. BARTLETT. Will the gentleman from Missouri yield to me for a moment? I want to say in reply to the gentleman from Iowa that so far as I am concerned, I was guided in voting for this resolution by a desire to meet the demands of the great committees of the House, which are investigating questions which require the services of official stenographers, and I am perfectly willing, as far as I am individually concerned, to be guided by the reasonable wishes of those committees. And if the chairmen of these various committees believe that two stenographers at a per diem are necessary for the proper conduct of the business before those committees, in order to preserve a record of the hearings, I for one am perfectly willing to accede to that request and grant it to them.

Mr. HEPBURN. I did not desire to criticize the committee. I think their proposition is in the right direction, only I feared it was not enough. I know there is great difficulty in getting stenographers to report these committee hearings under the present arrangement.

Mr. JOY. I will answer what has been said by saying we have proceeded on the same lines that have always been followed in these matters. There is no law that provides for an additional stenographer. If a law is passed, it might be much better to provide for two additional stenographers during the session of Congress, at a per diem payment; but in order that all should stand upon the same basis, we provided for this additional one to be appointed and paid in the same way and the same salary that the others are paid, to meet the demands of the committees as represented to us by their chairmen.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

S. D. NEWCOMB.

Mr. JOY. I also present another resolution.

The Clerk read as follows:

*Resolved*, That the Clerk of the House be, and is hereby, directed to pay S. D. Newcomb, the document and bill clerk of the House, as authorized by resolution No. 141, passed March 3, 1899, his salary as such, from the contingent fund of the House, from the 1st day of July, 1899, and until said salary is provided for in the annual legislative, executive, and judicial appropriation bill.

Mr. JOY. Mr. Speaker, I desire to say that this is the same person who has heretofore been employed. His assistance is absolutely necessary, and it is hoped that he will be provided for in the general bill by the proper committee, so that he may always hold that position, or some one may always hold that position. The resolution as introduced provided that he should be provided for from July, but we have amended that so as to be from the 1st of November.

Mr. HULL. Mr. Speaker, I understand that the Committee on Accounts had several resolutions referred to it at the beginning of this session for extra clerks to committees. I want to say that the Committee on Military Affairs has had to employ an extra clerk, as has been done for the past twenty years, and so far in this session the chairman of the committee has had to bear that expense. I would like to ask the chairman of the Committee on Accounts if it is intended to give to those committees really needing it the extra force or not? For, if not, I want to relieve the chairman of the Committee on Military Affairs from any further liability for the service of that committee to meet the demands of the members of the House. It will not be long until the House will demand the employment of an extra clerk.

Mr. JOY. I will state, in answer to the gentleman, that the question that he has brought up has received a great deal of consideration in the Committee on Accounts. I believe, speaking for myself and nobody else, that the committee are disposed to grant to every committee such additional clerical force as that committee may need, and no more. The question of discriminating and differentiating between the needs of the committees has been a very difficult one of solution, and the committee has not yet solved it. The chairman of the committee is not present. I am satisfied that the committee, in a very few days or within the next week, will make a report by which the committees will be properly provided with such clerical force as they need.

Mr. BARTLETT. In answer to the gentleman from Iowa, I desire to say that the committee, without divulging anything that ought not to be divulged, has prepared a report to pass a resolution providing for additional clerks. I do not know whether the gentleman is informed about it or not. I will not indicate, but yet I think we are going to provide amply for the committee of the gentleman from Iowa and others that require assistance.

Mr. HULL. Mr. Speaker, just one word more. By consent of the gentleman from Missouri, I want to say to the House that out of the first 6,000 bills introduced this session the Committee on Military Affairs had 1,460 of them; and in addition to the large number of these bills that require a great deal of attention we have the appropriation bills. There is an average of twenty to thirty people in the committee room every day asking the status of these bills. And with all that work we have only one clerk. I do not make any reflection upon other committees that have additional help, because I have no doubt they need it. The Committee on Invalid Pensions has two annual clerks and a clerk detailed from the Bureau, and I think they need them.

Mr. BARTLETT. And they are asking another, in the shape of a stenographer.

Mr. HULL. I am not criticising what is given to other committees, but it is absolutely impossible for the Committee on Military Affairs to serve this House unless they have an additional clerk.

The SPEAKER. The question is on agreeing to the amendment.

Mr. BARTLETT. I want to say this about that.

Mr. JOY. I submit, Mr. Speaker, all this discussion is not germane to the resolution before the House.

The SPEAKER. Does the gentleman from Missouri yield to his colleague from Georgia?

Mr. JOY. I think we had better stop the discussion.

Mr. BARTLETT. I will save what I was about to say for another time.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was adopted.

A. J. MAXHAM.

Mr. JOY. Mr. Speaker, there is one other resolution from the committee on which it desires to make an adverse report.

The Clerk read as follows:

Resolution No. 36.

*Resolved*, That A. J. Maxham, of Vermont, be appointed as special messenger to serve in and about the House, under the direction of the Doorkeeper,

at a salary of \$1,200 per annum, to be paid out of the contingent fund until otherwise provided for.

Mr. JOY. That is adversely reported by the committee.

The SPEAKER. The question is on agreeing to the report. The report of the Committee on Accounts was agreed to.

#### REPORT OF COMMISSION ON AFFAIRS IN PHILIPPINE ISLANDS.

The SPEAKER laid before the House the following message of the President; which was read, and referred to the Committee on Insular Affairs. The message was ordered to be printed, the report being already in print:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report of a commission appointed by me on January 30, 1899, to investigate affairs in the Philippine Islands.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 2, 1900.

#### CHANGE OF REFERENCE.

The SPEAKER announced the following change of reference: The bill (S. 6) for the relief of James H. Latham, erroneously referred to the Committee on Invalid Pensions, was referred to the Committee on Military Affairs.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CONNELL, for ten days, on account of important business.

#### INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union (Mr. MOODY of Massachusetts in the chair) for the further consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. LITTLE. Mr. Chairman, I desire to submit a request that the gentleman from Georgia [Mr. BARTLETT], who was unable to be present yesterday afternoon, be allowed to proceed as in general debate for fifteen minutes. The time had been allotted to him and was not consumed by any other gentleman, and he was unable to be present.

The CHAIRMAN. The gentleman from Arkansas requests unanimous consent that the gentleman from Georgia [Mr. BARTLETT] be allowed to proceed as in general debate for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

[Mr. BARTLETT addressed the House. See Appendix.]

Mr. CANNON. Mr. Chairman, I have listened to the gentleman from Georgia to-day, touching the subject of lynching, and I listened to his colleague, another gentleman from Georgia, yesterday upon the same subject, and various gentlemen upon that side of the House. I want to say that, coming from Illinois, as I do, I admit that there have been in recent times a number of lynchings. There have been one or two in the last three or four years. Among others, one in the county in which I reside, the only one since its organization, seventy years ago. Now, when I say that, I want to say that no lynching has happened in Illinois that I do not exceedingly regret, and generally when the blood cools in the locality where the lynching takes place, our people regret it and reprobate it. And I trust the same thing is true in the State of Georgia.

Mr. BARTLETT. Certainly it is.

A MEMBER. And all over the South.

Mr. CANNON. My friend says, "All over the South."

The gentleman gave two instances in the State of Georgia. His colleague yesterday gave one instance. The bare recital of those incidents made the blood of every member who heard it hot with indignation.

Sir, I understand that in the State of Georgia and in most of the Southern States that infamous crime, rape, is punishable, upon conviction, by the infliction of the death penalty.

Mr. BARTLETT. In the discretion of the jury.

Mr. CANNON. Now, I believe that in every State of the South, as well as every State of the North, it is quite practicable to get a jury of honest, intelligent people who will give to the accused the benefit of a fair trial, with the privilege of being confronted with the witnesses against him; and while we can not expect, perhaps, in an extreme case that human nature can always forbear to go

outside of the law, yet it would be far better if human nature could forbear until the party accused could be brought to the bar of the court and if guilty convicted and if innocent acquitted.

Mr. BARTLETT. Right on that line the gentleman will allow me to say that in my State, in the district represented by Judge MADDOX and the one represented by my colleague, Mr. BRADLEY, and in numbers of other districts in that State, the people have recently shown a disposition when not worked upon by unjust denunciation to assert the majesty of the law and give these people accused of crime a regular trial.

Mr. CANNON. Oh, I believe that the people of the State of Georgia have the capacity, if they will, to enforce the law—

Mr. BARTLETT. We are doing it.

Mr. CANNON. And secure to the humblest citizen a fair trial, whatever bad things people may say about them beyond the boundaries of the State.

Now, Mr. Chairman, I would not have said one word but that it seemed to me that the tenor of the remarks of some gentlemen perhaps—I will say I do not believe they were meant in that way—looked toward a justification of lynchings. I have no justification of the violation of law by one individual or by many individuals, and it is necessary that the tone of society should be this way throughout the country if our civilization is to be maintained.

Mr. GRIGGS. Will the gentleman permit me?

Mr. CANNON. In one moment. Let me say before I sit down there have been lynchings in my own State. I have in my mind now a case which happened in an adjacent county to the one in which I reside, where within the last ten years an outcry was raised against a helpless negro, and in the excitement of that outcry he was taken from the jail in hot blood by white citizens of Illinois and hanged. And the fact was developed afterwards that he was guiltless of the accusation against him. What reparation can there be in cases like this, where innocent men, without trial, without conviction, without hearing, are in hot blood put under the sod?

I am not now seeking to say that the State which I have the honor to represent in part is without fault or to throw stones at others. But I do feel it my duty at this moment to say that all lynchings are unfortunate and that in my judgment nothing ought to be said by myself or anybody else in this National House of Representatives that would be otherwise received by the country than in reprobation of the violation of law, whether by one man or by many. [Loud applause.]

I will now yield to my friend on the other side.

Mr. BARTLETT. I wish to say to my friend—

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. SHERMAN. I hope the Committee of the Whole will excuse me if I call them back to a consideration of the subject we are supposed to have before us. I do not wish the country to suppose, because so much time has been devoted here to a discussion of certain crimes, that they are crimes to which the Indians resort. The Indians do not resort to the crime of rape or to crimes against the elective franchise.

Mr. Chairman, yesterday, under the head of "Treaties," we passed over informally a provision on page 10 to which the gentleman from Illinois [Mr. CANNON] raised objection and for which he asserted there was no treaty provision. I have ascertained, Mr. Chairman, that there is a treaty provision, as I had supposed, but the exact place where it was to be found escaped my memory for the time—a treaty provision for these two items which were passed over by unanimous consent yesterday.

I find by consulting the RECORD of one year ago that the gentleman and I at that time had some discussion, when the Indian appropriation bill was under consideration, in reference to these two items and that his construction and mine differed, the result of the difference being that finally we permitted these items to go out last year. I believe that the gentleman is in error in his construction of the treaty, which is that after a period of thirty years from 1868 (which has now elapsed) there is no longer any obligation on the part of the Government in this matter. But in order that there may be no possibility of error in this respect, I am willing that these two items should go out of the bill for the present. I will then call upon the law officer of the Interior Department for his opinion as to the right of these Indians under the sections of the treaty to which I will call attention; and if his opinion is in accord with that of the gentleman from Illinois, we will drop the subject. If not in accord with his opinion, but rather in accord with mine, I will ask the committee in the Senate to reinsert the item. I will now ask, therefore, Mr. Chairman, that on page 10, lines 16 to 23, inclusive, be stricken out.

The CHAIRMAN. The Clerk will read the paragraph which is proposed to be stricken out.

The Clerk read as follows:

#### APACHES, KIOWAS, AND COMANCHES.

For pay of employees, as provided by treaty of October 21, 1867, \$8,000.

#### CHEYENNES AND ARAPAHOES.

For pay of employees, as provided in treaty of October 23, 1867, \$8,000.



The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from New York [Mr. SHERMAN]. The amendment was agreed to.

Mr. SHERMAN. I think we read to line 4 on page 36 last evening, Mr. Chairman.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

Indian Territory: For general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, \$13,280.

Mr. CANNON. I want to ask the chairman of the Committee on Indian Affairs a question. This is a provision for a clerical force, I suspect, for the inspector's office in the Indian Territory, is it not?

Mr. SHERMAN. No; this is not for clerical help. It is for the general incidental expenses of the agents there—that is, traveling expenses in going from one place to another, and in employing in and about the agency such help as is needed, and very often provided for specifically in this and other appropriation bills.

Mr. CANNON. And I suppose it grows out of the anomalous condition in the Indian Territory.

Mr. SHERMAN. No; the same condition exists in almost all States.

Mr. CANNON. And yet there is no special appropriation for this Indian service elsewhere like under this, is there?

Mr. SHERMAN. Yes; all these items under incidental expenses are alike.

Mr. CANNON. Yes; but is there another instance—

Mr. BROSIUS. Montana is just the same.

Mr. SHERMAN. They are all the same.

Mr. CANNON. I see the gentleman is correct, but this is for \$13,000.

Mr. SHERMAN. This is larger, of course, because it is a larger Territory than any particular Indian reservation, and because there are more Indians in the Indian Territory by three times, I think, than are found in any single State, not to say on any single reservation.

Mr. CANNON. There are no agents, I believe, for the Five Civilized Tribes.

Mr. SHERMAN. There is one agent at the Union Agency; but there are other Indians in the Indian Territory not included in the Five Civilized Tribes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries of four commissioners, appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, \$20,000: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and \$3 per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, \$276,000; for contingent expenses of the commission, \$4,000; in all, \$300,000.

Mr. BURKE of Texas. I should like to ask the gentleman from New York in charge of this bill how much was the appropriation made last year under this head?

Mr. SHERMAN. One hundred and twenty-three thousand dollars.

Mr. BURKE of Texas. I should like to ask the gentleman what is the necessity of increasing it about 150 per cent?

Mr. SHERMAN. If the gentleman will send to the document room and get Document No. 220 of this Congress, he will find the estimate supplemental to the original estimate sent us through the Treasury Department, calling for an appropriation of \$641,000.

Mr. BURKE of Texas. I should not be surprised at the extent of any appropriation that commission calls for, so far as that is concerned.

Mr. SHERMAN. Well, I should be greatly surprised if that commission called for any appropriation that was not entirely proper.

Mr. BURKE of Texas. I want to say, Mr. Chairman, if I remember correctly, this commission was appointed about seven years ago.

Mr. SHERMAN. No; ten years ago.

Mr. BURKE of Texas. The law was passed, I think, in October, 1893.

Mr. SHERMAN. I think the first act was a little earlier than that. I am not sure.

Mr. BURKE of Texas. Well, it may be that it was a little earlier. It has been about seven years since that commission have been at work on the duties assigned to them; and what are those duties, Mr. Chairman? What duties have devolved upon this commission since their appointment seven years ago? To take the enumeration of the Five Civilized Tribes of the Indian Territory preparatory to an allotment of land as soon as that enumeration can be taken. I state to the committee this evening that from the best information I have—and I believe it is correct—the population of the Five Civilized Tribes to-day amounts to about

85,000 people, and, as a mathematical proposition, I should like to submit to the chairman of this committee and to the Committee of the Whole, if it takes these gentlemen, four in number, seven years to fix the status of 85,000 people—and they are not yet through with it—if the same course was pursued with reference to the census of the United States, that census would not be taken in one hundred and fifty years.

I see that this commission have also duties devolving upon them in the way of establishing possible town sites. These four gentlemen, with their traveling paraphernalia, drawing a salary of \$5,000 a year each from the public Treasury of this country, traveling over a circumscribed area to take the census of 85,000 people, have been engaged in that service about seven years, and yet this House is confronted with the suggestion and the proposition coming from that committee that we shall increase the appropriation heretofore made to that department about 150 per cent.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. BURKE of Texas. Yes.

Mr. CLARK of Missouri. I do not care much about the bill, but is it not a large part of the duties of that commission, in addition to making the enumeration, to find out who are entitled to have a part of that property down there, depending on questions of heirship, and all that?

Mr. BURKE of Texas. On the question, as I understand it, of Indianship instead of heirship.

Mr. CLARK of Missouri. Well, it means the same thing in the end.

Mr. BURKE of Texas. Yes; I concede that that is a part of their duty, and in making that concession, Mr. Chairman, I submit to this House whether it should not be an object of censure that a commission of four men should consume seven years' time in determining the status of 85,000 Indians? And in that connection I submit this further suggestion, whether or not this House ought to yield every point toward increasing the cost of this commission, with their traveling paraphernalia.

[Here the hammer fell.]

Mr. LACEY. The suggestion made by the gentleman from Texas [Mr. BURKE] would be a very natural one if it came from some other locality, some distant State unassociated and unfamiliar with the Indian Territory; but as my friend lives so near there—

Mr. BURKE of Texas. Let me answer that. It comes from "the gentleman from Texas" because I am close by, and I know and have heard enough to satisfy me that there ought to be a remedy somewhere for this thing.

Mr. LACEY. The gentleman then pleads guilty to a situation in which he ought to have knowledge of the affairs of the Indian Territory, and my friend from Texas is always so fair and candid that I am surprised at his attack upon the Dawes Commission.

I want to say in behalf of that commission that no more complex situation ever confronted any body of men in this world than the problem that was laid upon them by the original act creating the commission and the subsequent acts passed from time to time enlarging their powers and imposing upon them additional duties. It was my duty as a member of the joint committee of the House and Senate to help frame what is now known as the Curtis Act. We ran up against almost every conceivable proposition of law.

We found people there who claimed to be members of Indian tribes by marriage, by inheritance, by affinity in the most remote degree. They sought access to tribes, the richest almost in the world, tribes owning large areas of land, tribes which had rights to money deposited in the Treasury, and many white men, some of them even from Texas, were willing to forego the claim of being Texans and to call themselves Choctaw or Cherokee Indians, or anything else, in order to become entitled to the benefit of the rights to which those tribes were entitled.

Now, all these questions had to be solved in some way. When we commenced to draw the Curtis law an effort was made to respect all rights that had theretofore been granted by acts of Congress and all the various rights that had arisen growing out of the peculiar legislation of the Territorial legislatures of the tribes themselves. Also an effort was made to recognize the judicial decisions which have attempted to construe these multiplying and remarkable rights.

Now, the Dawes Commission has grown beyond its original scope. It has become a dignified commission, having the right to settle questions among these Indians in a Territory nearly two-thirds as large as the State of Indiana, and equally as rich and fertile. From 300,000 to 500,000 white people have moved in there. Railroads have crossed the country; town sites have been laid out; and the supreme court of Texas, great court as it is, in that Commonwealth in which it is situated, has had no more difficult problems confronting it in the last five years than the Dawes Commission has been compelled to meet and decide.

That board has been bringing the tribes together, and has been

negotiating treaties with those tribes that have been rejected by Congress and then sent back again, remodeled, and afterwards accepted. That commission has been headed by a man whose name is a household word among the Indians. It is known as the "Dawes Commission." The Indians know that there is no more able friend of their race and no more fair and just man can be selected for the purpose of deciding those matters between them than this honorable gentleman, Hon. Henry L. Dawes, who heads that commission, and whose name is attached to that commission.

Mr. BURKE of Texas. I have not the pleasure of a personal acquaintance with the gentleman at all, and doubtless he comes up to the whole measure that the gentleman has stated; but can he tell me how long it is since the chairman of that commission was in the Indian Territory?

Mr. LACEY. I will state—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of Texas. I ask that the gentleman's time may be extended five minutes.

Mr. LACEY. I hope my time may be extended. I think this is a question the House ought to understand. It is perhaps the most living question embraced in the Indian bill.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Now I yield to the gentleman for his question.

Mr. BURKE of Texas. I wish to state to the gentleman from Iowa I am informed by a reputable lawyer in the Indian Territory, whose name I can give if necessary, that the chairman of that commission has not seen the Indian Territory in over three years.

Mr. LACEY. No doubt of it, sir. Mr. Chairman, Mr. Dawes, the head of that commission, and whose name attaches to it, is known as a tower of strength to that commission in all that Territory. He is one of that commission, and they confer with him. They meet with him. He appeared with them before the Indian Committee. He was present when the Curtis Act was framed, and he has been giving that commission the benefit of his wise counsel and influence all these years. He has become an old man. I suppose he is near 80 years of age.

A MEMBER. Upward.

Mr. LACEY. He is a man that that commission can very illy spare, and his name is still attached to it; but the detail work, the work in the field—the appraisements, the allotments, and the making of these rolls—has been deputed to younger and more vigorous men; but it would be a very grave loss to the commission to be deprived of the wise counsel of Henry L. Dawes, the chairman of the commission. It is true, as my friend says, he is not connected with the field work or the active work of making these various allotments and attending to the details of the duties of that commission out in the wild West where these tribes are located.

Now, Mr. Chairman, more progress has been made in the adjustment of these Indian matters in the last four years than in any previous twenty-five years. That is the unanimous report from everybody along the line so far as I know. Ask the gentlemen upon the Indian Committee whose districts immediately adjoin the Indian Territory, and ask others living out there, and who indirectly represent in a certain sense the Territory in which this commission is operating; and so far as I know the report from them has been of the most gratifying character.

