

and other citizens of New Britain, Conn., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. HENRY of Mississippi: Account and affidavit to accompany House bill for the relief of Mrs. S. A. E. Bailey, of Hinds County, Miss.—to the Committee on War Claims.

Also, resolutions of General William Dudley Post, No. 45, of Mississippi, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KITCHIN: Papers to accompany House bill for the relief of the heirs of H. W. Hargrove—to the Committee on War Claims.

By Mr. LITTAUER: Petition of patrons of the Fowler (N. Y.) butter factory, praying for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Interstate and Foreign Commerce.

By Mr. McDOWELL: Petition of J. C. Summers, of Mount Hope, Ohio, for State control of imitation dairy products as provided in House bill No. 3717—to the Committee on Agriculture.

By Mr. MIERS of Indiana: Petition of citizens of Vincennes, Ind., in favor of increasing salaries of mail carriers of second-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of S. S. Knoles, United States commissioner at San Diego, Cal.; W. H. Bailhache, and H. J. Place, for legislation allowing pay for orders of Chinese deportation—to the Committee on the Judiciary.

By Mr. NORTON of Ohio: Resolutions of Canfield Post, No. 124; George R. Fowler Post, No. 153, and J. Wash Post, No. 679, Department of Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. OTJEN: Paper to accompany House bill for the relief of Louis Snyder—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Resolutions of W. W. Perkins Post, Grand Army of the Republic, of New London, Conn., to accompany House bill to increase the pension of Gorton Brown—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of H. F. Mellen Post, No. 497, Department of New York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Petitions of the Methodist Episcopal Church, Baptist Church, and Epworth League of Birmingham, Mich., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, transports, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. TERRY: Paper to accompany House bill for the relief of W. H. Roach—to the Committee on War Claims.

By Mr. YOUNG: Petitions of the Dairymen's Supply Company and Pure Butter Protective Association, of Philadelphia, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. ZIEGLER: Petition of 20 citizens of York County, Pa., urging the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture:

## SENATE.

WEDNESDAY, May 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 request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

Mr. KENNEY. I desire to call the attention of the Senate to the proposed amendment offered by me yesterday. It is printed as being an amendment to the Army appropriation bill. It should have been printed as an amendment to the bill (S. 4300) to increase the efficiency of the military establishment of the United States. I ask to have that correction made.

The PRESIDENT pro tempore. The amendment will be reprinted in correct form. The Journal will stand approved, without objection.

### COLORED AND INDIAN SOLDIERS IN SOLDIERS' HOMES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 18th ultimo, certain information relative to the number of colored and Indian soldiers, or persons partly of African or Indian descent, in the National Soldiers' Homes and national insane asylums; which, on motion of Mr. HOAR, was referred to the Committee on Military Affairs, and ordered to be printed.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the

House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes;

A bill (S. 342) granting a pension to Eleanor McDevitt;

A bill (S. 474) granting an increase of pension to Isaac Patter-

son;

A bill (S. 681) granting a pension to Julia D. Richardson;

A bill (S. 752) granting an increase of pension to Isaac W.

Comery;

A bill (S. 755) granting a pension to Hannah R. Johnson;

A bill (S. 820) granting an increase of pension to Anna M.

Deitzler;

A bill (S. 950) granting a pension to Sarah Ann Fletcher;

A bill (S. 995) granting an increase of pension to Nelly Young

Egbert;

A bill (S. 1007) granting a pension to Mary E. Fenn;

A bill (S. 1202) granting an increase of pension to Sarah E.

Stubbs;

A bill (S. 1242) granting an increase of pension to Adele W.

Elmer;

A bill (S. 1271) granting a pension to Charles Williamson;

A bill (S. 1296) granting a pension to Mary R. Bacon;

A bill (S. 1600) granting an increase of pension to John T.

Hayes;

A bill (S. 1754) granting an increase of pension to Burton Packard;

A bill (S. 1787) granting an increase of pension to Joseph P.

Pope;

A bill (S. 1804) granting an increase of pension to Rida B. Has-

kell;

A bill (S. 1977) granting an increase of pension to Levi Moser;

A bill (S. 2200) granting an increase of pension to Elizabeth W.

Murphey;

A bill (S. 2332) granting an increase of pension to Margaret H.

Kent;

A bill (S. 2505) granting an increase of pension to James C.

Carlton;

A bill (S. 2545) granting a pension to Nellie A. West;

A bill (S. 2863) restoring to the pension roll the name of Francis

H. Staples;

A bill (S. 2869) authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington, and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River at Nome City, in the Territory of Alaska;

A bill (S. 2880) granting an increase of pension to Caroline B. Bradford;

A bill (S. 2943) granting an increase of pension to James J. Holland;

A bill (S. 3004) granting an increase of pension to James H. Stevens;

A bill (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory;

A bill (S. 3102) granting a pension to Seleder Burnham;

A bill (S. 3125) granting a pension to Emily A. Larimer;

A bill (S. 3186) granting a pension to Margaretha Lippert;

A bill (H. R. 9824) authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams; and

A 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 service in command of the cutter *Hugh McCulloch*, at Manila.

### PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the Anti-Saloon League and sundry citizens of Grey Eagle, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in all Government buildings and premises; which was referred to the Committee on Military Affairs.

He also presented the petition of N. H. Winchell and sundry other members of the faculty of the University of Minnesota, Minneapolis, Minn., praying for the adoption of an amendment to House bill No. 10308, relating to geological and natural history surveys, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Elizabeth Fales and 17 other citizens of Minneapolis, Minn., praying for the enactment of legislation to authorize the withholding of certain Indian reservations from sale until 1902; which was referred to the Committee on Indian Affairs.

Mr. PENROSE presented petitions of Summit Grange, No. 427; Barr Grange, No. 1121; North Shenango Central Grange, No. 844, and Forward Grange, No. 1003, all Patrons of Husbandry, in the State of Pennsylvania, praying for the adoption of certain amendments to the interstate-commerce law; which were ordered to lie on the table.

He also presented a petition of Oxford Grange, No. 67, Patrons of Husbandry, of Pennsylvania, praying for the enactment of legislation providing for State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Presbytery of the United Presbyterian Church of Chartiers, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Pennsylvania Presbytery of the Cumberland Presbyterian Church, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, in our new island possessions, in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut presented a petition of the Chamber of Commerce of New Haven, Conn., praying that the Commercial Cable Company be authorized to lay a cable between the United States and Cuba; which was referred to the Committee on Relations with Cuba.

He also presented petitions of the Woman's Christian Temperance Union of Plymouth, the Young People's Society of Christian Endeavor of Plymouth, of sundry citizens of Plymouth, and of the Woman's Christian Temperance Union of Pawcatuck, all in the State of Connecticut, and a petition of the Woman's Christian Temperance Union of Vinita, Ind. T., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, or upon any grounds and premises used by the Government; which were referred to the Committee on Military Affairs.

Mr. KENNEY presented a petition of Milford Grange, No. 6, Patrons of Husbandry, of Delaware, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Kent County, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. JONES of Nevada presented the petition of Elda A. Orr, president, and Frances A. Williamson, secretary, on behalf of the Woman Suffrage Association of Nevada, praying for the adoption of a sixteenth amendment to the Constitution, prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the Cattle Association of Elko County, Nev., remonstrating against the leasing of Government lands to syndicates, corporations, or individuals, such leasing being inimical to the interests of stock raisers; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Cattle Association of Elko County, Nev., praying for the adoption of a proposed amendment to section 4836 of the Revised Statutes relating to feeding and watering of live stock in transit; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of Hamilton Grange, No. 1107, Patrons of Husbandry, of Indiana, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented the petition of Edwin S. Jay, president, and 120 other members of the Christian Endeavor Society; Charles E. Newman and 170 other members of the Sunday school, and of sundry members of the East Main Street Society of Friends, all of Richmond, in the State of Indiana, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any of the military possessions of the United States; which was referred to the Committee on Military Affairs.

He also presented the petition of J. W. Coleman and 918 other citizens of Indiana, praying for the enactment of legislation granting to honorably discharged soldiers and sailors a pension of \$1 per day; which was referred to the Committee on Pensions.

Mr. GEAR presented sundry papers to accompany the bill (S. 2896) to remove the charge of desertion against Anthony R. Ravenscroft; which were referred to the Committee on Military Affairs.

#### AGREEMENTS WITH CREEK AND CHEROKEE INDIANS.

Mr. TELLER. I present two petitions—one from the Creek Nation, praying Congress to reject the amendments to the pending Creek agreement contained in House bill No. 10919, to ratify

and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, and the other from the Cherokee Nation, praying Congress to reject the amendments to the pending Cherokee agreement contained in House bill No. 10918, to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes. The petitions were prepared by order of these tribes. I move that they be printed as separate documents for the benefit of the Senate and referred to the Committee on Indian Affairs.

The motion was agreed to.

#### RANK OF THE ADJUTANT-GENERAL.

Mr. PETTIGREW. I present a memorial from the Union Veterans' Union of the United States, remonstrating against the promotion of the Adjutant-General of the United States Army to the rank of major-general. I ask that the memorial be read and referred to the Committee on Military Affairs.

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

HEADQUARTERS OF THE UNION VETERANS' UNION,  
ORDER OF UNION BATTLE MEN,  
Washington, D. C., April 26, 1900.