I am satisfied if my friend from Texas would give the same close and careful examination to the question that those gentlemen have done—the gentleman from Arkansas [Mr. LITTLE], the gentleman from Missouri [Mr. BENTON]—formerly on the committee, who live adjoining the Territory, he would see that this commission is doing better work than has ever been done in the settlement of the Indian question. Now, the request is made for more money to expedite this work, the idea being to close this work out at the earliest possible moment, and the committee cut the estimate in two as made by the Dawes Commission.

Mr. CLARK of Missouri. I would like to inquire, if you have any information on the subject, about how long will it be before they get through with this work?

Mr. CURTIS. In four years.

Mr. LACEY. I think it will take longer.

Mr. CLARK of Missouri. I ask that question because we want to take that Territory in as a State.

Mr. LACEY. I know that it is said that it can be done in four years, but they have a very difficult problem there, and, personally, I only give my own view. While the committee think it can be done in four years, I think it will take longer. New difficulties are always arising; new questions arising constantly; and this Dawes Commission, in my judgment, will ultimately be the nucleus of a general government of that Territory, and instead of the commission going out in four years its power will rather be enlarged instead of going away with the commission itself. It is a wise expenditure of public money in this place, because they are men in whom the Indians have confidence in negotiating and set-

ting up complex questions arising between the different Indian tribes and the white settlers there, and the various claims to Indian citizenship.

Mr. FLYNN. Mr. Chairman, this one fact must be borne in mind, that, as the gentleman from Texas states, they have been in existence a number of years. At the time the commission was created it was composed of five members, and for whom Congress appropriated \$5,000 each for salary. They came back repeatedly, year after year, to Congress with the report that the jurisdiction conferred upon them by Congress was not acceptable to the Indians, and year after year Congress sent them back again to see whether or not it was not possible to make agreements with them.

That state of facts existed until two years ago. So that when the statement is made that this commission has existed six or eight years, and that if it takes them that length of time to go ahead and do what small amount of work they have done, how long will it take them to finish it, I am here to say that the commission during the past two years has done more work than they previously accomplished in six years. Why? Simply because when the Indians realized that Congress was in earnest and passed the so-called Curtis Act, the Choctaws and the Chickasaws at once made treaties with this commission. The Creeks and Cherokees made treaties also. Congress ratified the Choctaw and Chickasaw agreement, but did not ratify the Cherokee and the Creek.

I live adjoining where this commission works. If the wish of many members of this House eventually becomes a law, this Indian Territory, over which this commission now exercises its function, will become a part of the State of Oklahoma. I have made personal visits there, and I am here to say now that there was no commission ever created that accomplished as much for the amount of money appropriated as this commission has during the past two years.

Now, another thing that was brought out before the Committee on Indian Affairs. The statement has been made broadcast that all the commission desired was to have their job last so that they can draw their salaries. What are the facts? The recommendation to your Committee on Indian Affairs provided that the appropriation for this year should be \$640,000. I asked the commission whether or not that amount could be handled judiciously. I said that I had heard that all that they desired was to continue their places. The original item was \$170,000.

The Secretary, after consultation, said that they requested an appropriation of \$640,000, but the committee, after going into the facts, decided that an appropriation of \$300,000 would doubtless give this commission sufficient funds to put additional corps of surveyors and allotting agents in the field, and so the work could be advanced so much more rapidly.

I am familiar with the situation down there, and God knows I want it to terminate as quickly as possible, but you must realize that you can not measure the amount of work that is to be done by the work that has been done by the commission for the past six years, for the simple reason that Congress was insisting that they should make an agreement with the tribes, and the tribes refused to make agreements.

I was at Muscogee last summer when the commission, acting under the Curtis Act—they did not have a treaty with the Creeks, because Congress refused to ratify it—acting under the Curtis law, opened the land office at the town of Muscogee. I have been at all the booms and rushes that have taken place in the Territory of Oklahoma, but I am here to say that the rush of Indians to this land office opened at Muscogee has never been paralleled in the history of the West.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURKE of Texas. I ask that the gentleman have five minutes longer.

There was no objection.

Mr. FLYNN. I was there, I say, when that land office was opened. The Indians have finally come to realize that Congress is in earnest and does not longer intend to allow the existing condition that has prevailed for the last fifty years to continue in the Indian Territory.

Mr. RIDGELY. Will the gentleman allow me an interruption?

Mr. FLYNN. Yes.

Mr. RIDGELY. How long do you think, or in the opinion of the committee, it will take for this commission to do its work?

Mr. FLYNN. Well, the commission testified that if they received the \$170,000, it would take them about five years. Then the question was asked them if they got the \$640,000 how long it would take them, and, if I recollect correctly, it was stated two or three years.

Mr. SHERMAN. Two years. I have the statement before me.

Mr. FLYNN. Two years. Now, the Committee on Indian Affairs reported with an enlargement of the old appropriation, meeting the desires of the commission halfway, and at the same time allowing an advancement of the work, so that when the commission reports next to Congress they will have concluded not only the making of the rolls, not only the resurvey—and here let me



inform the House that the geological survey made in that Territory was not a land-office survey made as we have it in other States. In the States, when a survey is made, the quarter-section lines are all marked out, but in the Indian Territory they are not so marked out, and they found it absolutely necessary to have additional surveys made, if I remember correctly, of about two-thirds of that entire area.

Gentlemen must also remember that up to the time the treaties were made between this commission and the Indians the Indian Territory comprised five independent municipalities, each of which acknowledged allegiance to no man and no power outside themselves. Congress granted them the fee to the land and guaranteed that they should remain forever uninterrupted in their locations, in their customs, laws, and usages not inconsistent with the Constitution. So that when this commission was created it was necessary for it to deal individually and separately with each one of these five tribes.

Each of them had its own constitution and set of laws, its own supreme court, its own house of commons and lords. There was nothing in common between them except an agreement as to citizenship. In other words, the Creeks would have one kind of law, the Cherokees another, the Seminoles another, the Choctaws another, and the Chickasaws another. This commission in dealing with those Indians has had as complex questions to solve as the Supreme Court of the United States was ever called upon to pass on. They are an exemplary body and are doing good work.

[Here the hammer fell.]

Mr. STOKES. I would like to put a question to the chairman of the committee. In line 21 of this section I find it provided that—

The number of such commissioners is hereby fixed at four.

I notice also that in the first line there is provision for the salaries of four commissioners under acts of Congress approved March 3, 1893, and March 2, 1895.

Mr. SHERMAN. The commission originally consisted of five members; a couple of years ago we cut down the number to four.

Mr. CANNON. Mr. Chairman, I want to occupy just a moment in calling attention to what I understand to be the condition of things in the Indian Territory, for the purpose of suggesting to the committee whether it would not be wise to increase this appropriation to six hundred and some odd thousand dollars, according to the estimate, so that this work may be completed in from two to three years—three years, I think, was the statement of the gentleman in charge of the bill—instead of allowing it to drag along for five or six years. Of course I shall not myself make any such motion, because I have not given the matter such close investigation as would authorize me to do so. But my object at this time is to draw the attention of the committee to this matter and ascertain whether in their judgment it would not be wise to increase this appropriation to the amount of the estimate.

As I understand, there could not be a worse condition of affairs than now exists in the Indian Territory. It is patent that we are after a while to solve the problem in the Indian Territory so that we shall have local self-government there, so that the people may administer justice in that Territory and pay for it, so that the people there may be educated and may pay for it. As I understand, there is nowhere under the sun a better agricultural country, with a larger proportion of mineral wealth, than there is in that Territory. But, as I understand, nowhere is there a condition of things coming nearer to "organized hell" than there is in that Territory.

A little farther on in the bill is a provision on which I hope a point of order will be made—a provision appropriating \$75,000 out of the Federal Treasury for the education of children other than Indian children. If we enter upon an expenditure of that kind, it will grow and grow and grow. The people will be demoralized, and in one sense pauperized; for whatever may be the case with the Indians, you can not take white people and feed them without cost to themselves and educate them without cost to themselves without creating an effort on their part to perpetuate that condition. And thereby the manhood of such people is demoralized. So that I again ask the committee in charge of this bill whether it would not be best to appropriate the full amount of the estimate and let this work be brought to the most speedy conclusion possible.

Mr. LITTLE. Mr. Chairman, as I have been closely connected with this work since my membership in Congress, I feel as if it were due to my distinguished friend from Texas and to the House that I make a statement of the condition of things there as I understand them.

The commission after its organization and until June, 1898, had no power except the power of negotiation. It had no power to take a census, no power to enroll the citizens, no power to make allotments. The sole function of the commission was simply to secure treaty stipulations or agreements between the United States and those tribes, looking to the opening of their country and the breaking up of their tribal relations.

The act of June, 1898, known as the Curtis law, provided that

this commission, after its membership had been reduced to four, should make a roll of the citizens. That involved an amount of labor which no man unfamiliar with the condition of things out there can appreciate. They at once set about their work, and in the first ninety days 7,000 applications were made that were contested by the tribe. Every case required a careful judicial investigation and a hearing of much testimony. The work involved in that one duty can scarcely be conceived. Appeals from the decisions of the commission to the Federal courts were afterwards allowed. Since that time the commissioners have, day in and day out, been bombarded with other applications of those claiming citizenship.

The truth of the business is that this commission in the discharge of this duty are called upon to decide greater interests and more delicate interests than any commission that I have known of in the history of the country, at least so far as these people are concerned.

Mr. BURKE of Texas. Will my friend answer a question?

Mr. LITTLE. Why, certainly.

Mr. BURKE of Texas. Do you not believe that it is better for the Indians and better for this country that this work should be expeditiously done?

Mr. LITTLE. Oh, God bless you, yes.

Mr. BURKE of Texas. Then why not yield to the suggestion of the gentleman from Illinois [Mr. CANNON] and get this work done?

Mr. LITTLE. Just wait until I get through and you will think I will.

Mr. BURKE of Texas. All right; that is what I want to see done.

Mr. LITTLE. But the statements made by the gentleman from Texas [Mr. BURKE] have led me to make this statement, because the gentlemen who compose this commission I know want the Congress and the country to understand what they have done and are doing.

Now, as I started to say a moment ago, the enrollment of this citizenship involves millions and millions of dollars to those who are claiming it, as well as to the tribes. Every human being admitted to these rolls adds one more to share in the division of the land, and each share in some tribes is estimated to be worth at least \$5,000 per head, some of them being entitled to from six to seven or eight hundred acres of land; others not so much. It is a bid and a great temptation for people to attempt to procure citizenship in the tribe.

In addition to that roll they are required to make certain rolls of colored people, freedmen and their descendants. Without any basis, practically, they must go back to the treaty of 1866. It has involved a vast amount of time in the hearing of testimony and the examination of the rolls, and the labor involved can scarcely be appreciated.

And I want to say now that so far as my knowledge has gone—and I think I know a good deal about the situation—I never have known a commission or any Government employees who did more work or, in my opinion, more faithful work than this commission has done since it was given the power under the act of 1898. There is no sort of question about it, and they ought to be continued. Not only ought they be continued, but in my opinion every dollar that is necessary to enable them speedily and as soon as possible to complete this work and straighten out the conditions in the Indian Territory, ought to be given them without stint and without delay.

Why, sir, do you know that as things are now in that country scarcely anyone knows where his home is? No noncitizen has any right to the lands outside of the towns, and in this condition of uncertainty there are more than 400,000 people without any government save that which they get through the judiciary of that country, without any free schools for the people, with no educational opportunities for the noncitizen element, including the whites, negroes, and others not citizens of these particular tribes, except in some of the larger towns.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. I ask that the gentleman's time be extended ten minutes.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that the time of the gentleman from Arkansas be extended ten minutes. Is there objection?

There was no objection.

Mr. LITTLE. I thank the House. I shall hardly want to use that much time. This is the condition that is confronting us before anything can be done, as is well suggested by my friend Mr. CANNON. Before any definite plan can be adopted these rolls of citizenship must be settled, these lands must be appraised and allotted to their respective owners. Then the country will be ready for some form of government, whatever the Congress may deem wise to determine, and I do not believe they will make it in accordance with the views expressed by the gentleman from Oklahoma [Mr. FLYNN]. I hope it may never become a part of Oklahoma.

But let that go. Now, what is ahead of the commission is the appraisal of the lands. It is not like an ordinary allotment of Indian lands on the reservations of the West. These lands are to be allotted according to their quality, quantity, and value, necessitating the appraisal of every foot of land in that Territory, involving, I believe, some 36,000 square miles, with houses and improvements, and with railroads running through it, and a great diversity in values of the land. But it is hoped that if the amount of money that was estimated by the Secretary of the Treasury was given to this commission the fundamental part of this work could be completed in two years, and I believe it can be. Yes, probably it may be completed in less time. The completion of the roll and the allotment of the land, I think, can be completed in less time. Other matters may involve the time of this commission for a year or two, possibly longer than that, or whatever power has the disposition of them.

But I agree distinctly with the distinguished gentleman from Illinois [Mr. CANNON] and the distinguished gentleman from Texas [Mr. BURKE] that the money needed by this commission, every dollar that is legitimately and properly spent to complete this work, ought to be appropriated, and my view is that the amount carried in this bill ought to be more than it is. I finally consented to the amount carried in the bill, but I believe it would be wise to increase it at least a hundred thousand dollars, if not to give the entire amount. I feel quite satisfied that an increase of the amount by \$100,000 would greatly facilitate the completion of the work of the commission in that Territory. It will be wise economy to push this work to an early conclusion, and it will be a great saving to the Government and a blessing to the people of that country.

Mr. SHERMAN. Mr. Chairman, just a word in reference to the commission. I think the gentleman from Iowa [Mr. LACEY] alluded to it briefly. This is not a commission which is desirous of continuing its work in office or in power. Senator Dawes has more than once asked to be relieved from further service upon this commission, and has been kept there only at the urgent solicitation of various Secretaries in power, by the earnest solicitation of men in and out of public life who are familiar with the conditions in the Indian Territory, who are familiar with the power that Mr. Dawes's name has with those Indians, and in compliance with the urgent request of these gentlemen and of the President Mr. Dawes has remained on the commission, and has given to it the full benefit of his plenitude of wisdom. Of course, he has not been at all times in the Indian Territory. His age and his infirmities will not permit it. But he has given his time to the work of the commission. He has had no other business to occupy his time, as I understand it.

The commission is not a partisan commission. One of the members, Judge McKinnon, of Arkansas, is a Democrat, and were it not for the very high opinion I have of the character of my friend from Arkansas [Mr. LITTLE] I would say that no finer man lives in the State of Arkansas than Judge McKinnon. It is a non-partisan commission. Judge McKinnon and Mr. Needles and Mr. Bixby are in the Indian Territory all the time, except the few weeks when they are here in Washington in consultation with the committees of the two branches of Congress and with the Secretary. They have done most efficient and most energetic service down there.

Now, in reference to this appropriation, as to whether it shall be \$300,000 or a greater sum, the estimate calls for \$641,000. It is the desire of the Indian Committee, as I believe it is the desire of every committee in this House having charge of appropriations, to keep these appropriations down to the very smallest amount possible compatible with what is for the best interest of the Government and of the service, and we hoped that we might find it possible to appropriate a less sum than that called for by the estimates submitted. We asked the commission to come before us, and Mr. Bixby, the member of the commission most familiar with the details, was heard at length, as was also Senator Dawes, in reference to other matters.

I will read the following from the hearing before the committee:

Mr. CURTIS. What is your judgment about how long will it take to complete this work, if we make the appropriation as originally asked for by you, \$171,000?

Mr. BIXBY. I think it would take in the neighborhood of four or five years. That is my judgment.

Mr. FLYNN. But do you think you could do it all if you get your \$640,000 in a year?

Mr. BIXBY. No, sir. In about two years we could do all the appraising and all the surveying. We can not fix the date of closing the work until we can get Congress to fix the date for closing the rolls.

Mr. FITZGERALD. Do you say that with this appropriation you can finish in two years?

Mr. BIXBY. In two or three years.

Mr. FLYNN. The shorter the time, the more money it will take?

Mr. BIXBY. The shorter the time, the less money it will take. If we have \$600,000 for this next year, the following two years we would want very much less money.

Mr. FLYNN. Under the present system, you think you could finish in five years.

Mr. BIXBY. Yes, sir.

Mr. LITTLE. The survey and appraising are important elements, which

must precede the allotments. With this increased appropriation they could finish this coming year and discharge all these surveying and appraising forces. The actual allotment follows the appraising.

Mr. SHERMAN. The work you are doing now is entirely satisfactory to you, is it not? You feel satisfied with the progress you are making?

Mr. BIXBY. Yes, sir.

Mr. SHERMAN. And it is satisfactory to the Indians?

Mr. BIXBY. I think it is reasonably so. I think the Indians are very well satisfied with the progress of our work.

Mr. SHERMAN. Do you think the Indians would be quite as well satisfied to have a small army sent into their midst, as you would have to do in case of this enlarged appropriation, to carry on their work, instead of going on as you are doing now?

Mr. BIXBY. I think the Choctaws and the Chickasaws would be very glad to have us crowd the work. The other nations are saying nothing about it. The Choctaws and Chickasaws are anxious to have the allotments, because conditions are changing. The land is in good order and appraised in accordance with its value relative to its location, and the timber which may be appraised this month or estimated at a certain amount in two years from now may be gone. It may be stolen or burnt up, and that would interfere a great deal with the final adjustment, unless it is crowded as fast as it is practicable to do it.

Mr. FLYNN. Is it not a fact that the Creeks selected a delegation to come on here with full authority to so amend their agreement as to meet the views of Congress and that authority has been denied them to come here?

Mr. BIXBY. I understood that was so, but I understand that difficulty will be overcome.

Mr. SHERMAN. You can go on with this \$171,000 without much change, as you have been doing, and with entire satisfaction to the Indians and the commission, can you not?

Mr. BIXBY. I think the Choctaws and Chickasaws would not be entirely satisfied, and we are not entirely satisfied, for the reason that we wish to get through with this business. Of course, we are satisfied with whatever Congress does, but when you ask us if we are entirely satisfied I would desire to say that we are anxious to get through with this work in a reasonable time. We would think that it would not be good business judgment to give us less than \$300,000. We would like \$600,000.

Mr. LITTLE. I want to see if I understand your position correctly? If I understand you, the commission takes the position that all the lands of each particular tribe must be appraised before any allotment can be made?

Mr. BIXBY. Yes, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. I ask unanimous consent that I may be permitted to proceed for five or ten minutes longer.

There was no objection.

Mr. SHERMAN. Now, Mr. Chairman, there is this about this work. There must, of course, be a survey, and then an appraisal. The allotment follows. The allotment is not made in the manner that the allotments are made in an ordinary Indian reservation, where lands are drawn out by section or quarter section and allotted.

The Curtis law provides that in allotting every Indian shall be allotted land which shall be the equivalent in value of the allotment to every other Indian. It is not necessary that each Indian receive 160 acres of land; but whatever amount of land he receives it shall be of the same value as the allotment every other Indian of the tribe received, be that 10 acres or 160 acres. After the survey and appraisal which precedes these allotments are made, the allotments must then be made to the Indians entitled thereto. In order to ascertain to whom these allotments are to be made, the rolls must be completed; and, as suggested by my friend from Arkansas [Mr. LITTLE], there are pending several thousand appeals as to whether or not the Indians are entitled to a place upon these rolls, which would give them that allotment.

The Curtis Act provided the manner in which the Dawes Commission should ascertain what names were entitled to a place on these rolls, and it provided, and properly, I think, that where any party, be it man, woman, or child, or the Government, feels aggrieved by the decision of the Dawes Commission there should be an appeal to the United States court, and in many hundreds, if not in many thousands, of these cases these appeals have been taken; and many of these appeals are now pending. Of course, a single appeal in many cases will determine hundreds of cases, they being of like character; but many of these are now pending, and if the work of survey and appraisal were finished at the present moment it would not be possible to go on and allot these lands in all cases.

In the Seminole Nation the survey and the appraisal is already finished, but the allotment has not yet been completed. That is the condition of affairs there. Now, Mr. Bixby believes that with this \$641,000 he has asked for the work of survey and appraisal for the two great nations—the Choctaw and Chickasaw nations—could be completed within the next year, and that by the time that is done the rolls of those two nations will be practically completed, so that, following immediately on the completion of that work, they could go on and allot to all the Indians of those two nations, and that in future years the work will be done in the same way for the Cherokee and Creek nations.

Now, Mr. Chairman, I think that briefly gives to this committee all the information that the Committee on Indian Affairs had before the committee. It is my belief that \$300,000 was the least with which they could advantageously work, and that they could work advantageously with \$600,000, but in our desire to economize we took the less sum. Possibly, Mr. Chairman, it was not the best judgment to so do. Possibly the suggestion of my friend from



Illinois [Mr. CANNON] had better be followed, and we appropriate \$641,000. If my friend from Illinois or any other gentleman of the committee feels inclined to make that motion, I shall not oppose it.

Mr. CANNON. Will the gentleman allow me a word right there?

Mr. SHERMAN. Yes.

Mr. CANNON. I do not feel well enough advised to make the motion. My remarks were in the shape of a question and suggestion. I could not for a moment antagonize what seems to be the best judgment of the gentleman from New York and his committee; but if the gentleman is evenly balanced as to whether it ought to be \$300,000 or \$600,000, and believes that \$600,000 would expedite this work, I should be in favor of the larger sum. I will follow the gentleman as he may indicate in regard to the amount.

Mr. SHERMAN. Of course, Mr. Chairman, I believe that more work would be completed during the next fiscal year with \$641,000 than with \$300,000, but I very much doubt if the character of the work would be as satisfactory. That is my individual opinion. I have read from the minutes taken from our committee—by our own stenographer, by the way, because we could not get one of the committee stenographers—giving you what was said before that committee. My present judgment is that \$300,000 will insure sufficient service during the coming year, a service which will insure the completion of the work in the Indian Territory within a maximum limit of five years.

Mr. RIDGELY. Mr. Chairman, I wish to say that this Territory borders my district its entire length, a distance of about 150 miles. Very naturally a large number of citizens, amounting to many thousands, from my part of Kansas are now living in the Indian Territory under leases permissible by law, and are engaged in business of various kinds, principally farming. These people, as well as others that have come from almost every State in the Union, are urging upon Congress and this commission, known as the Dawes Commission, that we shall make haste to establish order and law and rights to property.

I am receiving letters almost every day from people living in that Territory, saying, "In God's name, hurry up and do something." While each one has an idea as to what is best to do, they all agree upon one thing, and that is that we shall make haste and get this work finished as soon as possible, so as to establish rights to property, rights to citizenship, and give them the opportunity to regulate their own affairs, levy their own taxes, establish their own schools, and conduct a civilized condition of society.

Therefore, I offer my views and say that we should crowd forward in this work; and while I would not dissent from the bill, neither will I make the motion to increase the appropriation, because I realize, as the gentleman from Arkansas says, whose State also borders this country, that there are such complex interests and so much involved that I should hesitate to do it. There is involved in it the rights of citizenship, the allotment and apportionment of the property, not in acres or area, but in value.

But let us crowd the work as fast as possible. I hope the discussion and impression made on the commission will be that the temper and sentiment of Congress is to crowd forward with the work, and if the chairman can consent to increase the amount I should be glad. As he said, he will not seriously oppose the judgment of the committee if we shall see fit to raise it; but realizing the gravity of the work in hand and the danger that might result in putting a large army of inexperienced agents down there to take up the work, and from the fact that it might result in great injustice, I defer to the judgment of the chairman and members of the committee.

Now, while I have the floor upon this matter, I want to say that this Indian Territory problem will keep coming back to Congress for many years. We shall be called upon to legislate affecting the property rights and the rights of citizenship by reason of the conditions under which they have developed that country. I want to impress upon the House that whenever legislation shall come up affecting land titles, to take good care to see that the apportionment of real estate in that Territory shall be fairly and equitably made at the time it shall be completed, and I urge that such a provision shall be made as will forever prevent the centralization of land titles in that part of our country at least.

I think it well, gentlemen, that we should begin to apply this to our lands as a settled principle. We have long since fixed it as a national policy that the Government domain—the public lands of this country—shall not be parted with in large tracts. And why? Because we want to provide homes for all our people, so that every family may be a home-owning family. But we have in every instance failed to keep a sufficient restrictive hold upon the title to our lands. We should be watchful to provide that when title passes from these Indians it shall be on conditions that will forever prevent the centralization of large bodies of these lands in any one ownership, for just in proportion as the acres shall centralize in the hands of a few owners, in that proportion shall we multiply renters. Let us at least provide proper limitation in fixing the land laws and land policy of this Territory.

[Here the hammer fell.]

Mr. STEPHENS of Texas. Mr. Chairman, I believe it would be economy, both of time and money, to change this appropriation from \$300,000 to \$600,000; and in view of the facts before me I shall deem it my duty to offer and press a provision to that effect. There are about 20,000,000 acres of land, of the value, probably, of \$5 an acre, belonging to the Five Tribes in the Indian Territory, making a total valuation of \$100,000,000. We find there are 65,000 Indians among whom this land must be equitably allotted. If the lands were of uniform value, there would be little difficulty in making the allotments.

But when the parties whose duty it is to make these allotments come to discharge that duty they will find that it will require a great amount of time to allot these lands equitably, because of the great difference in the value of the land, and in order to expedite the work a greatly increased force will be needed. The surveying has to be done, as explained by other members of the committee, before the lands can be allotted. We can use as many surveying corps at the same time as the appropriation will permit to be employed; and if we will give the commissioners money to put to work a large force of surveyors, the surveying can be finished within a few months. Then after the surveys have been made the allotting officers can determine the value of the land and give to each Indian his pro rata share.

In the Creek territory, under the provisions of the Curtis bill, a great many Indians have selected 160 acres of land, with the understanding among them that when the final allotment is made they can continue to hold the lands they have selected. In such cases there will not be much work for the allotting committee to do. I believe that inside of two years, as stated by the commission, this work can be accomplished and the whole business finally adjusted.

Another matter of great interest to the white men living in the Territory relates to town sites. That subject belongs, however, to another committee; but let me say here that I hope a large appropriation for that purpose will be made, so that all the town lots in the Territory may be speedily surveyed, valued, and sold. The citizens interested in town lots and improvements should be permitted without unnecessary delay to purchase those lots and improvements, and thus become the owners of the property in which they have invested their money and labor. When we have allotted these lands among the Indians and sold the town lots, this magnificent domain can be made a part of Oklahoma and will be well fitted to form one of the best States of the Southwest.

I repeat that in my judgment we can save both time and money and accomplish a much earlier adjustment of all these questions if this appropriation be increased to \$600,000. I therefore make that motion.

The CHAIRMAN. The Clerk will read the amendment submitted by the gentleman from Texas.

The Clerk read as follows:

In line 5 strike out "three" and insert "six;" so as to read "\$600,000;" and in the summing up strike out "two" and insert "five;" so as to make the aggregate \$578,000.

Mr. BURKE of Texas. Mr. Chairman, may I submit a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. BURKE of Texas. Would it be competent or proper for me now to move an additional amendment to that of my colleague?

The CHAIRMAN. It would be.

Mr. BURKE of Texas. Then I offer the following:

And the commission shall finish the entire work allotted to them under existing laws within a period of three years from this time.

The CHAIRMAN. The Chair misunderstood the gentleman. It was the impression of the Chair that the gentleman proposed to offer an amendment to the amendment of his colleague. But this is a separate or independent proposition.

Mr. BURKE of Texas. Then it would be proper to offer and vote upon this after the amendment of my colleague is disposed of?

The CHAIRMAN. Yes, sir.

Mr. RIDGELY. Mr. Chairman, I desire to submit a few words upon the amendment of the gentleman from Texas [Mr. STEPHENS]. While I am very anxious to see this work expedited in every reasonable way, I fear that if we adopt this rushing policy, providing that the work be done within a very limited number of months, we shall but pile upon ourselves and the country much greater expense than would be entailed if we should proceed a little more carefully in adjusting these complicated questions.

I hope that this work may be pushed as fast as can possibly be done with safety and justice to all parties interested. But, sir, I fear that if we put a number of "green hands" upon this work and let them undertake to adjust these questions of title and these matters of citizenship, we shall get ourselves and the people there into such a complicated condition as will do great injustice and will in the end involve much expense, while operating to delay the real work of an equitable adjustment. I therefore, sir, fear the effects of the amendment of the gentleman from Texas, and shall vote with the chairman of the committee against it.

The question being taken on the amendment of Mr. STEPHENS of Texas, it was rejected.

The Clerk read as follows:

That said commission shall continue to exercise all authority heretofore conferred on it by law.

Mr. BELLAMY. Mr. Chairman, I had the honor some time since of introducing into this House a bill providing for the education and support of the children of the Croatan Indians of North Carolina. On yesterday the chairman of the Committee on Indian Affairs very courteously accorded to me an opportunity to address the committee upon the subject. Several of the members requested me, on account of their interest, to present them to the House.

Mr. Chairman, the Indians of the United States are peculiarly the wards of the nation, and very justly they should be so regarded and so dealt with. They were once the proud possessors of our soil, but to the inexorable decree of fate they have succumbed, and the Teutonic race, against which in its progress all less civilized peoples have given away and retired, has pressed them westward, and the plains and forests of the eastern slope, and seaboard of America, once their happy haunts and hunting grounds, is inhabited no longer by them, except by the remnants of a few scattered tribes which almost have been, but not entirely, absorbed by contact with the white man and his allies.

The white settlers of America, while they wrested from the aborigines the soil on which they dwelt, which on account of the nomadic habits of the Indian tribes could hardly be said to be possessed by them, have been from the earliest period of our history imbued with a laudable feeling that justice and humanity required that the Indians should receive Government consideration and protection, that they might acquire fixed abodes, and by civilizing influences they might, in the course of time, become co-sharers in the blessings of a free Government.

The last tribe left lingering on the scene of these once royal domains is the Croatans or Hatteras Indians, inhabiting the State of North Carolina, about 60 miles from the seaboard, in the counties of Robeson, Scotland, Richmond, and Columbus, and there they have been for a period so long that the "memory of man runneth not to the contrary thereof." That they have not claimed the attention of the National Government before is a matter which excites great surprise and is hard to be explained, unless the smallness of their number and the lack of education and enlightenment among them, and the want of proper philanthropy among their neighbors, has caused them to be entirely overlooked. And yet the public mind has been directed to them on more than one occasion when they have shocked the country by some atrocity which is incident to the Indian character.

There are in the settlement in Robeson County, where they chiefly reside, about 3,000 souls, and with the scattered families in adjoining counties the number may run to 2,000 men, making the tribe about 5,000 people. A number of them have migrated to Georgia, Mississippi, and Florida, where they have become absorbed in the body politic. They are the most interesting people in America, and no tribe can appeal stronger to the tender sympathies and the generous beneficence of the American people than the Croatan Indians of North Carolina. They, beyond cavil or doubt, are the descendants of the lost colony of Sir Walter Raleigh, about which there have been for over three hundred years so many sad reflections.

Those at all familiar with the attempts at colonization made by our English ancestors may recall the efforts of that gallant knight and learned and ambitious favorite of Queen Elizabeth.

Not only could Sir Walter throw his cloak on the wet ground that it might serve a footcloth for the dainty shoe of Elizabeth, but he sought to extend the domains of Her Most Gracious Majesty that her reign might become memorable in the annals of history and her Empire strengthened and enriched.

In the year 1584 Raleigh fitted out a fleet of ships under Amadas and Barlow and discovered the country that is now known as North Carolina, but then called Virginia, in honor of the virgin Queen. Soon thereafter he began to make efforts to colonize the new Eldorado. Two attempts failed; but undaunted, in 1587, in three ships under John White, whom he appointed governor, he sent over 117 persons, including 17 women, and of the fate of these people nothing is known or has been discovered with absolute certainty from that day to this, unless this is shown by the remarks I shall now make, and which was first attempted by my old friend and preceptor, Hamilton McMillan. These 117 colonists were left on Roanoke Island, near the "harbor of Hatorask," and there, on August 18, 1587, the daughter of Governor White, the wife of Ananias Dare, gave birth to a daughter, the first white child born on American soil, and named and baptized, in honor of Her Majesty, Virginia Dare.

The ships, leaving the colony, returned for supplies and recruits, but when they reached England the Kingdom was agitated by a threatened invasion from Spain. Afterwards the Spanish Armada was defeated, and when peace was once more restored Raleigh

looked around to provide for the relief of his colony which he had planted in the New World a few years before. But it was not until 1590 that Governor White was dispatched to their rescue, and when he reached Roanoke, in August, he found the island deserted; no trace of a human being could be found, but at the site of the village where the settlers were left nearly three years before there was found a tree which had been deprived of its bark and bore, in clear and well-cut characters, the word "Croatan."

There had been an understanding by White with the colonists before leaving that if they should remove their location they should carve on a tree the name of the place to which they had gone; and if they were in danger or sore distress they should carve a cross above the name on the tree. White finding the absence of the cross was buoyed with the hope of their discovery, but after all efforts to trace them had proved fruitless, he was forced to abandon the search and reluctantly returned to England.

The lost colony was never heard of, and their sad fate is a matter of deep and pathetic interest to the American people. Whether they went to Croatan voluntarily or whether the men were massacred and the women taken for wives, or whether both men and women intermarried with the Hatteras Indians is only a matter of conjecture. But one fact is known, and that is that Lawson, in his History of Carolina, written in the year 1714, imparts to us that—

The Hatteras Indians, who lived on Roanoke Island or much frequented it, tell us that several of their ancestors were white people and could talk in a book, as we do; the truth of which is confirmed by gray eyes being found frequently among those Indians and no others. They value themselves extremely for their affinity to the English, and are ready to do them all friendly offices. It is probable that the settlement miscarried for want of timely supplies from England or through the treachery of the natives, for we may reasonably suppose that the English were forced to cohabit with them for relief and conversation, and that in process of time they confined themselves to the manners of their Indian relations, and thus we see how apt human nature is to degenerate.

Long prior to the Revolutionary war there was found settled near Lumber River, in Robeson County, N. C., a tribe of Indians. Many of them had blue eyes, and while possessing all other traits and characteristics of Indians—the copper color, the high cheek bone, the erect form—yet they lacked the nomadic habit. They were settled in a neighborhood where they still remain, then, as now, cultivating maize and potatoes and fruits. Their traditions then, as now, were that their ancestors, Indian men, married white women; that they came from Roanoke (in Virginia, they say); that they were driven away by bad Indians, and, as one now about 90 years of age told your speaker, that they were driven across the river. Most of them own their own land, which they either bought from the early settlers—who, on account of the Indian being already in possession, quitclaimed it for a nominal consideration—or obtained it by an entry and grant from the Commonwealth. The names of the 117 lost colonists are still preserved in Hakluyt, Volume III, wherein is given an account of "The fourth voyage made to Virginia with three ships in the year 1587, wherein was transported the second colony."

From the list of names are many now and from the earliest times borne by men of this tribe, such as John Sampson, Robert Wilkinson, Henry Berry, Richard Berry, John Burden, Henry Dorrel (Dial), John Cheven, William Berden, and many others. Thus it is seen that their blue eyes, the tradition of the white mothers, the locality from which they came, the lack of the nomadic habit derived from the infusion of English blood, the similarity of names, the tradition of being driven by the bad Indians across the river, doubtless by the warlike and hostile Tuscaroras, who inhabited also the neighboring coast country, prove conclusively to the student of the question that the lost colony of Raleigh has been found. They are a remarkable people. It is said by old residents that some of these Indians were volunteers in the Revolutionary war. That they sent two companies to the war of 1812 is well authenticated.

They made gallant soldiers, as a number of our oldest inhabitants can testify. From the earliest times up to the year 1835 they went to school with the whites, voted and shared in the privileges of citizenship. But in that year the constitution of North Carolina was amended, and thereafter for a period of thirty-three years they were deprived, not only of the right to vote, but even of the privileges of education, until the constitution of 1868 was passed, whereby they became restored to citizenship and to school privileges of the most meager character, but such as other citizens enjoyed.

They were not permitted to attend the schools for whites, and therefore were forced, if they received any education, to attend the negro schools. They refused to a very great degree, on account of the intense antipathy they now have for the negro, the education in the negro schools until, through the instrumentality of Hamilton McMillan, esq., the legislature of North Carolina, in 1887, gave them separate schools of their own.

At the breaking out of hostilities between the North and the South in 1861 these people, grown up in ignorance, but quietly cultivating their little farms, were rudely awakened by the



Confederate authorities conscripting them and using them as laborers to build the immense sand fortifications at New Inlet, on the Cape Fear River, known as Fort Fisher; the same fortifications so celebrated as having been the scene of the greatest naval bombardment of the world's history, as compared with which an officer who was at Sebastopol said:

The siege of Sebastopol as compared with the siege of Fort Fisher was but child's play.

The work was hard, the Croatan murmured; he then deserted and fled to the swamps of his native heath. The conscripting officers pursued them. Arresting an old Indian, they asked him why he deserted. He told them that he did not want to work or fight for a people who treated him so unjustly; that before 1835 he voted, he went to school, but since then he had been deprived of both, and that he would neither work nor fight for the Confederacy. And thus it was they were arrested and deserted. When at the close of the war many of them were in hiding, they committed acts of depredation, for which they were properly outlawed, and then arose the band known as the Henry Berry Lowery gang. For years they became a terror to the country, and in the early seventies this band of Indians shot down and killed 27 white men from first to last among the wealthiest, the bravest, and best men of that county. The leader, Henry Berry Lowery, was finally killed, peace and quiet was again restored, and under the benign influence and rule of our people, inaugurated in the year 1887, they are becoming good citizens.

There is still much ignorance and a strong propensity to violate the internal-revenue laws among some few of them, but it is because they know not the sinfulness of the violation of law. They from time immemorial have raised fine fruit and grain, and have always distilled brandy and whisky, and, like some other citizens, they feel that it is an unjust interference with their natural rights to prevent them from converting their waste products into a salable article. Many of the cases in our United States courts for manufacturing without license are from among these people. They are and have always been a distinct people. They are true friends, but bitter and implacable enemies.

They are brave, but reckless. They are honest in their dealings. They are intensely religious. They are restless, active, and energetic. Indolence and sloth are not known among them. They are eager for education. They are capable of intellectual and moral development, as is attested by some among them. A number have become successful merchants. One of them filled the position of United States Senator from one of our sister Southern States. The descendant of another has become a member of Congress.

Now, these are the people I commend to the kind consideration of the American Congress. Their school facilities are poor. By extending them aid you are giving expression in substantial form to that noble sentiment of justice inherent in our people and which has urged our Government to make large appropriations for the education and support of Indian tribes which passes each session of Congress. No tribe is entitled to more at our hands; and if in the providence of God they be elevated by a sound moral and mental training inaugurated by the Government, history will yet say that Sir Walter Raleigh did not plant his colony in vain, and there will yet arise some gifted American writer who will perpetuate in song and weave in fiction the story of the Croatan Indians, the descendants of the Indian chief, Manteo, created the first Lord of Roanoke, and of Virginia Dare, the first white child born on American soil. [Applause.]

During the delivery of the foregoing the following occurred:

Mr. BROSIUS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROSIUS. Are we proceeding by unanimous consent now?

The CHAIRMAN. The Chair understands the gentleman from North Carolina to move to strike out the last word.

Mr. BELLAMY. Yes; I make that motion.

Mr. BROSIUS. I desire to know, for my own purpose, how long a time the gentleman proposes to occupy.

The CHAIRMAN. The gentleman has five minutes, under the rule.

The time of Mr. BELLAMY having expired, by unanimous consent it was extended.

Mr. BELLAMY then resumed and completed the delivery of the foregoing.

The Clerk read as follows:

Whereas on the 18th day of November, 1890, Charles Dennis, a Seneca Indian, leased to the Erie Preserving Company, as a site for a manufacturing plant, a certain piece of land near the village of Irving, N. Y.; and whereas on the 29th day of December, 1890, the said lease was confirmed, ratified, and approved by the council of the Seneca Nation of Indians, according to its terms and conditions: Now, therefore, the action of the said Charles Dennis and of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Whereas the Seneca Nation of Indians, in their council, held on the 11th day of September, 1897, entered into an agreement in writing with John Quilter, whereby said Seneca Nation leased to the said John Quilter all that portion of the Cattaraugus Reservation situate in the towns of South Valley and Elko, Cattaraugus County, N. Y., for the purpose of boring and testing

said territory for gas and oil under certain conditions set forth in said agreement: Now, therefore, the action of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Whereas the Seneca Nation of New York Indians, in their council, held on the 13th day of January, 1899, entered into an agreement in writing with John Quilter, whereby said Seneca Nation leased to the said Quilter, his heirs, and assigns, the Cattaraugus Reservation, situate in the counties of Erie, Chautauqua, and Cattaraugus, for the purpose of boring and testing said territory for gas and oil under certain conditions set forth in said agreement: Now, therefore, the action of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Mr. SHERMAN. I move to strike out beginning with line 8, page 41, down to and including line 13, on page 42.

The motion was agreed to.

The Clerk read as follows:

For increasing the amount hereinbefore appropriated for the erection of said asylum for insane Indians at Canton, S. Dak., the sum of \$15,000, the said sum being in addition to the amount appropriated for that purpose by the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1900, and for other purposes," approved March 1, 1899.

Mr. CANNON. I will ask the gentleman from New York [Mr. SHERMAN] to agree to the following amendment:

And the limit of cost for said asylum is fixed at the amount heretofore and herein appropriated, namely, \$60,000.

Mr. SHERMAN. Yes; I will be glad to agree to that.

The amendment of Mr. CANNON was agreed to.

The Clerk read as follows:

For the support of a school for the blind, to be provided for by contract by the Secretary of the Interior, in the Indian Territory, the sum of \$10,000. And the Secretary of the Interior, under such rules and regulations as he may prescribe, may admit to such school blind children of other than Indian blood residing in such Territory. So much of said expenditure as may be found by the Secretary of the Interior to be incurred on behalf of Indian children shall be paid out of the school funds of the tribe to which such child belongs.

Mr. CANNON. I am compelled to make the point of order on that whole paragraph, for the reason, as I understand it, that there is no existing law that authorizes the expenditure.

As I read the paragraph, it provides by contract for a school for the blind, and not only for the Indians, but for the white children as well. I do not know of any treaty stipulation that would authorize the expenditure; I do not know of any law that authorizes it; and I am quite sure that when under the guise of education and taking care of the Indian tribes we propose to take care of the blind of the State, there is pretty large departure; and without further discussing its merits, I make the point of order.

Mr. MERCER. Which paragraph is that?

Mr. CANNON. It is from line 13 to 22, inclusive.

The CHAIRMAN. Does the gentleman from New York care to be heard upon the point of order?

Mr. SHERMAN. Does the gentleman from Arkansas desire to be heard on the point of order? I would be glad for the gentleman from Arkansas to discuss it.

Mr. LITTLE. Mr. Chairman, appropriations are constantly made for the purpose of educating Indian children. That is a fixed and definite policy of the Government, and it does not require existing law to maintain a provision of that sort in the bill. We provide in almost every bill for buildings for the education of Indian children. We provide for their instruction, and we appropriate not under treaty stipulations for a great many Indian tribes; and the only possible vicious character there could be in this provision would be that it provides for the education of certain non-citizens, those who are residing in the Territory, but who are not members of the respective tribes, and permits them to be chargeable against the fund appropriated.

Now, passing from the legal status of the question, I would like to state that there is now a small school for the blind in the Territory, at Fort Gibson, being conducted by two or three young ladies, who are supporting it through charity collected not only in the Territory, but in the adjoining States. There are a great many applicants for admission. We did not appropriate for that school, because we do not think it is the proper thing to do. By this provision we authorize the Secretary of the Interior to use this much for that purpose, and to draw from the school fund of the respective tribes for the expenses of the Indian blind.

I understand that there are in the Territory approaching 200 blind children without any means of education at all. It appeals to me in the highest degree. So far as that is concerned, if it is not technically within the rules I should be glad to see it go through, because we can not do better than to extend our help to these blind people and give them a single school anyway, if it is only a very meager and unostentatious affair, so that when we reach the time when the taxes can be levied for the support of these schools legally it may be done.

Mr. CANNON. Let me ask the gentleman whether these exceedingly wealthy Indians in the Indian Territory known as the Five Civilized Tribes, with their great trust fund, with their great income from occupation tax, and especially from their income by way of royalties, from which there is money, substantially, almost to burn that might be, perhaps, under existing law, known as the

Curtis law, without legislation devoted to this purpose of education? And if it can not be done under the Curtis law, could not this money be devoted by legislation to the education of the blind as money from their trust fund is now devoted to the education of those that are not blind?

Mr. LITTLE. I will say to the gentleman from Illinois, if he will examine for a moment the provision he will see it is provided that the money expended for the education of the Indian blind shall be taken from their school fund.

Mr. CANNON. Well, it seems to me I would take the whole amount from that fund.

Mr. LITTLE. I will say, further, as to the whole condition, when we speak of rich Indians, there are not a great many of them in possession of their property. It has not been allotted to them. They are not getting all its benefits, and will not until final allotment; and, in addition to that, a large number of white people located there pay taxes. For instance, a lawyer \$25, a doctor \$25, the laborer from \$1 to \$5 a year, a noncitizen who lives in that country, on an average, \$5 per year taxes—taxes that go to the Indian tribes, taxes they do not get one penny's value for in return.

Mr. CANNON. Is it not quite in the power of Congress to take from this magnificent trust fund, as well as from the annual income from the sources that the gentleman speaks of, coming to the Five Civilized Tribes, as well as from the royalties, money to found and support these schools?

Mr. LITTLE. Why, of course, it is within the power of Congress.

Mr. CANNON. Then much stronger am I, on the merits as well as on the rules of the House, inclined to insist on the point of order; but I would not insist upon the point of order to an amendment that will devote the money of this trust fund to the purpose indicated.

Mr. LITTLE. Now, just a moment. The trouble about the matter is that there are five of these nations, and we would have to confuse their funds or build five of these institutions in order to accommodate the blind children of those tribes. This amendment is only intended to meet the present emergency and to provide temporary facilities. A charge is made against each particular one of these tribes for the expense of the education of the blind from the particular tribe that enters this school, to be provided for under the supervisory power of the Secretary of the Interior.

Mr. CANNON. Well, I have no objection to the point of order—

Mr. LITTLE. I do not want to mislead my friend. I will say that all the money directly appropriated by this act would, I have no doubt, be expended by the Secretary of the Interior for the benefit of the noncitizen class in the Territory—that is, those not members of the tribes.

Mr. CANNON. Well, I believe that Congress has the power, and I am inclined to think it is the duty of Congress to take from these trust funds and from moneys raised by taxation, royalties, and otherwise, money sufficient to educate all the children in the Indian Territory, and if buildings are needed take the necessary amount for those. If there are five of the tribes, then one-fifth from each tribe to construct the buildings, and give the Secretary of the Interior plenary power. I believe we certainly have the power, and I think we have the right to do so. But, later on, we come to a provision that I must antagonize, an appropriation of \$75,000 for the education of noncitizen children; and as this is along the same ground I thought I ought to antagonize this with the hope that it will go out upon a point of order and that the Committee on Indian Affairs, pending the completion of the consideration of this bill, may report or offer such amendment as will care for these children as well as they may be cared for in their present condition, the expenditure to be borne by the trust funds.

Mr. LITTLE. I have no doubt the point of order will be good against the second amendment mentioned by the gentleman from Illinois, but the purpose of this amendment is, where the Secretary has got control of the Indian school, to admit into the same school with the Indians the noncitizen children. It refers to what you might call a day school in the rural districts of the Territory, where you can get a teacher for \$40 a month and perhaps 20 Indian and 20 white pupils. By this appropriation you will be able to compensate the teachers and have 40 pupils together in a day school. Although simple as it may be, it will be a great improvement over not having any.

The CHAIRMAN. Does the Chair understand the gentleman from Arkansas to contend that the point of order is not well taken?

Mr. LITTLE. I do as to the present amendment, the one under discussion; but as to the one referred to by the gentleman from Illinois [Mr. CANNON] further along I think it would be good.

The CHAIRMAN. The Chair is not informed as to what the present amendment is.

Mr. CANNON. It is on page 43, lines 23 to 32, inclusive.

The CHAIRMAN. Does the Chair understand that to that pro-

vision the gentleman from Illinois [Mr. CANNON] raises the point of order?

Mr. CANNON. Yes.

The CHAIRMAN. Does the Chair understand the gentleman from Arkansas to contend that the point of order is not well taken?

Mr. LITTLE. Yes.

The CHAIRMAN. The Chair would be glad to hear what existing law there is for that appropriation.

Mr. LITTLE. I stated to the Chair that the general policy of the Government having charge of the education of Indian children warrants legislation along these lines without any express provision of the statute. There has hardly an appropriation bill passed for a number of years that has not provided for the construction of independent school buildings, or the establishment of new schools at different points throughout the country. What I maintain is that this appropriation is in line, although it reaches a different class with the general policy of the Government, and is therefore germane to the bill.

The CHAIRMAN. It is not contended that it is not germane. The point of order is that it is in violation of Rule XXI of the rules of the House.

Mr. LITTLE. I used the word germane inadvertently; I should have said it is not new legislation within the meaning of that rule.

The CHAIRMAN. It is not contended that it is new legislation; it is contended that it is an appropriation not authorized by any existing law, nor is it a public work in the progress of construction.

Mr. LITTLE. The point I wish to make clear is this: Take, for instance, the Committee on Military Affairs or Naval Affairs. The Committee on Naval Affairs provides for the construction of half a dozen ships. That is not under any provision of statute, but it is carrying out the general policy of the Government. This is an appropriation of money to establish a school, and although there is no general law calling for the appropriation, it is in the execution of a well-defined policy of the Government toward this class of people. While it may be new legislation technically speaking, I claim that it is carrying out the general line and purpose of the Government, and is not new legislation within the meaning of the rule, as I understand it.

The CHAIRMAN. As the Chair understands it, this section is challenged under section 2, Rule XXI, and under the first part of that section, which provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriation for such public work and objects as are already in progress.

The paragraph appropriates a sum of money for a school for the blind of the white and Indian races. This kind of education has not been before undertaken by the Government.

The attention of the Chair has not been directed to any particular provision of law which would authorize this appropriation; but the gentleman from Arkansas contends that it is in furtherance of a general public policy which Congress has adopted in the past.

Mr. LACEY. I would like to call the attention of the Chair to the fact that there is an Indian educational fund which Congress controls, and out of this fund may we not make provision for the education of Indian children, whether they be deaf, dumb, blind, or otherwise?

The CHAIRMAN. Does the gentleman from Iowa understand that this appropriation comes from that fund?

Mr. SHERMAN. Let me make this suggestion: I think I catch the idea of the Chairman as well as that of the gentleman from Arkansas. I suggest to the gentleman from Arkansas that he moves to strike out the appropriation carried in this section so as simply to provide that the Secretary, out of money appropriated generally for school purposes, may expend a sum not exceeding \$10,000 for the purpose named in this section. I think in that way the point of order would be obviated.

Mr. CANNON. It seems to me that in any event the point of order is well taken, and would not be obviated in the manner the gentleman suggests. There is no difference in substance between the amendment in the form now suggested by the gentleman from New York [Mr. SHERMAN] and the amendment as now pending.

Mr. SHERMAN. Oh, yes.

Mr. CANNON. My point is that this is the first appropriation by law for this purpose, and that it is legislation—that it makes a charge upon the Treasury not authorized by law, and is therefore not in order upon this bill.

The gentleman says there have been other appropriations that were not authorized by law; ergo, this appropriation should be admitted. Now, there may have been appropriations subject to a point of order upon which no point was made; but that does not militate against a point of order on this provision.

Mr. SHERMAN. The idea which occurs to me is this—that this is simply a limitation upon an appropriation heretofore made; it does not make any new appropriation. My contention is that we



can limit the manner in which appropriations heretofore made shall be expended.

Mr. CANNON. But does the gentleman claim—

The CHAIRMAN. Would it not be well to dispose of one provision of the bill at a time before raising any question upon another? It is difficult for the Chair to undertake to rule upon a section which has no further existence than a suggestion by one member to another.

Mr. LACEY. Let me call attention to the fact that the point of order as raised is too wide. It strikes at the whole section. If the gentleman would make his point of order against these words only, it might be admissible:

And the Secretary of the Interior, under such rules and regulations as he may prescribe, may admit to such school blind children of other than Indian blood residing in such Territory.

That is a provision which enlarges existing law. The other provision for the use of school funds for blind Indian children is certainly already embraced in existing law. Under existing law blind children could go to the general schools; or the appropriation for schools under existing law could be so used as to allow the blind to be taught in an institution by themselves. The only difficulty is as to allowing white children to come in. That would seem to be a modification of existing law.

Mr. CANNON. In my judgment the whole thing is subject to a point of order.

The CHAIRMAN. The Chair understands that the question still presented for determination is whether the paragraph as reported in the bill is obnoxious to the point of order made under Rule XXI by the gentleman from Illinois. The Chair will restate the question as he understands it.

The objection is made that the paragraph is in violation of Rule XXI, which provides that—

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

No law authorizing this appropriation has been brought to the attention of the Chair by any gentleman. The Chair does not understand that it is contended that the appropriation is authorized by any provision of existing law. But it is contended that, it being in furtherance of a great public object which the Congress of the United States has hitherto supported, it comes within the exception to the prohibition of Rule XVI as "a public work and object already in progress."

If the object of this appropriation is a public work and object already in progress, then it is in order in this bill. If it is not, it is not in order in this bill. It is unquestionably true that there are some decisions of previous presiding officers of the House and committee which sustain the construction of the rule for which the gentleman from Arkansas contends; the decision to which he refers, that a provision in a naval appropriation bill for the construction of ships is in order as a public work and object in progress because the policy of the Government is to construct and maintain a navy, is one of these. But although that decision has been followed always in like cases, it seems to the Chair that its authority has never been recognized as going beyond the exact facts of that case, and that it ought not to be extended.

Perhaps, also, the decisions with regard to railway mail special facilities would support the contention of the gentleman from Arkansas. On the other hand, there are many precedents giving to the words "public work or object already in progress" a much more restricted meaning. It has been held that an appropriation for a dry dock for the Navy was not in order on a general appropriation bill, by Mr. Butterworth on April 10, 1890, first session Fifty-first Congress; by Mr. Shively on April 13, 1892, first session Fifty-second Congress; by Mr. HOPKINS on March 25, 1896, first session Fifty-fourth Congress, and by Mr. SHERMAN on February 23, 1897, second session Fifty-fourth Congress. It is certainly difficult to distinguish in principle these decisions from the decision respecting the construction of ships.

The maintenance of the Light-House Service is a public object to which the Government is as fully committed as to the maintenance of a Navy. Yet it has been held that an appropriation for establishing a light (June 21, 1886, Reagan, first session Forty-ninth Congress) or for the construction of a tender for that service (June 21, 1886, Reagan, first session Forty-ninth Congress) was not in order.

On April 25, 1890, first session Fifty-first Congress, a point of order was made against an appropriation for nine members of the board of pension appeals, the law constituting the board providing only for three members. It was urged against the point of order that the granting of pensions was a public work or object in progress, and that the appropriation, being necessary to the execution of that work or object, was in order. Mr. Payson sustained the point of order.

The latter class of decisions seem to the present occupant of the chair to be in better accord with the spirit and purpose of Rule

XXI. If the rule has the meaning which the gentleman from Arkansas attributes to it and the ship decision gives it, there would be little or nothing of significance or restraint in it. The appropriations committees would have a broader power than the rules intend to bestow upon them.

Finding some general purpose of Congress well established, they might appropriate for any instrumentality, however novel, which would promote that purpose. Such a construction of the rule would rob the legislative committees of their rightful jurisdiction. The Chair thinks that the words of the rule have a much more limited meaning; that the words "public work and objects already in progress" refer to specific and tangible things whose construction or support has heretofore been undertaken by the Government. Tested by this rule, the establishment of a school for the blind is not in order in this bill. Accordingly, the point of order is sustained.

Mr. FLYNN. Mr. Chairman, I offer the following amendment at the end of line 12.

The amendment was read, as follows:

After line 12 insert:

"For the support and education at Whittaker Orphan Home, Indian Territory, of 100 destitute orphan children of white persons who have lived and died among the Five Civilized Tribes, \$10,000: *Provided*, That admission to said orphan home shall be under such restrictions and regulations as may be prescribed by the Secretary of the Interior, who is authorized to make a contract with said home for these purposes."

Mr. CANNON. I will just reserve the point of order, because I see my genial friend the Representative from Oklahoma is full of a speech, and I always like to hear him.

Mr. FLYNN. I had thought to be able to present my speech when the bill was reported from the Committee on Appropriations. I desire to say that this was authorized by the committee as an amendment to the Indian appropriation bill, but by an oversight of mine it was not printed in the bill. I do not deny that this is subject to the point of order. I will state that very frankly in the beginning. But in support of the amendment I would like to have the Clerk read a letter from the Secretary of the Interior transmitting the amendment, and I think possibly then that the gentleman from Illinois [Mr. CANNON] will withdraw his point of order.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, January 9, 1900.

SIR: On February 4 last the Department transmitted a letter to the chairman of the Committee on Appropriations of the United States Senate, inclosing the report of the Commissioner of Indian Affairs upon a communication from the United States Indian agent at the Union Agency, Ind. T., and also W. T. Whittaker, manager of the Whittaker Orphan Home, at Pryor Creek, in said Territory, requesting an appropriation for said home, which communication, together with departmental letter of January 23, 1899, is contained in Senate Document No. 90, Fifty-fifth Congress, third session.

The Commissioner recommended that an appropriation of \$15,000 be made for the maintenance of 100 pupils, to be added as an amendment to the Indian appropriation bill, as follows:

"For the support and education, at Whittaker Orphan Home, Indian Territory, of 100 destitute orphan children of white persons who have lived and died among the Five Civilized Tribes, \$15,000: *Provided*, That admission to said orphan home shall be under such restrictions and regulations as may be prescribed by the Secretary of the Interior, who is authorized to make a contract with said home for these purposes."

In concluding said departmental letter it was stated:

"There can be no question that the purpose of maintaining the school for orphan children in said Territory is a laudable one, and the public welfare demands that proper facilities for education and due parental care be given to these waifs, who have neither homes, nor means, nor parents to care for them."

"I have, therefore, to recommend that said amendment be made to the Indian appropriation bill, as set forth in said report of the Commissioner of Indian Affairs, the papers accompanying which are also herewith inclosed."

The Department is now in receipt of the report of the Commissioner of Indian Affairs upon a communication from said Whittaker, principal of the W. T. Whittaker Orphan Home, addressed to the President and Congress of the United States, requesting an appropriation of \$30,000 for said home at Pryor Creek, Ind. T., in which he invites the attention of the Department to his report contained in said Senate Document No. 90, Fifty-fifth Congress, third session.

A copy of said communication from said Whittaker is inclosed herewith, and the Department renews its recommendation that the sum of \$15,000 be appropriated for the maintenance of said orphan home, for the reason set out in the letters contained in said Senate Document No. 90.

Respectfully,

E. A. HITCHCOCK, Secretary.

THE SECRETARY OF THE TREASURY.

Mr. FLYNN. Now, Mr. Chairman, this is a pitiable and lamentable situation that exists down there. There are probably 400,000 white children in the Indian Territory. This gentleman has started a home, and has been conducting it for years on the public charity that he could secure from the outside. People move in there and some die. Their children are left there helpless. They are not Indians, and consequently are not the beneficiaries of any Indian appropriation. The question arises whether there is not some way in which these little waifs can be cared for. The Department recommends that it be placed as an amendment on this bill. It rests now with the House as to whether it shall be done or not.

Mr. CANNON. Now, Mr. Chairman, the gentleman places upon me the seemingly ungracious duty of making the point of order upon this provision.

Mr. FLYNN. Oh, no; that was the very farthest thing from my intention.

Mr. CANNON. The gentleman reads a communication from the Secretary of the Interior, and then states that there are 400,000 white children in the Indian Territory. I thought there were about 800,000, adults and children, Indians and white people, all together.

Now, the bare statement by a man who has started an orphan asylum down there that there are some orphan children in the Indian Territory who need care is a statement that at once attracts sympathy; and it was in view of this anomalous condition in the Indian Territory, and knowing that when you once opened the Pandora's box, with a continuation of that condition, you would have great trouble, that I a few moments ago earnestly asked the Committee on Indian Affairs if the \$600,000 asked for by the Dawes Commission might not well be given, and whether it was practicable to hurry the work by which we could do away with this condition in the Indian Territory.

Now, it is easy to say that we can appropriate money from the Treasury to support orphan children in the Indian Territory. Yes, we can. It does not make any difference whether we have the right to do it; we have the power to do it, and it is a political power, and nobody can stop us if we want to do it.

But I want to say to my friend from Oklahoma that the legislative power of this Congress can be invoked, and in my judgment ought to be invoked, to take the trust fund that is piled up almost mountain high, in favor of and for the benefit of the Five Civilized Tribes, and the taxation that comes from royalty, and, if necessary, having plenary power in the premises, double or multiply by three or by four the taxation, if necessary, and devote it to the care and education of all the children in that Territory. They are quite able to bear the burden, and that is the proper way it should be met, and I believe that this committee, having power to submit the necessary legislation, can submit it to the House under the rules, and for one I will vote for it and do what I can to enact it.

But as one thing after another comes dropping along, and instead of applying the proper remedy it is proposed to take the funds from the Treasury, to last God knows for how long—I do not know—and to make an incentive to have it last longer than it otherwise would for the benefit of the very people that the gentleman's amendment refers to, as well as the conditions generally in the Territory, with every sympathy that every fair man ought to have for the weak and defenseless, I feel it to be the greatest kindness to all parties concerned that we should await the legislation enacted and not commence this method of support from the Treasury of the United States.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. FLYNN. Just one moment. I desire to disabuse the mind of the gentleman from Illinois of the idea that it was my desire to place him on record as making the point of order against this amendment. I frankly acknowledged that it was subject to a point of order. I presume if he had not made it, somebody else might have done so.

I realize fully the duty devolving upon the chairman of the Committee on Appropriations. Nobody, personally, is a more kind friend and supporter of his than I am, but I am frank to acknowledge that by laches, perhaps, on my part, the amendment failed to be printed in the Indian appropriation bill. Then, in justice to myself and the cause, I felt compelled to offer it as an amendment. I find no fault with the gentleman from Illinois for making the point of order, simply because he does so under the rules. But I, of course, would like to see the amendment adopted. It is a worthy cause. I have also referred a similar bill to his committee. I realize the burdens that devolve upon him, and I hope and trust that he will remove from his mind the idea that I desired to place him in a position of objecting to this, because I dare say if he had not, a half dozen other people might.

#### ENROLLED BILL SIGNED.

The committee informally rose; and the Speaker having taken the chair, the Speaker announced his signature to an enrolled bill of the following title:

S. 2431. An act to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot in the Spanish-American war.

#### INDIAN APPROPRIATION BILL.

The committee resumed its session, Mr. MOODY of Massachusetts in the chair.

The Clerk read as follows:

To pay to Lieut. Col. James F. Randlett, retired from the Army while serving as agent at the Uintah and Ouray Agency, Utah (as provided in 27 United States Statutes, page 120), for six months and twenty-three days, at the rate of \$1,800 per annum, the sum of \$1,015.

Mr. CANNON. I call the attention of the gentleman from New York to the fact that this item is a deficiency, and that it was

referred regularly to the Committee on Appropriations by House Document No. 16. I think, perhaps, it would be better to go to the general deficiency bill, so that all matters of deficiency could stand together.

Mr. SHERMAN. I think the gentleman is correct about that; but it was sent to us by a subsequent communication from the Indian Office, with the request that it be put in this bill. It does not properly belong here.

Mr. CANNON. Well, then, by consent, let it be stricken out.

Mr. SHERMAN. Very well, Mr. Chairman; the gentleman does not raise the point of order, but simply asks unanimous consent that it go out.

Mr. CANNON. I do not want to raise the point of order, but I will if I have to. I will ask unanimous consent that the item may go out.

There was no objection, and it was so ordered.

The Clerk read as follows:

#### SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs, \$1,200,000, of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

Mr. HEMENWAY. Mr. Chairman, on that part of the paragraph included in lines 9 and 10, providing for "pay of an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs," I desire to make the point of order. I think that the chairman of the Committee on Indian Affairs will agree that it may be stricken out of the bill.

Mr. SHERMAN. Well, it is identical with a provision that has been in the bill ever since the memory of man goeth not to the contrary; and I think it is entirely a proper provision in the bill. It would be proper also in the legislative bill, but it is not in the legislative bill, but is here.

Mr. HEMENWAY. It can not be proper for both bills. It belongs to the legislative bill, and I make the point of order for that reason—that it is not germane to this bill and ought not to be here. It is for the employment of "an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs" in the city of Washington. That ought to be carried by the legislative bill, and for that reason it is not in order on this bill.

Mr. SHERMAN. Why, Mr. Chairman, I assume from the terms of the bill that it is for the employment of an architect and a draftsman at work on school buildings.

Mr. CURTIS. That is the object.

Mr. SHERMAN. And his work is done partly in the office and partly in the field. It is a provision which has been carried in the bill for quite a number of years. My recollection is that a point of order was raised against it a year ago, or two years ago, and, I think, overruled; and I think it was allowed to remain in the bill, if not by unanimous consent, why, upon a motion. Certainly the matter has been brought to the attention of the Committee of the Whole heretofore in the consideration of this bill, and the item has always remained in the bill.

So far as the point of order is concerned, I believe it is not tenable, unless it be in reference to the laborer only; and I do not think the point of order is sustainable against the proposition to employ an architect and draftsman to work upon school buildings, which is what this proposition is.

The CHAIRMAN. Is the appropriation made from the general fund in the Treasury or from some specific fund?

Mr. SHERMAN. It is made from the general fund in the Treasury for the education of Indian children. As shown, it is for the support of day and industrial schools, provided for from the general fund in the Treasury.

Mr. HEMENWAY. It is certainly a part of the clerical force employed in this city, and it specially provides that these parties are to be employed in the office of the Commissioner of Indian Affairs. The office of the Commissioner of Indian Affairs is in Washington City. The only special reason I have for making the point of order is that I believe all these employees ought to be specifically provided for and draw salaries fixed by law. Under this appropriation their salaries may be fixed at any sum the Secretary of the Interior desires to fix. I think they ought to be carried by the legislative bill, and draw salaries provided for at a specific amount, so as not to leave the fixing of salaries at the discretion of the Secretary of the Interior.

The CHAIRMAN. The gentleman from New York made one statement that would have an important bearing. By a decision of the Speaker on an analogous point of order yesterday, that this had been carried from time whereof the memory of man runneth not to the contrary in this bill, if the Chair were to make a decision at this time it would seem to the Chair that according to the division of jurisdiction made by the terms of the rule itself this item would belong to the legislative bill. But the Speaker, at the instance of the Committee on Appropriations, laid down a rule



yesterday that in ascertaining the respective jurisdiction of the various committees the matter should be looked at historically, and that the identity of the bills when they were parted from the jurisdiction of the Committee on Appropriations should be preserved.

Now, if it be true that this has always from that time to this been carried on the Indian appropriation bill, it seems to the Chair that the gentleman from Indiana would not contend, in view of yesterday's ruling, that his point of order was well taken.

Mr. HEMENWAY. I will state that if the appropriation was carried in the Indian bill when that bill was given to the Committee on Indian Affairs, then I would not insist upon the point of order. My understanding is that the items were not carried in the bill at that time, and have been put on since.

Mr. SHERMAN. In that the gentleman is correct. They were not carried in the Indian bill at the time the Indian bill was committed to the Indian Committee, but it has come in since. Perhaps I made a pretty strong statement in saying that it went back to a point from which the memory of man runneth not to the contrary. It has been in for several years, I can not say just how many years, but I have before me bills of the last three or four years, and it is contained in all of those bills.

Mr. CANNON. If the gentleman will allow me, without the words "including pay of architects," under general law this money could not be used to pay architects or laborers, because in 1885 or 1886 there was legislation that no one should be employed in any of the Departments in Washington unless specifically appropriated for or provided for, and therefore coming in, as I recollect it, within the last four or five years, these words have been carried in the Indian bill.

Mr. SHERMAN. I find it in the bill as far back as 1895, and it has continued in each bill from that time down. But, Mr. Chairman, if the question is at all embarrassing to the Chair, and if the gentleman from Indiana will give me the same assurance that he gave in relation to an item on yesterday, that he will see that these officers are provided for in the legislative bill, I am willing these lines shall be stricken out.

Mr. HEMENWAY. I assure the gentleman that the matter will be looked into, and if they are necessary they will be appropriated for.

The CHAIRMAN. The gentleman from New York asks unanimous consent—

Mr. SHERMAN. No, Mr. Chairman, I do not ask unanimous consent on that statement of the gentleman from Indiana. I ask for a ruling of the Chair.

The CHAIRMAN. The Chair understands this provision has been in the Indian bill since 1895, and there is no statement or evidence that it was in the bill before that time. Obviously it is within the scope of the legislative, executive, and judicial appropriation bill. The Chair is quite familiar with that bill. It provides for all the executive civil service in the Departments at Washington and appropriates for the pay of all the employees of the class to which these in question belong in the greatest detail. For instance, it provides the appropriation for the employees in the Post-Office Department, in the Interior Department, and all other Departments, although other committees have more immediate contact with those Departments, and make the larger part of their appropriations. It seems perfectly clear to the Chair that upon the question as it is presented here, and with no older practice suggested than that suggested by the gentleman from New York—

Mr. SHERMAN. If the Chair will pardon me, I find it in the bill two or three years back of that; I find it in the act of 1893.

The CHAIRMAN. That would not modify the opinion of the Chair. It seems perfectly clear that from its nature the appropriation belongs to the committee that has charge of other like appropriations, and that there has been no settled practice which would prevail against the words of the rule defining the jurisdiction of the two committees. The point of order is well taken.

Mr. BURKE of Texas was recognized.

Mr. HEMENWAY. Will the gentleman from Texas permit me to offer an amendment reducing the total amount in this paragraph?

Mr. BURKE of Texas. Certainly, I will yield.

Mr. HEMENWAY. Then, Mr. Chairman, in line 11, page 45, I desire to offer the following amendment:

Strike out the word "two" and insert the word "one," and after the word "hundred" add "ninety six."

So that it will reduce the amount of the total \$4,000, that being about the amount for the services of these clerks.

The CHAIRMAN. The gentleman from Indiana proposes an amendment, which the Clerk will report.

The Clerk read as follows:

On page 45, line 11, after the word "millions," strike out the word "two" and insert the word "one;" after the word "hundred" insert the words "ninety-six;" so that it will read "\$1,196,000."

Mr. SHERMAN. Mr. Chairman, I must oppose that amend-

ment. It seems to me that in a great matter of this kind, involving an appropriation of \$2,200,000, providing for the care and education of thousands of children—

Mr. HEMENWAY. Well, Mr. Chairman, I do not care anything about it. If the gentleman thinks this total amount ought to be left in, I will withdraw my amendment.

The CHAIRMAN. The amendment offered by the gentleman from Indiana may be withdrawn, if there be no objection.

Mr. BURKE of Texas. Mr. Chairman, it is with reluctance that I call the attention of the House to a system of education, sought to be enforced by the provisions on the next ten or fifteen pages, that in my judgment is wrong from any standpoint. I say this, Mr. Chairman, with reluctance, because my observation here has taught me one fact, if it has taught me anything, and that is that when a unanimous report comes from any committee in this House it is almost invariably adopted by the House, and I am willing to concede that that rule is right and proper; but while I recognize that fact, and while I recognize that according to every reasonable expectation the report of this committee will be adopted by the House, I wish to call the attention of the House and the country to some of the appropriations under the head of schools, or "Indian schools," which are sought to be established in this bill.

Mr. Chairman, there are 30 schools provided for under this head. In those schools provision is made for 6,230 children. The appropriation carried by this bill for the support and maintenance of those 30 schools and those 6,230 children amounts to the enormous sum of \$1,797,117, an aggregate of more than \$288 per child. I submit to this House that a parallel can not be found in any State, in any county, in any municipality within the limits of this Union to-day. Over \$288 per capita for every child! I know that there is in this bill a provision limiting the actual expenditure to \$167 per capita. That, I understand, relates alone to the support and sustenance and education, so to speak, of these children; the residue of the amount carried is for superintendents, physicians, blacksmiths, horticultural and agricultural employees, and everything of that kind, running up to \$1,797,117, an aggregate, as I have stated, of over \$288 per capita.

Why, Mr. Chairman, on page 49 of this bill there is an appropriation for the school at Hayward, Wis. That appropriation carries with it \$309 a head for every child in that school—I mean the aggregate appropriation. There is another appropriation, on page 49, for a school at Kickapoo, Kans. That appropriation carries with it \$306 per head for every child in that school. This includes the general appropriation. I do not propose to limit it to \$167, because that would be manifestly unfair. Taking the whole appropriation covered by these various items and dividing it by the number of children in each school, and you will find the result agrees with the figures I have stated.

Mr. Chairman, we have in my own State a grand educational fund for the public free schools. We there distribute about \$5 or \$5.25 per capita for the support of the public schools of the State. The gentleman from Iowa whom I now see in his seat informs me that his State appropriates less than \$5 per capita for the maintenance of the public schools.

[Here the hammer fell.]

Mr. ROBINSON of Indiana. I ask that the gentleman's time be extended ten minutes.

There was no objection.

Mr. BURKE of Texas. I thank the House, and I shall not abuse this courtesy. In the State of Iowa, as I was remarking, less than \$5 per capita, according to my information, is appropriated for the sustenance and support of the free schools of that State. But here under the provisions of this bill, even according to the suggestion of the gentleman who has charge of it, including all other expenses for tuition and support of children, you appropriate \$167 for the education of each Indian child.

Mr. Chairman, such legislation is unjust both to the Indian and to the taxpayers of this country. It is unjust to the Indian in that it tends to deprive him of that independence of character which is necessary for a proper standard of manhood, and makes him feel that he is an object of public charity. I notice, Mr. Chairman, that on page 54 of this bill there is appropriated \$3,500 to build a house for the superintendent of the school there provided for, and I believe a salary of \$1,800 is given him in addition.

Mr. Chairman, in going from the city of Washington to my home in the Southwest I pass through eight or ten States of this American Union. Through every one of them you can see on both sides of the railway the public school buildings—insignificant as most of them are. You can see the children out in the fields from early morning till late at night at work, endeavoring to aid their parents in maintaining themselves and those dependent upon them. These are they, Mr. Chairman, who are taxed in conjunction with the great manufacturing, mercantile, professional, and agricultural interests of the country—these are they who are taxed to extend these extraordinary privileges to the Indian children of this country. The children of Texas, as I have remarked, receive

\$5 per capita from the pockets of the citizens of Texas; the children of the Indians receive \$288 per capita from the pockets of the American people.

I believe, sir, that such legislation as this ought not to be countenanced by the Congress of the United States. I believe that if known and understood throughout the length and breadth of this country it would receive the disapprobation of the American people. It is enough that we put these children upon the same level with our own children. Where is the necessity or justice of making these extraordinary appropriations to educate the Indian children of this country, when white children and the colored children, representing classes who pay the taxes to support these schools, receive not one-fiftieth part of the amount that we propose to appropriate for these Indian schools?

This is a system, Mr. Chairman, which has grown up in the manner which the chairman of the committee has suggested several times to-day. It is a system going back to the time "whereof the memory of man runneth not to the contrary," as he says. There is a certain legislative rut which we get into. It seems that all these committees follow the old ruts that have been marked out and followed for the past fifty years. I believe the time has come when the American people should do justice to themselves and at the same time do justice to the Indians by curtailing these extraordinary expenses sought now to be passed into law in behalf of the Indians of this country.

Sir, I thank the House for its courtesy in extending my time. Mr. FITZGERALD of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Alaska," in line 14, page 45, insert the following: "Provided, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year ending June 30, 1901, but shall only make such contracts at places where the Government has not provided school facilities for all the children of school age residing thereat, and to an extent not exceeding the number of children in attendance at certain contract schools at the close of the fiscal year ending June 30, 1900."

Mr. LITTLE. Mr. Chairman, I raise the point of order on the amendment.

Mr. FITZGERALD of New York. I ask the gentleman to withhold his point of order.

Mr. LITTLE. I will reserve the point of order.

The CHAIRMAN. The gentleman from Arkansas reserves the point of order.

[Mr. FITZGERALD of New York addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired, under the leave given, and it now becomes necessary, under the rule, that the committee rise.

Mr. FITZGERALD of New York. I ask unanimous consent that when the committee resumes, I may be recognized to continue the discussion of this question.

Mr. SHERMAN. There will be no question but what the gentleman can have all the time he wishes to-morrow morning. I move that the committee do now rise.

The CHAIRMAN. Under the rule the committee must now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FARIS, for one week, on account of important business.

Mr. BARTLETT. Mr. Speaker, I desire leave of absence from the night session to-night, on account of my physical condition.

The SPEAKER. The gentleman from Georgia asks unanimous consent that he be excused from attendance at the night session, on account of his disability. Without objection, that request will be granted.

There was no objection.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] will act as Speaker at the evening session. Under the rule, the House (at 5 o'clock) stands in recess until 8 o'clock this evening.

#### EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. LACEY, as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule under which this session is held.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. TALBERT. Mr. Speaker, upon the threshold of entering our work for the evening, I desire to ask unanimous consent before we go into business along the line of pension legislation that I be allowed a few minutes to state my position upon the said business upon which we are about to enter—ten minutes, and possibly a little longer. I would like to make my position known and plain, as I made some remarks some days ago on the subject in discussing the pension appropriation bill.

The SPEAKER pro tempore. The Chair will recognize the chairman of the Committee on Invalid Pensions, and no doubt a satisfactory arrangement can be made.

Mr. TALBERT. Mr. Speaker, I ask unanimous consent for ten or fifteen minutes.

Mr. SULLOWAY. I hope that time will be granted the gentleman from South Carolina.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that the gentleman from South Carolina be allowed ten minutes in which to present his views on the pension question.

There was no objection.

Mr. TALBERT. Mr. Speaker, I ask that an extract from the Washington Star of February 1 be read from the Clerk's desk. I ask the Clerk to read it, headlines and all. It deserves all the prominence that anything can give to it.

The Clerk read as follows:

PENSION ORDER 164—EFFORT TO HAVE FORMER COMMISSIONER'S RULING RENEWED—COST OF PENSIONS GRANTED UNDER IT.

The members of the pension committee of the National Encampment of the Grand Army of the Republic, together with the commander in chief of the order, have been in Washington during the past week endeavoring to influence Congress sufficiently to have pension order 164 reinstated.

Order 164, which had its origin in the administration of Commissioner Raum, has been more talked about and has provoked more discussion among the old soldiers than any other rule that was ever issued by the Department. Although the rule was revoked the 27th of May, 1893, and was only in operation a little over three years, it costs the Government every year about \$50,000,000 to satisfy the pensions which were issued under it.

It has been contended by those who are in a position to know that the reinstatement of this order, which is sought by the Grand Army of the Republic, would add to the pension appropriation at least \$60,000,000, and it might go to \$75,000,000 a year. It has been declared that order 164 was illegal; that it had no official sanction and should never have been put upon the pension books. During the time it was in operation it was the boast of the Department that 1,000 new certificates for pension were issued each day. It was during this period that the pension attorneys fattened their coffers, and it is argued this is one of the reasons why they are so earnest now in having this order reinstated.

Mr. TALBERT. And still another, Mr. Speaker. I would like to have the Clerk read the headlines and all. It is from the Philadelphia Press, edited, I think, if I am not mistaken, by a Cabinet officer, Postmaster-General Smith, who is now prominently mentioned as Vice-Presidential candidate on the Republican ticket this year.

The Clerk read as follows:

HUGE PENSION GRAB IN CONTEMPLATION—SENATOR CULLOM INTRODUCES A BILL TO MAKE PENSIONABLE ALL MILITIAMEN WHO SERVED IN ARMY OR NAVY FOR SIXTY DAYS—WOULD COST \$20,000,000 A YEAR.

[Special dispatch to The Press.]

WASHINGTON, January 27, 1900.

The bills for increasing the pension rolls continue to accumulate. In addition to those putting all the survivors and surviving widows of Indian wars upon the rolls, there is now a proposition to include as pensionable all members of militia organizations who served sixty days in the Army and Navy of the United States. This bill was introduced by Mr. CULLOM, of Illinois, who also introduced one which would have had the effect of making deserters pensionable. He disowned the latter after its true character had been exposed.

#### EVANS SHOWS THE COST.

Commissioner of Pensions Evans had, by request of the Senate committee, furnished a report on this Cullom bill for pensioning members of the militia companies. He protested against further increases in the pension list in this general way, and in showing the effect of the bill, says:

"It is safe to assume that from 50,000 to 100,000 cases would receive favorable action each year under the operations of this bill, and that the annual value of the pension roll, after making due allowance, would be increased by at least \$20,000,000 each year for the next ten or fifteen years.

"It is very difficult to reach a correct estimate as to the probable cost of this bill if enacted into law, as we do not have very definite information as to the total number and strength of the many militia organizations who served with the Army during the war of the rebellion and the other wars in which the United States has been engaged, but it is certain that this class of beneficiaries would be very numerous.

"The greatest objection to this kind of legislation is that it does not discriminate in any way between the soldier or sailor who bore the heat and burden of the day, who was almost constantly for years exposed to the hardship and dangers of active warfare, and those who rendered no service at the front and who were never exposed even to the ordinary dangers of an active military campaign.

#### INJUSTICE OF THE BILL.

"Take, for instance, the cases of the militia organizations of the different States, many of which served under the command of a United States officer for more than sixty days, and yet very few of them ever left their States or



were exposed to any hardships, except those ordinarily incident to a summer encampment. I apprehend that many of these troops would be included in the bill, and it would appear almost unnecessary to discuss the inequality between their services and those who rendered service at the front for three or four long years in active campaign.

"I fall to see any good reason for extending the provisions of the present liberal pension laws in this general way, and I do not believe that the legislation proposed by this bill is in any way justified, for the reasons stated."

Mr. TALBERT. Now, Mr. Speaker, in view of these facts and the fact that we are engaged in a war at this time and the pension roll is increasing day after day, I want to say that now and henceforth I shall insist upon a quorum of this House when pension bills are under consideration at the special Friday evening sessions. I want further to say that I have no apology to offer to anybody or to any party in taking this position. I take it now, and it is my avowed determination to stand up to it.

I give timely notice, and I mean it, that so long as I may be able to drag myself to the Capitol, no pension bill—and there is no qualification to this ultimatum—shall pass this House unless a quorum of the members are present. The abuse must stop. It ought to stop. Innocent people will be hurt, possibly, but that will only accentuate the responsibility; and let all the responsibility rest upon those who will not come out to see that justice is done the old soldier.

If legislation to meet exceptional cases is impossible or impracticable, the claims should be treated as other claims are treated. This sort of legislation should be considered as other legislation is considered and acted upon in the light of investigation. So far as I can effect it, Mr. Speaker, hereafter the rules shall be inexorably applied. I demand a quorum. If the House is without a quorum, I shall ask an immediate adjournment. If that is refused, I shall insist that the House exhaust its power to secure a quorum.

It is in the power of this Congress, Mr. Speaker, to restore and legalize order 164. If they want to do it, let them do it. There are enough Republican votes in this Congress to pass the Cullom bill or any bill as iniquitous as it is. Do it, and take the responsibility. It is a Presidential year, and if I have read the signs of the times aright the Republican party will need every vote it can muster or buy to make even a decent showing on the election-night bulletin boards next November.

I want to say, as I have often said, that I make no captious opposition to pension legislation. My record in the past will show that. But I believe in my heart of hearts that the pension laws of this country are sufficiently liberal to grant a pension to every deserving soldier or his widow, and I am absolutely opposed to coming here Friday night after Friday night and sitting here as a court of appeals where these people can come and get special legislation without even a single affidavit, where they have been refused by the Pension Bureau, where they ought to go to get their pensions. Now, then, if you insist upon this pension legislation, the rules of the House require that you do it with a quorum. The Constitution of the United States requires that you have a quorum to do business, and I am only acting in the capacity of the rules and law and Constitution in demanding that you do have a quorum if you insist upon passing this legislation.

Look now at the thin House here. They cry aloud about their love for the old soldier, and yet they are not giving up their pink teas and poker and all that sort of thing in order to come here to vote to give pensions to soldiers. I believe the claims ought to be considered, and not be hurried through the House, and a member be hooted at here at any time when asking information by gentlemen who cry "Vote! Vote!" I am tired of it. I shall demand a quorum shall be present hereafter; and in doing this I am not opposed to liberal pension laws. The general laws are sufficiently liberal to do away with so much special legislation in regard to pensions. I hope I may not be misunderstood.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar under the rule just read.

The question was taken; and on a division (demanded by Mr. TALBERT) there were 86 in the affirmative and none in the negative.

Mr. TALBERT. I make the point, Mr. Speaker, that there is no quorum.

The SPEAKER pro tempore. The gentleman from South Carolina makes the point that there is no quorum. The Chair will count the House. [After having counted the House.] Eighty-eight members present; not a quorum.

Mr. SULLOWAY. Mr. Speaker, I think we had better have a call of the House.

Mr. TALBERT. Mr. Speaker, I move that the House adjourn.

Mr. MIERS of Indiana. Mr. Speaker, I hope the gentleman will withdraw that for a moment; he has taken all the time that has been occupied. We can not do anything else under the position he has taken except to make a few speeches, and let us make some speeches.

The motion to adjourn was not agreed to.  
A call of the House was ordered.

The SPEAKER pro tempore. The Clerk will call the roll.  
The Clerk proceeded to call the roll, and the following members failed to respond:

Acheson,	De Vries,	Lentz,	Ruppert,
Adams,	Denny,	Lester,	Russell,
Alexander,	Dick,	Levy,	Ryan, N. Y.
Allen, Ky.	Dinsmore,	Lewis,	Salmon,
Allen, Miss.	Dolliver,	Littauer,	Scudder,
Babcock,	Driscoll,	Littlefield,	Shackleford,
Bailey, Tex.	Eddy,	Livingston,	Shattuc,
Baker,	Elliott,	Lorimer,	Shelden,
Ball,	Emerson,	Loud,	Sherman,
Bankhead,	Epes,	Loudenslager,	Shewalter,
Barber,	Faris,	Lovering,	Sibley,
Bartholdt,	Fitzgerald, Mass.	Lybrand,	Sims,
Bartlett,	Fitzpatrick,	McAleer,	Slayden,
Benton,	Fleming,	McCall,	Smith, Ill.
Berry,	Fletcher,	McCleary,	Smith, Ky.
Bingham,	Fordney,	McClellan,	Smith, Wm. Alden
Boreing,	Foss,	McCulloch,	Sperry,
Boutelle, Ma.	Foster,	McLain,	Spight,
Bradley,	Fowler,	McPherson,	Sprague,
Brantley,	Fox,	McRae,	Stallings,
Breazeale,	Freer,	Maddox,	Steele,
Brewer,	Gamble,	May,	Stevens, Minn.
Bromwell,	Gayle,	Mesick,	Stewart, N. Y.
Brosius,	Gilbert,	Metcalf,	Sulzer,
Bronssard,	Gill,	Meyer, La.	Sutherland,
Bull,	Gillet, N. Y.	Miller,	Swanson,
Burke, S. Dak.	Gordon,	Mondell,	Tate,
Burke, Tex.	Graham,	Moody, Oreg.	Tawney,
Burkett,	Green, Pa.	Moon,	Taylor, Ohio
Burleigh,	Griggs,	Morgan,	Taylor, Ala.
Burleson,	Grosvenor,	Morris,	Terry,
Burnett,	Grow,	Mudd,	Thayer,
Butler,	Hall,	Muller,	Thomas, Iowa
Caldwell,	Harmer,	Naphen,	Thomas, N. C.
Campbell,	Haugen,	Needham,	Thropp,
Cannon,	Hawley,	Newlands,	Tompkins,
Capron,	Hay,	Noonan,	Tongue,
Carmack,	Henry, Conn.	Norton, S. C.	Turner,
Catchings,	Henry, Miss.	O'Grady,	Underwood,
Chanler,	Henry, Tex.	Olmsted,	Vandiver,
Chickering,	Hepburn,	Parker, N. J.	Van Voorhis,
Clarke, N. H.	Hitt,	Payne,	Vreeland,
Clayton, Ala.	Hoffecker,	Pearce, Mo.	Wadner,
Clayton, N. Y.	Hopkins,	Pierce, Tenn.	Wadsworth,
Cochran, Mo.	Howard,	Polk,	Watson,
Cornell,	Howell,	Powers,	Weymouth,
Cooney,	Hull,	Prince,	Wheeler, Ala.
Cooper, Tex.	Jack,	Pugh,	Wheeler, Ky.
Corliss,	Joy,	Quarles,	White,
Cousins,	Kahn,	Ransdell,	Williams, J. R.
Cox,	Kerr,	Reeder,	Williams, W. E.
Cummings,	Ketcham,	Reeves,	Williams, Miss.
Cusack,	Kitchin,	Rhea, Ky.	Wilson, Idaho
Cushman,	Kleberg,	Rhea, Va.	Wilson, N. Y.
Daly, N. J.	Klutz,	Richardson,	Wilson, S. C.
Dalzell,	Knox,	Riordon,	Wright,
Davenport, S. A.	Landis,	Rixey,	Young, Pa.
Davenport, S. W.	Lane,	Robbins,	Young, Va.
Davey,	Lanham,	Roberts,	Ziegler,
Davis,	Latimer,	Robertson, La.	
Dayton,	Lawrence,	Rucker,	

During the call of the House the following occurred:

Mr. ROBINSON of Indiana. Mr. Speaker, I notice members are answering "present." Is not this a pending question whether we go into Committee of the Whole?

The SPEAKER pro tempore. The call of the House is in progress, and the members will answer "present."

Mr. ADAMSON. Mr. Speaker, is it not proper to vote on the pending motion?

The SPEAKER pro tempore. There is no pending motion. The rule does not apply to Friday night sessions.

Mr. CLARK of Missouri. Mr. Speaker, a point of order. Is not the motion before the House to go into Committee of the Whole?

The SPEAKER pro tempore. It is.

Mr. CLARK of Missouri. Is it not a proper answer to the roll call, either "aye" or "no?"

The SPEAKER pro tempore. It is not. The rule which the gentleman has in mind has a special exception. That rule which calls for a vote during the call of the House says it shall not apply to Friday night sessions. The rule so provides.

Mr. CLARK of Missouri. It seems that we have one rule for the day and another rule for the night. [Laughter.]

After the call of the House was completed,

Mr. TALBERT. If it is in order now, Mr. Speaker, I again renew my motion to adjourn rather than have to send out for the friends of these people. I move that the House do now adjourn.

Mr. DRIGGS. Mr. Speaker, I trust that the gentleman will withdraw that.

The SPEAKER pro tempore. The Chair can not recognize gentlemen until after the call of the roll is announced. One hundred and twelve members are present—not a quorum.

Mr. DE GRAFFENREID. Mr. Speaker, in view of the fact that the notice given by the gentleman from South Carolina [Mr. TALBERT] was not understood by the House before this evening session, I trust he will now withdraw his obstructive proceedings and renew them at a subsequent meeting.

The SPEAKER pro tempore. It can not be withdrawn. The

absence of a quorum has been disclosed. The motion to adjourn has been made and lost, and a call of the House has been ordered, and the record shows that there are present only 112 members.

Mr. MIERS of Indiana. Mr. Speaker, I would like the attention of members just a moment. The gentleman has availed himself of his constitutional right to demand that a quorum shall be present. As one I am sorry that he has done so, and yet I do not feel like quarreling with him for doing it. As a member of the House, I do not know that we have a right to say that any gentleman has done a wrong, although we may be very anxious for something else, if he is within the rules of the House. He is within the rules, and therefore I am not going to criticize the gentleman; but I want to say this: As a member of the Committee on Invalid Pensions I have put in over four hours two days of every week in the examination of these pension bills. I want to say to the gentleman from South Carolina that there is no danger, there is no possibility of this committee, as it is now organized, ever reporting in favor of the Cullom bill should it come from the Senate of the United States. I want to say to you and to the House that the Committee on Invalid Pensions has most carefully scrutinized every bill, and I am ready to agree with the gentleman from South Carolina or any other gentleman that if there was any lax legislation on this subject then we ought to cry halt.

We have not done any reckless legislation; the committee has not recommended any, but has worked long and faithfully to present a few meritorious bills. I venture the assertion that no Calendar has ever presented bills that were more meritorious than this one, and we invite a careful consideration. The old soldier is entitled to a good deal of sympathy, but we are not asking sympathy; it is justice we demand as right.

But, Mr. Speaker and gentlemen of the House, on this Calendar are about forty bills. The majority of them are most meritorious. Let me illustrate by referring to a particular case, that of an old soldier 56 years of age, who in 1861 was a little less than 15 years old, who went into the Army and expended four years and about six months fighting for a united country—fighting for the old flag. He has no means.

He is to-day drawing a pension of only \$6 a month, notwithstanding the fact that one of his eyes is entirely out, notwithstanding his diseased lung, notwithstanding his impaired heart; he is drawing the pitiful sum of \$6 per month because he is unable to go back and prove that these various disabilities were the result of his army service. The bill on the Calendar proposes to give this old soldier the pitiful pension of \$12 a month, and the want of a quorum of members prevents it. It is a shame.

Another bill on the Calendar will illustrate the class of cases which this House is asked to consider. That is the case of a war widow, a woman who, as I happen to know, stayed at home while her husband was in the Army, where he gave up his life. His lifeless body was brought home to her. She had four little children. She went into the hay field and pitched hay; she went into the field and plowed corn; she went out into the field and carried in wood from the snow-covered ground to warm those little children, while the husband was away fighting the battles of his country, the benefits of which we are now enjoying. Unfortunately, four years after the war was over, she was overtaken by a man and married him. He died a few years ago.

Now that mother is homeless and penniless; she is on the road to the poorhouse. We ask that this House give her a pension of \$12 a month. These bills will illustrate the class of cases which are on this Calendar demanding action in this House.

If the gentleman from South Carolina insists, as he has the right to do, upon the attendance of a constitutional majority, I ask members of this House who have not put upon these bills the time that some of the rest of us have in the committee room—I ask you whether or not next Friday night we shall have the same occurrence as to-night—a sparse attendance—or whether we shall have the presence of a constitutional majority?

A MEMBER. You should talk to the fellows who are not here. Mr. MIERS of Indiana. Yes; the gentleman is correct. Those are the men I want to reach. That is the reason I am doing this talking. I want it understood that when they go around, as many of them will do, professing to be the friends of the old soldier and the soldiers' widows, I want it understood that they are not here to-night to vote, and many of them are never here to aid the old soldier, yet ever ready to profess friendship for the old soldier when it costs him no inconvenience.

Let me say now that I am proud of the members who are here to-night. There are more members present than I have ever seen here on the occasion of a Friday night meeting. But when a constitutional majority is insisted upon, will those members who have stayed away to-night be here next Friday night? If not here, they should be brought by the Sergeant-at-Arms. If they are the friends of the old soldier, and want to see justice done where the ordinary law can not give it, or has not given it, I hope they will be here; and if they are not here, I hope the roll call will show that fact. And not only that, but I hope that every member of this House

who has not a good excuse for not being here next Friday night to act on these bills and to vote in favor of the meritorious ones, will not go round parading as the friend of the soldier, but will be marked down as his enemy. [Applause.]

These meetings are a part of the business of the House. The old soldiers have been crowded out of the day sessions and these night sessions set apart to consider pension claims, and this is the time when members can do something for the old soldier. The old soldiers have the right to expect the presence of their friends, and I demand that the member who is the professed friend of the soldier show up or take the consequence of his absence. It is now a condition that confronts, and not a theory. We mean business, and will not be content until we pass some of these meritorious bills; and if we do not, the country shall know whose fault it is. [Applause.]

Mr. GAINES. I would like to ask the gentleman from Indiana a question. We all know him, and we know that he speaks exactly what he believes to be true.

Mr. MIERS of Indiana. Thank you.

Mr. GAINES. The gentleman seems to know the merits of these claims.

Mr. MIERS of Indiana. I believe I do, for I have investigated them.

Mr. GAINES. Now, does not the gentleman, believing as he does, feel that he ought to be here next Friday night and insist on sending the Sergeant-at-Arms after members who do not choose to attend? If I knew the facts of these cases as the gentleman appears to know them, that is what I would do.

Mr. MIERS of Indiana. I will join any other members who may be here in insisting on a roll call and on sending the Sergeant-at-Arms to bring members here to vote.

Mr. SULLOWAY. Mr. Speaker, I do not understand that the motion now before the House is debatable.

The SPEAKER pro tempore. There is no motion before the House.

Mr. SULLOWAY. Then I move that the House do now adjourn.

Mr. GARDNER of New Jersey. I rise to a parliamentary inquiry.

Several MEMBERS. Regular order!

Mr. GARDNER of New Jersey. If the gentleman who insisted upon the vote of a quorum on the motion to go into Committee of the Whole—desiring, as I understand, that there should be only the usual business quorum, the roll call having developed that there is present a quorum of the Committee of the Whole—if the member who has made the point should now be willing to withdraw it, is it not perfectly competent to expunge by unanimous consent the record which has been made?

The SPEAKER pro tempore. It is not.

Mr. GAINES. I would not agree to that; I will say that right now, though I am as willing as any other man to stay here to-night and work.

The SPEAKER pro tempore. The record shows that there is not a quorum of the House present. Until a quorum is disclosed the House can take no action except to adjourn or to adopt measures for securing the attendance of a quorum.

Mr. GAINES. Regular order.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was put.

The SPEAKER pro tempore. The ayes appear to have it.

Several MEMBERS. Division!

Mr. RIDGELY. Mr. Speaker, a question, pending the vote.

The House divided; and there were—ayes 48, noes 46.

Mr. GRIGGS, Mr. NORTON of Ohio, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 24, nays 89, answered "present" 4, not voting 237; as follows:

## YEAS—24.

Adamson,	Esch,	Jenkins,	Moody, Mass.
Allen, Mo.	Finley,	Jones, Va.	Ridgely,
Atwater,	Gardner, Mich.	Lacey,	Stokes,
Barham,	Gillett, Mass.	Linney,	Sulloway,
Bishop,	Grout,	Mahon,	Talbert,
Crumpacker,	Hedge,	Mercer,	Wanger.

## NAYS—89.

Bailey, Kans.	Cochrane, N. Y.	Fitzgerald, N. Y.	Jett,
Bell,	Cooney,	Gaines,	Johnston,
Bellamy,	Cooper, Wis.	Gardner, N. J.	Jones, Wash.
Berry,	Cowherd,	Gaston,	Lamb,
Bontell, Ill.	Crawford,	Gibson,	Little,
Bowersock,	Cromer,	Glynn,	Lloyd,
Brenner,	Crowley,	Gordon,	Long,
Brick,	Crump,	Graff,	Mann,
Brown,	Curtis,	Greene, Mass.	Marsh,
Brownlow,	Dahle, Wis.	Griffith,	Meekison,
Brundidge,	Davidson,	Hamilton,	Miers, Ind.
Burkett,	De Armond,	Heatwole,	Minor,
Burton,	De Graffenreid,	Hemenway,	Neville,
Calderhead,	Dougherty,	Hill,	Norton, Ohio
Clark, Mo.	Dovener,	Jack,	Otey,



Otjen,  
Overstreet,  
Packer, Pa.  
Pearre,  
Phillips,  
Ray,  
Robb,  
Robinson, Ind.

Robinson, Nebr.  
Rodenberg,  
Ryan, Pa.  
Sharfrot,  
Sheppard,  
Small,  
Smith, H. C.  
Smith, Samuel W.

Snodgrass,  
Southard,  
Spalding,  
Stark,  
Stephens, Tex.  
Stewart, N. J.  
Stewart, Wis.  
Underhill,

Warner,  
Waters,  
Weaver,  
Weeks,  
Zenor.

Mr. FOWLER with Mr. BARTLETT.  
Mr. CLARKE of New Hampshire with Mr. UNDERWOOD.  
Mr. FOSS with Mr. CUMMINGS.  
Mr. DAYTON with Mr. MEYER of Louisiana.  
Mr. MUDD with Mr. RIXEY.  
Mr. BUTLER with Mr. TATE.  
Mr. HAWLEY with Mr. KITCHIN.  
Mr. BULL with Mr. VANDIVER.  
Mr. METCALF with Mr. WHEELER of Kentucky.  
Mr. LOUDENSLAGER with Mr. TURNER.  
Mr. CHICKERING with Mr. GAYLE.  
Mr. CONNELL with Mr. S. A. DAVENPORT.  
Mr. LINNEY with Mr. BELLAMY.  
Mr. GREENE of Massachusetts with Mr. CARMACK.  
Mr. HARMER with Mr. FITZPATRICK.  
Mr. YOUNG of Pennsylvania with Mr. BRADLEY.  
Mr. BOUTELLE of Maine with Mr. SPIGHT.  
Mr. LOVERING with Mr. SHACKLEFORD.  
Mr. WANGER with Mr. ADAMSON.  
Mr. BINGHAM with Mr. RUPPERT.

For this day:  
Mr. BOUTELL of Illinois and with Mr. GRIGGS.  
Mr. DICK with Mr. LENTZ.  
Mr. BABCOCK with Mr. SULLIVAN.  
Mr. FORDNEY with Mr. MADDOX.  
Mr. WACHTER with Mr. LEVY.  
Mr. CORLISS with Mr. ROBERTSON of Louisiana.  
Mr. LANE with Mr. MCRAE.  
Mr. LITTAUER with Mr. MCCULLOCH.  
Mr. MESICK with Mr. TERRY.  
Mr. KETCHAM with Mr. BARBER.  
Mr. BURLEIGH with Mr. KLEBERG.  
Mr. BULL with Mr. CLAYTON of Alabama.  
Mr. O'GRADY with Mr. KLUTTZ.  
Mr. BROWNLOW with Mr. BRANTLEY.  
Mr. GILLET of New York with Mr. DINSMORE.  
Mr. SHELDEN with Mr. SIMS.  
Mr. STEWART of New York with Mr. CHANLER.  
Mr. WATSON with Mr. WILLIAMS of Mississippi.  
Mr. GAMBLE with Mr. FLEMING.  
Mr. MCCLEARY with Mr. FOX.

Mr. BARNEY. I am paired with the gentleman from Mississippi, Mr. ALLEN, and he not being present, I withdraw my vote. The SPEAKER pro tempore. The vote will be withdrawn.  
Mr. CLARK of Missouri. I want that pair to show that it is the gentleman from New Hampshire, Mr. CLARKE, who is absent, and not myself.

The SPEAKER pro tempore. The Chair is informed that the pair so shows.

Mr. McDOWELL. I observe that I am paired with the gentleman from Ohio, Mr. BROMWELL, and I wish to withdraw my vote and be recorded as "present."

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

Mr. LINNEY. I understood the Clerk to announce that I am paired with my colleague, Mr. BELLAMY.

The SPEAKER pro tempore. Both gentlemen are present.

Mr. LINNEY. Then I will allow my vote to stand.

The result of the vote was announced as above recorded.

Mr. NORTON of Ohio. Mr. Speaker, I desire to offer for adoption the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

*Resolved*, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without leave.

Mr. CLARK of Missouri. Does not that order come automatically?

Mr. NORTON of Ohio. No; it requires the resolution at a Friday night session.

Mr. CLARK of Missouri. Is that a night rule or a day rule? [Laughter.]

The resolution was agreed to.

Mr. MAHON. I move that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NORTON of Ohio and others demanded a division.

The House divided; and there were—ayes 63, noes 35.

Mr. NORTON of Ohio and others demanded the yeas and nays.

The SPEAKER pro tempore. Twenty-two members have risen in support of the demand for the yeas and nays—a sufficient number, and the yeas and nays are ordered.

Mr. CRUMPACKER. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. CRUMPACKER. I should like to know what basis is to be taken in determining the demand for the yeas and nays. The roll call shows 117, and there were not one-fifth of that number who voted for the yeas and nays.

The SPEAKER pro tempore. It requires one-fifth of the last vote.

ANSWERED "PRESENT"—4.  
Barney, Driggs, McDowell, Sparkman.

NOT VOTING—237.

Acheson,  
Adams,  
Alexander,  
Allen, Ky.  
Allen, Miss.  
Babcock,  
Bailey, Tex.  
Baker,  
Ball,  
Bankhead,  
Barber,  
Bartholdt,  
Bartlett,  
Benton,  
Bingham,  
Boreing,  
Boutelle, Mo.  
Bradley,  
Brantley,  
Breazeale,  
Brewer,  
Bromwell,  
Brosius,  
Broussard,  
Bull,  
Burke, S. Dak.  
Burke, Tex.  
Burleigh,  
Burleson,  
Burnett,  
Butler,  
Caldwell,  
Campbell,  
Cannon,  
Capron,  
Carmack,  
Catchings,  
Chanler,  
Chickering,  
Clarke, N. H.  
Clayton, Ala.  
Clayton, N. Y.  
Cochran, Mo.  
Connell,  
Cooper, Tex.  
Corliss,  
Cousins,  
Cox,  
Cummings,  
Cusack,  
Cushman,  
Daly, N. J.  
Dalzell,  
Davenport, S. A.  
Davenport, S. W.  
Davey,  
Davis,  
Dayton,  
De Vries,  
Denny,

Dick,  
Dinsmore,  
Dolliver,  
Driscoll,  
Eddy,  
Elliott,  
Emerson,  
Epes,  
Faris,  
Fitzgerald, Mass.  
Fitzpatrick,  
Fleming,  
Fletcher,  
Fordney,  
Foss,  
Foster,  
Fowler,  
Fox,  
Freer,  
Gamble,  
Gayle,  
Gilbert,  
Gill,  
Gillet, N. Y.  
Graham,  
Green, Pa.  
Griggs,  
Grosvenor,  
Grow,  
Hall,  
Harmer,  
Haugen,  
Hawley,  
Hay,  
Henry, Conn.  
Henry, Miss.  
Henry, Tex.  
Hepburn,  
Hitt,  
Hoffecker,  
Hopkins,  
Howard,  
Howell,  
Hull,  
Joy,  
Kahn,  
Kerr,  
Ketcham,  
Kitchin,  
Kleberg,  
Kluttz,  
Knox,  
Landis,  
Lane,  
Lanham,  
Latimer,  
Lawrence,  
Lentz,  
Lester,  
Levy,

Lewis,  
Littauer,  
Littlefield,  
Livingston,  
Lorimer,  
Loud,  
Loudenslager,  
Lovering,  
Lybrand,  
McAleer,  
McCall,  
McCleary,  
McClellan,  
McCulloch,  
McLain,  
McPherson,  
McRae,  
Maddox,  
May,  
Mesick,  
Metcalfe,  
Meyer, La.  
Miller,  
Mondell,  
Moody, Oreg.  
Moon,  
Morgan,  
Morris,  
Mudd,  
Muller,  
Naphen,  
Needham,  
Newlands,  
Noonan,  
Norton, S. C.  
O'Grady,  
Olmsted,  
Parker, N. J.  
Payne,  
Pearce, Mo.  
Pierce, Tenn.  
Polk,  
Powers,  
Prince,  
Pugh,  
Quarles,  
Ransdell,  
Reeder,  
Reeves,  
Rhea, Ky.  
Rhea, Va.  
Richardson,  
Riordan,  
Rixey,  
Robbins,  
Roberts, Mass.  
Robertson, La.  
Rucker,  
Ruppert,  
Russell,

Ryan, N. Y.  
Salmon,  
Scudder,  
Shackleford,  
Shattuc,  
Shelden,  
Sherman,  
Shewalter,  
Sibley,  
Sims,  
Slayden,  
Smith, Ill.  
Smith, Ky.  
Smith, Wm. Alden  
Sperry,  
Spight,  
Sprague,  
Stallings,  
Steele,  
Stevens, Minn.  
Stewart, N. Y.  
Sulzer,  
Sutherland,  
Swanson,  
Tate,  
Tawney,  
Taylor, Ohio  
Taylor, Ala.  
Terry,  
Thayer,  
Thomas, Iowa  
Thomas, N. C.  
Thropp,  
Tompkins,  
Tongue,  
Turner,  
Underwood,  
Vandiver,  
Van Voorhis,  
Vreeland,  
Wachter,  
Wadsworth,  
Watson,  
Weymouth,  
Wheeler, Ala.  
Wheeler, Ky.  
White,  
Williams, J. R.  
Williams, W. E.  
Williams, Miss.  
Wilson, Idaho  
Wilson, N. Y.  
Wilson, S. C.  
Wright,  
Young, Pa.  
Young, Va.  
Ziegler.

So the motion to adjourn was rejected.

Mr. MERCER (having previously voted in the negative). Mr. Speaker, I have just been informed that a good many members were not aware that we were to have a meeting to-night, and, that being so, I desire to change my vote from "no" to "aye."

The Clerk having called Mr. MERCER's name, he voted "aye."

Mr. DRIGGS. I desire to say that I am paired with the gentleman from New York [Mr. SHERMAN], and I desire to withdraw my vote.

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

Mr. WEAVER. Mr. Speaker, my colleague [Mr. GROSVENOR] is ill, and asked me to state that fact to the House, and to request that he be excused.

The Clerk announced the following pairs:

Until further notice:

Mr. FARIS with Mr. MAY.

Mr. REEVES with Mr. SPARKMAN.

Mr. CROMER with Mr. BURNETT.

Mr. LANDIS with Mr. MIERS of Indiana.

Mr. WRIGHT with Mr. HALL.

Mr. BROMWELL with Mr. McDOWELL.

Mr. LORIMER with Mr. SWANSON.

Mr. WEYMOUTH with Mr. ZIEGLER.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. SHERMAN with Mr. DRIGGS.

Mr. BISHOP with Mr. CAMPBELL.

Mr. MORRIS with Mr. LANHAM.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. LOUD with Mr. DE VRIES.

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. CRUMPACKER. One-fifth of the rising vote?  
The SPEAKER pro tempore. One-fifth of the last vote.  
Mr. DRIGGS. As I understand, there were 97 on the last vote. One-fifth of that is 19, and there were 23, or more than one-fifth, who voted for the yeas and nays.

The SPEAKER pro tempore. The last vote was 97.  
Several MEMBERS. Regular order!  
The SPEAKER pro tempore. Twenty would be a sufficient number.

Mr. HILL. Mr. Speaker, does it have to be one-fifth of those present or one-fifth of those voting?

The SPEAKER pro tempore. One-fifth of the last vote. The other side might have been called for, and it was not called for.

Mr. MERCER. Is it proper now to call for the other side?  
Several MEMBERS. Regular order!

The SPEAKER pro tempore. The regular order is demanded, and the Clerk will call the roll.

The question was taken; and there were—yeas 29, nays 84, not voting 241; as follows:

YEAS—29.

Allen, Me.	Dahle, Wis.	Jack,
Barham,	Esch,	Jenkins,
Bell,	Finley,	Jones, Va.
Bishop,	Gardner, Mich.	Linney,
Clark, Mo.	Graff,	Mahon,
Crawford,	Grout,	Mercer,
Crumpacker,	Hedge,	Moody, Mass.
Curtis,	Hill,	Pearre,

Ridgely,
Shafroth,
Sulloway,
Talbert,
Wanger.

NAYS—84.

Atwater,	Davidson,	Lacey,
Bailey, Kans.	De Armond,	Lamb,
Barney,	De Graffenreid,	Lawrence,
Bellamy,	Dougherty,	Little,
Berry,	Dovener,	Long,
Boutell, Ill.	Driggs,	McDowell,
Bowersock,	Fitzgerald, N. Y.	Mann,
Brenner,	Gaines,	Meekison,
Brick,	Gardner, N. J.	Miers, Ind.
Brown,	Gaston,	Minor,
Brownlow,	Gibson,	Moody, Oreg.
Brundidge,	Glynn,	Neville,
Burkett,	Gordon,	Norton, Ohio
Burton,	Greene, Mass.	Otey,
Calderhead,	Griffith,	Otjen,
Cochrane, N. Y.	Hamilton,	Overstreet,
Cooper, Wis.	Heatwole,	Packer, Pa.
Cowherd,	Hemenway,	Phillips,
Cromer,	Jett,	Ray,
Crowley,	Johnston,	Robb,
Crump,	Jones, Wash.	Robinson, Ind.

Robinson, Nebr.
Rodenberg,
Ryan, Pa.
Sheppard,
Small,
Smith, H. C.
Smith, Samuel W.
Snodgrass,
Southard,
Spalding,
Stark,
Stephens, Tex.
Stewart, N. J.
Stewart, Wis.
Stokes,
Underhill,
Warner,
Waters,
Weaver,
Weeks,
Zenor.

NOT VOTING—241.

Acheson,	Davenport, S. A.	Ketcham,	Powers,
Adams,	Davenport, S. W.	Kitchin,	Prince,
Adamson,	Davey,	Kloberg,	Pugh,
Alexander,	Davis,	Knuttz,	Quarles,
Allen, Ky.	Dayton,	Knox,	Ransdell,
Allen, Miss.	De Vries,	Landis,	Reeder,
Babcock,	Denny,	Lane,	Reeves,
Bailey, Tex.	Dick,	Lanham,	Rhea, Ky.
Baker,	Dinsmore,	Latimer,	Rhea, Va.
Ball,	Dolliver,	Lentz,	Richardson,
Bankhead,	Driscoll,	Lester,	Rixson,
Barber,	Eddy,	Levy,	Rixey,
Bartholdt,	Elliott,	Lewis,	Robbins,
Barlett,	Emerson,	Littauer,	Roberts,
Benton,	Epes,	Littlefield,	Robertson, La.
Bingham,	Farris,	Livingston,	Rucker,
Boring,	Fitzgerald, Mass.	Lloyd,	Ruppert,
Boutelle, Me.	Fitzpatrick,	Lorimer,	Russell,
Bradley,	Fleming,	Loud,	Ryan, N. Y.
Brantley,	Fletcher,	Loudenslager,	Salmon,
Breazeale,	Fordney,	Loving,	Scudder,
Brewer,	Foss,	Lybrand,	Shackleford,
Brown,	Foster,	McAleer,	Shattuc,
Brownwell,	Fowler,	McCall,	Shelden,
Bronsius,	Fox,	McCleary,	Sherman,
Bronssard,	Freer,	McClellan,	Showalter,
Bull,	Gamble,	McCulloch,	Sibley,
Burke, S. Dak.	Gayle,	McLain,	Sims,
Burke, Tex.	Gilbert,	McPherson,	Slayden,
Burleigh,	Gill,	McRae,	Smith, Ill.
Burleson,	Gillet, N. Y.	Maddox,	Smith, Ky.
Burnett,	Gillett, Mass.	Marsh,	Smith, Wm. Alden
Butler,	Graham,	May,	Sparkman,
Caldwell,	Green, Pa.	Mesick,	Sperry,
Campbell,	Griggs,	Metcalf,	Spight,
Cannon,	Grosvenor,	Meyer, La.	Sprague,
Capron,	Grow,	Miller,	Stallings,
Carmack,	Hall,	Mondell,	Steele,
Catchings,	Harmer,	Moon,	Stevens, Minn.
Chanler,	Chickering,	Morgan,	Stewart, N. Y.
Chickering,	Clarke, N. H.	Morris,	Sulzer,
Clayton, N. H.	Hawley,	Mudd,	Sutherland,
Clayton, Ala.	Hay,	Muller,	Swanson,
Clayton, N. Y.	Henry, Conn.	Naphe,	Tate,
Cochran, Mo.	Henry, Miss.	Needham,	Tawney,
Connell,	Henry, Tex.	Newlands,	Taylor, Ohio
Cooney,	Hepburn,	Norman,	Taylor, Ala.
Cooper, Tex.	Hitt,	Norton, S. C.	Terry,
Corniss,	Hoeffcker,	O'Grady,	Thayer,
Cousins,	Hopkins,	Olmsted,	Thomas, Iowa
Cox,	Howard,	Parker, N. J.	Thomas, N. C.
Cummings,	Howell,	Payne,	Thropp,
Cusack,	Hull,	Pearce, Mo.	Tompkins,
Cushman,	Joy,	Pierce, Tenn.	Tongue,
Daly, N. J.	Kahn,	Polk,	Turner,
Dalzell,	Kerr,		

Underwood,
Vandiver,
Van Voorhis,
Vreeland,
Wachter,
Wadsworth,

Watson,
Weymouth,
Wheeler, Ala.
Wheeler, Ky.
White,
Williams, J. R.

Williams, W. E.
Williams, Miss.
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Wright,

Young, Pa.
Young, Va.
Ziegler.

So the House refused to adjourn.  
The following additional pairs were announced:  
For this day:  
Mr. GARDNER of New Jersey with Mr. HENRY of Texas.  
Mr. HULL with Mr. MCALEER.  
Mr. MCPHERSON with Mr. COOPER of Texas.  
Mr. HEPBURN with Mr. DAVIS.  
Mr. JOY with Mr. BURKE of Texas.  
The result of the vote was then announced as above recorded.  
Mr. TALBERT. A parliamentary inquiry, Mr. Speaker.  
The SPEAKER pro tempore. The gentleman will state it.  
Mr. TALBERT. In view of the fact that a good many members have come to me and said that they did not understand that I had given notice and that it is not generally known, while I stated two weeks ago that I would pursue this course; in view of the fact that I do not want to put any indignity upon members by having them brought in here from their beds, I ask if it would not be in order to withdraw the point of no quorum.

The SPEAKER pro tempore. That is not a parliamentary inquiry.  
Mr. TALBERT. My parliamentary inquiry is if I can not withdraw the point of no quorum.

Mr. NORTON of Ohio. Mr. Speaker, I should like to ask, as a parliamentary inquiry, what has become of the resolution offered by me a short time ago?

The SPEAKER pro tempore. The resolution has been adopted.  
Mr. NORTON of Ohio. Do I understand, then, that the order has been given to send out the Sergeant-at-Arms to bring in absent members?

The SPEAKER pro tempore. The Chair has just signed the necessary warrants.

Mr. NORTON of Ohio. Now, Mr. Speaker, in view of the fact that it will be utterly impossible for the order to be executed before the hour expires, I move that all further proceedings under the call be dispensed with.

The question was taken, and the motion was disagreed to.

Mr. HILL. I move that the House do now adjourn.  
Mr. JONES of Virginia. Mr. Speaker, I make the point of order that no business has intervened since the last motion to adjourn.

The SPEAKER pro tempore. The Chair overrules the point. There has been intervening business.

Mr. TALBERT. Mr. Speaker, I am still on the anxious bench. [Laughter.]

The SPEAKER pro tempore. The gentleman from Connecticut moves that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the yeas seemed to have it.

Several MEMBERS. Division!  
The House divided; and there were—yeas 51, noes 32.

Mr. BARNEY and others. The yeas and nays.  
The question was taken, and the yeas and nays were ordered.

Mr. ROBINSON of Indiana. A parliamentary inquiry. Would it be in order to ask unanimous consent at this time?

The SPEAKER pro tempore. The House is dividing on the motion to adjourn.

Several MEMBERS. Regular order!  
The SPEAKER pro tempore. The regular order is called for.

The question was taken; and there were—yeas 33, nays 80, answered "present" 3; not voting 238; as follows:

YEAS—33.

Allen, Me.
Atwater,
Bell,
Bellamy,
Bishop,
Clark, Mo.
Cowherd,
Crawford,
Crumpacker,

Curtis,
Dougherty,
Esch,
Finley,
Gardner, Mich.
Gordon,
Graff,
Grout,
Hedge,

Hill,
Jack,
Jenkins,
Jones, Va.
Lloyd,
Mahon,
Mercer,
Moody, Mass.
Otjen,

Shafroth,
Small,
Stewart, Wis.
Stokes,
Sulloway,
Talbert.

NAYS—80.

Bailey, Kans.
Barham,
Barney,
Berry,
Boutell, Ill.
Bowersock,
Brenner,
Brick,
Brown,
Brownlow,
Brundidge,
Burkett,
Burton,
Calderhead,
Cochrane, N. Y.
Cooper, Wis.

Cromer,
Crowley,
Crump,
Dahle, Wis.
Davidson,
De Armond,
De Graffenreid,
Dovener,
Fitzgerald, N. Y.
Games,
Gardner, N. J.
Gaston,
Gibson,
Glynn,
Greene, Mass.
Griffith,

Hamilton,
Heatwole,
Hemenway,
Jett,
Johnston,
Jones, Wash.
Lacey,
Lamb,
Lawrence,
Little,
Long,
McDowell,
Mann,
Marsh,
Meekison,
Miers, Ind.

Minor,
Moody, Oreg.
Neville,
Norton, Ohio
Otey,
Overstreet,
Packer, Pa.
Phillips,
Ray,
Rhea, Va.
Ridgely,
Robb,
Robinson, Ind.
Robinson, Nebr.
Rodenberg,
Ryan, Pa.



Sheppard,  
Smith, H. C.  
Smith, Samuel W.  
Snodgrass,

Southard,  
Spalding,  
Stark,  
Stephens, Tex.

Stevens, Minn.  
Stewart, N. J.  
Underhill,  
Warner,

Waters,  
Weaver,  
Weeks,  
Zenor.

## ANSWERED "PRESENT"—3

Driggs,

Sparkman,

Terry.

## NOT VOTING—238.

Acheson,  
Adams,  
Adamson,  
Alexander,  
Allen, Ky.  
Allen, Miss.  
Babcock,  
Bailey, Tex.  
Baker,  
Ball,  
Bankhead,  
Barber,  
Bartholdt,  
Bartlett,  
Benton,  
Bingham,  
Boreing,  
Boutelle, Ma.  
Bradley,  
Brantley,  
Breazeale,  
Brewer,  
Bromwell,  
Brosius,  
Bronssard,  
Bull,  
Burke, S. Dak.  
Burke, Tex.  
Burleigh,  
Burlison,  
Burnett,  
Butler,  
Caldwell,  
Campbell,  
Cannon,  
Capron,  
Carmack,  
Catchings,  
Chanler,  
Chickering,  
Clarke, N. H.  
Clayton, Ala.  
Clayton, N. Y.  
Cochran, Mo.  
Connell,  
Cooney,  
Cooper, Tex.  
Corliss,  
Cousins,  
Cox,  
Cummings,  
Cusack,  
Cushman,  
Daly, N. J.  
Dalzell,  
Davenport, S. A.  
Davenport, S. W.  
Davey,  
Davis,  
Dayton,

De Vries,  
Denny,  
Dick,  
Dinsmore,  
Dolliver,  
Driscoll,  
Eddy,  
Elliott,  
Emerson,  
Epes,  
Faris,  
Fitzgerald, Mass.  
Fitzpatrick,  
Fleming,  
Fletcher,  
Fordney,  
Foss,  
Foster,  
Fowler,  
Fox,  
Freer,  
Gamble,  
Gayle,  
Gilbert,  
Gronssard,  
Gill,  
Gillet, N. Y.  
Gillett, Mass.  
Graham,  
Green, Pa.  
Griggs,  
Grosvenor,  
Grow,  
Hall,  
Harmer,  
Haugen,  
Hawley,  
Hay,  
Henry, Conn.  
Henry, Miss.  
Henry, Tex.  
Hepburn,  
Hitt,  
Hoffecker,  
Hopkins,  
Howard,  
Howell,  
Hull,  
Joy,  
Kahn,  
Kerr,  
Ketcham,  
Kitchin,  
Kieberg,  
Klutz,  
Knox,  
Landis,  
Lane,  
Lanham,  
Latimer,  
Lentz,

Lester,  
Levy,  
Lewis,  
Linney,  
Littauer,  
Littlefield,  
Livingston,  
Lorimer,  
Loud,  
Loudenslager,  
Lovering,  
Lybrand,  
McAleer,  
McCall,  
McCleary,  
McClellan,  
McCulloch,  
McLain,  
McPherson,  
McRae,  
Maddox,  
May,  
Mesick,  
Metcalf,  
Meyer, La.  
Miller,  
Mondell,  
Moon,  
Morgan,  
Morris,  
Mudd,  
Muller,  
Napfen,  
Needham,  
Newlands,  
Noonan,  
Norton, S. C.  
O'Grady,  
Olmsted,  
Parker, N. J.  
Payne,  
Pearce, Mo.  
Pearre,  
Pierce, Tenn.  
Polk,  
Powers,  
Prince,  
Pugh,  
Quarles,  
Ransdell,  
Reeder,  
Reeves,  
Rees, Ky.  
Richardson,  
Riordan,  
Rixey,  
Robbins,  
Roberts,  
Robertson, La.  
Rucker,

Ruppert,  
Russell,  
Ryan, N. Y.  
Salmon,  
Scudder,  
Shackleford,  
Shattuc,  
Shelden,  
Sherman,  
Showalter,  
Sibley,  
Sims,  
Slayden,  
Smith, Ill.  
Smith, Ky.  
Smith, Wm. Alden,  
Sperry,  
Spight,  
Sprague,  
Stallings,  
Steele,  
Stewart, N. Y.  
Sulzer,  
Sutherland,  
Swanson,  
Tate,  
Tawney,  
Taylor, Ohio  
Taylor, Ala.  
Thayer,  
Thomas, Iowa  
Thomas, N. C.  
Thropp,  
Thompkins,  
Tongue,  
Turner,  
Underwood,  
Vandiver,  
Van Voorhis,  
Vreeland,  
Wadwacher,  
Wadsworth,  
Wanger,  
Watson,  
Weymouth,  
Wheeler, Ala.  
Wheeler, Ky.  
White,  
Williams, J. R.  
Williams, W. E.  
Williams, Miss.  
Wilson, Idaho  
Wilson, N. Y.  
Wilson, S. C.  
Wright,  
Young, Pa.  
Young, Va.  
Ziegler.

Frances King, widow of Henry King, against the United States—to the Committee on War Claims, and ordered to be printed.

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 Penelope Auzburn against the United States—to the Committee on War Claims, and ordered to be printed.

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 Sarah H. Lyddane, executrix of estate of Stephen M. Lyddane against the United States—to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2936) changing place for holding court in the central division of the Indian Territory from Cameron to Poleau, and for other purposes, reported the same with amendment, accompanied by a report (No. 188); which said bill and report were referred to the House Calendar.

Mr. TERRY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 92) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse, reported the same with amendment, accompanied by a report (No. 189); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5487) authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-Mile Bayou near Shreveport, La., reported the same without amendment, accompanied by a report (No. 190); which said bill and report were referred to the House Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 855) for the relief of Mary M. F. Flagler, widow of Daniel W. Flagler, late a brigadier-general, United States Army—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3764) granting a pension to Martha A. De Lama-ter—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6846) for the relief of Julia Nolan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6511) for the relief of Mary L. McCormick—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7549) for the relief of I. Winslow Ayer—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 7193) granting a pension to David Carroll—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7819) to remove the charge of desertion from the naval record of Peter Provansha—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 7942) to increase the corps of cadets at the United States Military Academy at West Point, and to regulate the qualifications for admission—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 7943) to authorize the reimbursement of officers and men of the Army and Navy for medical expenses incurred during leave or furlough—to the Committee on War Claims.

By Mr. FLYNN (by request): A bill (H. R. 7944) for the relief of settlers in Oklahoma—to the Committee on the Public Lands.

By Mr. MORRIS: A bill (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River"—to the Committee on Interstate and Foreign Commerce.

By Mr. BELLAMY: A bill (H. R. 7946) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek,

So the House refused to adjourn.

The following additional pairs were announced:

Mr. THOMAS of Iowa with Mr. SUTHERLAND.

Mr. LITTLEFIELD with Mr. LIVINGSTON.

Mr. STEELE with Mr. LANHAM.

Mr. GROSVENOR with Mr. JAMES R. WILLIAMS.

Mr. COUSINS with Mr. CALDWELL.

Mr. DOLLIVER with Mr. WILLIAM E. WILLIAMS.

Mr. TERRY. Mr. Speaker, I find that I am paired with the gentleman from Michigan [Mr. MESICK], and I wish to withdraw my vote.

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The hour of 10.30 having arrived, the House, under the rule, stands adjourned until to-morrow at 12 o'clock noon.

## 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 Secretary of War, transmitting a communication from the Surgeon-General of the Army calling attention to the need of more hospital stewards—to the Committee on Military Affairs, and ordered to be printed.

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 John Huff against the United States—to the Committee on War Claims, and ordered to be printed.

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

within the boundary lines of Edgecombe County, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: A bill (H. R. 7947) to authorize receiving foreign silver coin as bullion and recoining as subsidiary coin, and fixing a limit for subsidiary coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. WM. ALDEN SMITH: A bill (H. R. 7948) to increase pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 7949) granting permission to the Batcheller Pneumatic Tube Company to lay a pneumatic tube from the Government Printing Office to the Capitol—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes—to the Committee on the District of Columbia.

By Mr. COWHERD: A bill (H. R. 7951) to extend the thanks of Congress to First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Berthoff, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service, and directing the Secretary of the Treasury to bestow medals upon them—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: A bill (H. R. 7952) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of Japan, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7953) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of China, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7954) to authorize the building of a canal from Lake Superior to the city of East Grand Forks, and for other purposes—to the Committee on Railways and Canals.

Also, a bill (H. R. 7955) to amend section 2 of an act approved June 16, 1890, entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands"—to the Committee on the Public Lands.

By Mr. SCUDDER: A bill (H. R. 7956) to provide for the improvement of certain waterways on the north side of Long Island, in the State of New York, and opening into Long Island Sound—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7957) to provide for the improvement of certain waterways in New York State on the southern shore of Long Island—to the Committee on Rivers and Harbors.

By Mr. SHAFROTH: A bill (H. R. 7958) to protect the coins of the United States from destruction—to the Committee on Coinage, Weights, and Measures.

By Mr. SCUDDER: A bill (H. R. 8005) to provide for the inspection of the boilers of the *Alvena* and *Ailsa*—to the Committee on Interstate and Foreign Commerce.

By Mr. OTEY (by request): A bill (H. R. 8017) to authorize the condemnation of so much of the west end of Lysles street as is necessary to make an opening from Wisconsin avenue and corner of Grant road, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MEYER of Louisiana: A bill (H. R. 8018) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters, headquarters at New Orleans, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER of New Jersey: A bill (H. R. 8019) to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post-road," approved July 11, 1890—to the Committee on Interstate and Foreign Commerce.

By Mr. SCUDDER: A joint resolution (H. J. Res. 154) to appropriate \$10,000 for the maintenance of the channel of Newtown Creek, New York—to the Committee on Rivers and Harbors.

By Mr. ACHESON: A joint resolution (H. J. Res. 155) for improvement of Ohio River below the Louisville and Portland Canal—to the Committee on Rivers and Harbors.

By Mr. ELLIOTT: A resolution (H. Res. 125) directing the Secretary of War to cause to be made a survey of Black River, South Carolina, with a view to improvement—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 7959) to correct the military record of Martin Hope, of Morris Crossroads, Fayette County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7960) to correct the military record of William H. Strawser, of Ohioypyle, Fayette County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7961) to correct the military record of Hays Gaskill, of Smithfield, Fayette County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7962) to correct the military record of Samuel Crawford, of Independence, Washington County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7963) granting a pension to Annie O'Neil and Mary O'Neil, of Uniontown, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7964) granting a pension to Capt. William McIntosh, of McKees Rocks, Allegheny County, Pa.—to the Committee on Invalid Pensions.

By Mr. BARNEY: A bill (H. R. 7965) for the relief of H. B. Matteosian, doctor of medicine—to the Committee on Claims.

By Mr. BULL: A bill (H. R. 7966) granting a pension to Louise O'Leary—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 7967) for the relief of L. D. McCalman, administrator of Stephen Hurley, deceased, late of Cherokee County, Ala., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 7968) for the relief of John B. Hardman, of Cherokee County, Ala., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 7969) for the relief of A. S. Keener, of Blaine, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 7970) for the relief of the estate of A. Underwood, late of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 7971) for the relief of S. V. Biggers, administrator of R. P. Biggers, deceased, late of Cherokee County, Ala., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 7972) for the relief of Daniel V. Sevier, of Franklin County, Ala.—to the Committee on War Claims.

By Mr. BREAZEALE: A bill (H. R. 7973) for the relief of the estate of Joseph Badin, of Natchitoches, La.—to the Committee on War Claims.

Also, a bill (H. R. 7974) for the relief of Theodosia E. Flourney, of Caddo Parish, La.—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 7975) for the relief of William F. Riley—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 7976) granting a pension to Louise O'Leary—to the Committee on Pensions.

By Mr. CARMACK: A bill (H. R. 7977) to carry into effect a finding of the Court of Claims in favor of Pamella B. Finney, administratrix of T. C. Finney, deceased—to the Committee on Claims.

By Mr. DAVIS: A bill (H. R. 7978) for the relief of G. F. Bullard, of Florida—to the Committee on Claims.

Also, a bill (H. R. 7979) for the relief of C. J. Hodges, W. R. Hodges, J. C. Hodges, and T. R. Hodges, heirs of Andrew E. Hodges, of Florida—to the Committee on Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 7980) granting a pension to James Winnie—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7981) for the relief of D. Froneberger, of Knoxville, Knox County, Tenn.—to the Committee on Military Affairs.

By Mr. GILL: A bill (H. R. 7982) to pension James F. Charlesworth, late lieutenant-colonel Twenty-fifth Regiment Ohio Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 7983) for the relief of the heirs of W. H. Smith, deceased, late of Copiah County, Miss.—to the Committee on Claims.

By Mr. JACK: A bill (H. R. 7984) granting a pension to Mrs. Jane Von—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7985) to correct the military record of John Carroll—to the Committee on Military Affairs.

By Mr. KNOX: A bill (H. R. 7986) to increase the pension of Joseph Miller—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 7987) to authorize the Secretary of War to correct the military record of Oscar B. Knight—to the Committee on Military Affairs.

By Mr. MCALEER: A bill (H. R. 7988) for the relief of Harriet Shroeter, daughter of Jacob Krider or Creider, who was a Pennsylvania soldier in the war of the Revolution—to the Committee on Pensions.

By Mr. McDOWELL: A bill (H. R. 7989) granting a pension to Rebecca L. English—to the Committee on Invalid Pensions.

By Mr. O'GRADY: A bill (H. R. 7990) granting an increase of pension to John J. Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7991) for the relief of Jemima T. Olden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7992) for the relief of Cyrus Roberts—to the Committee on Military Affairs.



Also, a bill (H. R. 7993) to correct the military record of James A. Murphy—to the Committee on Military Affairs.

By Mr. PHILLIPS: A bill (H. R. 7994) to grant a pension to Annie Allen, widow of Sylvester Allen—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 7995) to pension Jane Hunter—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia (by request): A bill (H. R. 7996) for the relief of the estate of R. M. Ely—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 7997) for the relief of Adam Miller, of Coulterville, Ill.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7998) for the relief of John Henry Miller, of Okawville, Ill.—to the Committee on Invalid Pensions.

By Mr. SNOODGRASS: A bill (H. R. 7999) for relief of the heirs of J. L. Kirkpatrick, of Wilson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8000) for relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8001) for the relief of Sampson D. Bridgman, a soldier of the Florida war—to the Committee on Pensions.

By Mr. SHERMAN: A bill (H. R. 8002) for the relief of William G. Mayer—to the Committee on Naval Affairs.

By Mr. STARK: A bill (H. R. 8003) granting an increase of pension to Nehemiah W. M. Kitchens, of Beatrice, county of Gage, Nebr.—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 8004) for the relief of Jacob H. May—to the Committee on Claims.

By Mr. WATERS: A bill (H. R. 8006) to increase the pension of James C. Whitehill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8007) granting a pension to O. P. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8008) for the relief of Estalloe H. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8009) for the relief of Helen Lasher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8010) granting a pension to Harriett A. Tappan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8011) for the relief of Mrs. Margaret Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8012) granting a pension to Allen Neighbors—to the Committee on Pensions.

Also, a bill (H. R. 8013) for the relief of Lucy M. Cleveland—to the Committee on Pensions.

Also, a bill (H. R. 8014) for the relief of the heirs of James L. Ord—to the Committee on Claims.

By Mr. WEYMOUTH: A bill (H. R. 8015) granting a pension to Caroline A. Whitcomb—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 8016) for the relief of the legal representatives of Joseph C. Stark, late of Robertson County, Tenn., deceased—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Papers in support of House bill No. 7884, granting a pension to Mrs. F. Christiern—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Paper to accompany House bill No. 6624, granting an increase of pension to John C. Bradley—to the Committee on Invalid Pensions.

By Mr. BELLAMY: Petition of the Chamber of Commerce, Produce Exchange, Merchants' Association, and commissioner of navigation and pilotage, of Wilmington, N. C., relating to a proposed anchorage basin in the port of Wilmington, N. C.—to the Committee on Rivers and Harbors.

By Mr. BRENNER: Petition of Edward C. Paine and other post-office clerks of Middletown, Ohio, for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. DINSMORE: Petition of Richard Lenox, of Springdale, Ark., for a pension—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Petition of Hon. W. D. Morgan and other citizens of South Carolina, asking for the improvement of Sampit River and Winyaw Bay at Georgetown, S. C.—to the Committee on Rivers and Harbors.

Also, petition of W. D. Morgan, mayor of Georgetown, and other citizens of South Carolina, for the extension of the Esterville Minim Canal—to the Committee on Rivers and Harbors.

Also, petition of W. D. Morgan and other citizens of South Carolina, in behalf of the improvement of Wee Tee Lake, South Carolina—to the Committee on Rivers and Harbors.

By Mr. EMERSON: Petition of John W. Rowley and others, of Westville, N. Y., for a law subjecting food and dairy products to

the laws of the State or Territory into which they are imported—to the Committee on Agriculture.

By Mr. GRAHAM: Resolutions of the New York Railroad Club, favoring an international railway congress in the United States in 1904 for the consideration of railroad interests—to the Committee on Railways and Canals.

By Mr. GROUT: Petition of C. C. Bingham and 6 other druggists of St. Johnsbury, Vt., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

Also, petition of the Board of Trade and Merchants' Association of St. Johnsbury, Vt., asking for the repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. HALL: Petition of 60 farmers of Clarion County, Pa., for a law taxing butter imitations—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of Painters' Local Union No. 156, of Evansville, Ind., against the ceding of any more public lands to States or Territories—to the Committee on the Public Lands.

By Mr. HENRY of Mississippi: Paper to accompany House bill for the relief of the heirs of W. H. Smith—to the Committee on Claims.

By Mr. KETCHAM: Petition of Jeremiah Mead and others, of Pawling, N. Y., for the passage of a bill relating to food and dairy products—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTAUER: Petition of Thomas F. Rutherford and others, of Waddington, N. Y., for the passage of a bill relating to dairy food and products—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of A. H. Witham and 6 other citizens of Denmark, Me., for the abolition of all customs duties between Puerto Rico and the United States—to the Committee on Insular Affairs.

By Mr. McCLEARY: Resolutions of the St. Paul (Minn.) Chamber of Commerce, favoring the route to the Philippines via Puget Sound—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., urging legislation in aid of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the St. Paul (Minn.) Chamber of Commerce, indorsing House bill No. 887, to provide for adding and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Appropriations.

By Mr. MANN: Paper to accompany House bill to correct the military record of Oscar B. Knight—to the Committee on Military Affairs.

By Mr. MEEKISON: Papers to accompany House bill No. 7704, granting an increase of pension to Malinda A. Myers, widow of S. F. Myers, of Company K, Eleventh Regiment Ohio Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: Petition of the Gloucester Board of Trade, the Master Mariners' Association, the Business Men's Association, and of the city government, for the improvement and early completion of Dog Bar Breakwater, in the harbor of Gloucester, Mass.—to the Committee on Rivers and Harbors.

By Mr. NEVILLE: Petition of citizens of North Platte Valley, to accompany House bill No. 7554, granting a pension to Frederick Wright—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: Papers to accompany House bill No. 7798, for the relief of Hewson L. Peeke, of Sandusky, Ohio—to the Committee on Claims.

By Mr. O'GRADY: Papers to accompany House bill for the relief of Mary Ragan—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to correct the military record of James A. Murphy—to the Committee on Military Affairs.

Also, paper to accompany House bill granting an increase of pension to John J. Bowen—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of Francis H. Staples, to accompany House bill 7708, to restore him to the pension rolls—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petitions of Connecticut chapters of the Daughters of the American Revolution; citizens of Bridgeport, Stamford, Berlin, Middletown, Montville, New London, and Groton, Conn., and from officers of Yale University and Wesleyan University, favoring House bill No. 2577, for the preservation of Fort Griswold, a Revolutionary site in Groton, Conn.—to the Committee on Military Affairs.

Also resolutions of the Chamber of Commerce of New Haven, Conn., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of New Haven, Conn., favoring reciprocal tariff relations between the United States and Canada—to the Committee on Ways and Means.

By Mr. SHOWALTER: Petition of clerks employed in the post-office at Beaver Falls, Pa., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. WM. ALDEN SMITH: Papers to accompany House bill No. 7948, to increase the pension for the loss of both legs—to the Committee on Invalid Pensions.

By Mr. STARK: Papers to accompany House bill to increase the pension of Nehemiah W. M. Kitchens, of Beatrice, Nebr.—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: Petition of Ross & Wagner and others, of Philadelphia, Pa., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 3, 1900.

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

The Journal of the proceedings of yesterday was read, corrected, and approved.

### ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I understand that there is a special order that eulogies on the late Mr. ERMENTROUT, of Pennsylvania, shall begin at 1 o'clock to-day. I ask unanimous consent that the order be modified so as to provide that the eulogies be taken up immediately on the completion of the consideration of the Indian appropriation bill.

The SPEAKER. The gentleman from New York asks unanimous consent that the special order set for 1 o'clock be so modified that it be taken up immediately after the completion of the Indian appropriation bill.

Mr. GAINES. Mr. Speaker, the gentleman who has the eulogies more especially in charge is not now in his seat. I think he would object to any modification if he was present.

Mr. SHERMAN. I think a half or three-quarters of an hour after 1 will be sufficient to complete the appropriation bill. The messenger, however, tells me, Mr. Speaker, that I am in error when I say that any time was fixed for eulogies.

The SPEAKER. The Calendar is incorrect. The Journal shows that the eulogies were set for not later than 1 o'clock.

Mr. SHERMAN. My colleague suggests that I so modify my request that the eulogies shall be taken up not later than 2 o'clock.

Mr. RICHARDSON. I was about to make that suggestion.

The SPEAKER. The gentleman from New York modifies his request that the special order be postponed not later than 2 o'clock.

Mr. GREEN of Pennsylvania. Mr. Speaker, unless that is absolutely necessary, I hope it will not be done, as it may inconvenience some of the speakers. The speaker who precedes me, Mr. BROSIUS of Pennsylvania, finds it necessary to leave early for his home. And Mr. ZIEGLER, also from Pennsylvania, states that he must leave by 3 o'clock.

Mr. BROSIUS. I will say to the gentleman from Pennsylvania that I shall be here at whatever time it is necessary.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

### ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 6272. An act fixing the salary of the postmaster at Washington City, D. C.

### INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union (Mr. MOODY of Massachusetts in the chair) for the further consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. FITZGERALD] be permitted to proceed without interruption for twenty minutes. The gentleman is a member of the Committee on Indian Affairs and has not heretofore occupied any time.

There was no objection.

[Mr. FITZGERALD of New York addressed the committee. See Appendix.]

Mr. LITTLE. Mr. Chairman, I do not contemplate entering into a general discussion upon this question, but I feel that the importance of it is sufficient to demand at least a passing attention.

The Committee on Indian Affairs have allowed every dollar in the appropriation bill that has been called for by the Commissioner of Indian Affairs. I would like those members of the House who have not had occasion to investigate the question to know that in this school service there are three separate lines of schools under Government supervision absolutely—the reservation day school, the reservation boarding school, and the nonreservation boarding school. In addition to that, Indian children are sent to the free schools in the adjoining States where they are so situated that this can be done.

Now, the Indian Commissioner states in his report, without any qualification, that the reservation boarding schools are ample for all requirements. I will quote his exact language:

The present number of reservation schools is sufficient to meet all the requirements of the service, but they should be enlarged in some cases and better equipped in others.

Provision has been made for the children in our contract schools, of which we hear so much. The 2,000 people referred to are distributed in about 17 different States and about 25 different schools. I do not believe that there is any necessity, even if it were a proper appropriation, I do not believe that there is the slightest necessity, for continuing this provision.

Mr. FITZGERALD of New York. Will the gentleman permit a question?

Mr. LITTLE. Why, certainly, though I did not interrupt the gentleman in his remarks.

Mr. FITZGERALD of New York. I would like to ask the gentleman if he will explain to the committee where the Commissioner of Indian Affairs will put the 2,000 pupils in these schools?

Mr. LITTLE. If the gentleman will ask the Commissioner of Indian Affairs, he will get all the information in detail. The Commissioner states that the school provisions in the reservation boarding schools are ample and sufficient when the necessary repairs and improvements are made.

This is no new proposition. Five years ago Congress determined upon a settled policy that appropriations to sectarian schools should cease at the end of five years—a wise policy, I have no doubt. That policy, I do know, Mr. Chairman, met the unconditional approval of the Commissioner of Indian Affairs, and there is no recommendation in any part of his report or that of the Secretary of the Interior asking an extension of this service. Now, the boarding schools have sufficient capacity. These 2,000 pupils are scattered in 17 different States. They can be cared for in the Government schools or they can go to the common free schools in the States in the various school districts in the States where these Indians are situated.

Mr. FITZGERALD of New York. I ask the gentleman, Does not the Commissioner say that it has been a failure to attempt to introduce them into the free schools?

Mr. LITTLE. He says it has not been such a success as was hoped.

Mr. FITZGERALD of New York. And he has been doing it for about seven years?

Mr. LITTLE. Yes, sir; but he states that he has ample provision even though the success has been less than he had hoped it would be.

Now, Mr. Chairman, let me read a provision in the last appropriation bill:

Provided, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year 1900, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 15 per cent of the amount so used for the fiscal year 1895, the same to be divided proportionately among the said several contract schools, this being the final appropriation for sectarian schools.

It was a simple declaration of the policy that had been declared by Congress five years ago. During the last Congress I remember it was claimed that by a mistake the amount formerly contemplated had not been given the schools, and therefore this additional appropriation was given by the last Congress, with the announcement that this should end this service.

These schools have had five years' notice of the policy of the Government, that the Congress in its wisdom—and I might say without reference to its political division of opinion—declared by its action, formal and deliberate, that they deemed it unwise that the public moneys of the Government should be appropriated to sectarian schools, and that the policy in the education of Indian children should be under the direct control not only of the Government, but of Government officers, and that the public money of the Government should only be expended by its public officers' responsible to it for their conduct. All appreciate the good that sectarian schools have done in these reservations for the upbuilding of