There is a proposition in Congress to give to the present Adjutant-General of the United States Army (against whom, of course, we have nothing personal) the rank of major-general. The Union Veterans' Union, which I have the honor to command, respectfully but most earnestly protests against this.

In every possible manner attempts are being made by individuals and branches of the public service to get something more out of the colossal revenues which are being collected and for which the people are being heavily taxed. The expenditures for the War Department are already swollen to an enormous extent. Most urgent pleas, by patriotic citizens, in and out of Congress, are being made for retrenchment in the public expenditures. If there be a plethora from the immense revenues, let taxation be lowered, instead of giving the people's money away; but, under extravagance, even these revenues do not seem to suffice and, in consequence thereof and, perhaps, of a wretched little war in which we are engaged, and which costs more than the entire pension roll, every obstruction is said to be put in the way of the applicant for a pension in order to save (?) money. If this be true, it may be remarked that such does not embrace the proper idea of retrenchment. Retrenchment does not consist in avoidance of payment of just debts any more than it consists in presenting the public money to shoulder-strapped or other individuals and unnecessarily increasing salaries.

In addition to the fact that it appears invidious to increase the rank of the Adjutant-General, without increasing the rank of the heads of the other staff officers of the War Department, and to the fact that increasing the rank of the Adjutant-General is a reflection upon the efficiency of the Adjutant-General's Office of the civil war, when we had an army of more than 2,000,000 men and the rank of the Adjutant-General was that of brigadier-general, it would seem to be untimely and particularly wrong to give him increased rank and thus increase the cost of his office, while and merely because we are involved in increased, even if unavoidable, expense. This, especially, when the duties and responsibilities of the Adjutant-General's Office are, at present, as nothing compared with the duties and responsibilities of the Adjutant-General's Office during our civil war, when, as above said, the rank of the Adjutant-General was that of brigadier-general.

Very respectfully,

R. G. DYRENFORTH,  
Commander in Chief, Union Veterans' Union.

Mr. GALLINGER. Mr. President, a word concerning that letter. I am not prepared to express an opinion, and the opinion would not be worth much if I did express it, as to whether or not this increased rank should be given to the Adjutant-General of the Army.

But inasmuch as some observations have been made in the letter concerning the policy of the Government, I want to say that I think the Government has been and is extremely liberal in its pension policy. Pending before the committee of which I happen to be chairman are more than fifty general pension bills, which, if they should be enacted into law, would annually take out of the public Treasury millions upon millions of dollars. As chairman of the Committee on Pensions I am being roundly abused in every mail by letters from all over the country, prompted from some source the origin of which I do not know, saying that I am opposed to granting adequate pensions to the soldiers of the United States, and this in face of the fact that I have been a consistent supporter of liberal pension legislation and liberal administration of the pension laws.

Mr. President, I have in my hand a bill introduced into the Senate the other day, by request, it is true, which proposes to give pensions to all the civilian employees of the United States. I will read three or four lines from the bill, but before doing so I wish to say that I probably will have to answer hundreds of letters concerning this bill, and will be called to account for being an enemy to pension legislation because I will not recommend its enactment.

This remarkable bill proposes to pension all the employees in the navy-yards or naval stations, United States arsenals, forts, magazines, custom-houses, or mints, or institutions of like character where civilians are employed as "superintendent, overseer, foreman, quartermaster, leading man, tinsmiths, coppersmiths, blacksmiths, ship smiths, plumbers, pipe fitters, galvanizers, block makers, calkers, oakum spinners, shipwrights, ship joiners, molders, roofers, brass finishers, iron ship fitters, millwrights, spar makers, lumber inspectors, and all mechanics of first, second, third, fourth, or other grades, submarine divers, fasteners, drillers, measurers, ship keepers, care takers, watchmen, firemen,

engineers, stenographers, apprentices at any of the mechanical trades, helpers of all grades, laborers of all grades, and all others who may be employed in any capacity—professionally, mechanically, or laboriously." The bill also provides for the payment of a certain form of annuity, and also arrears in certain cases.

Mr. PLATT of Connecticut. Will the Senator permit me to suggest that there is no provision there for the pensioning of Senators?—and I think they are employed laboriously.

Mr. GALLINGER. I have an impression that they ought to be included.

Now, Mr. President, I have called attention to this matter partly in self-defense, and I will venture to express the hope that bills of this character sent to Senators had better be put in the pigeon-holes of their desks instead of being sent to the Committee on Pensions, thus saving the chairman of the committee from being bombarded by letters from all over the country urging him to report bills of this character favorably, on the plea that justice will thus be done to the soldiers and the civilian employees of the Government.

I simply desire to add that the criticisms that are being made upon the pension policy of the Government are, in my judgment, extremely unjust, and that the \$140,000,000 that is now being spent for pensions is about as much as the Government ought to be asked to expend under existing conditions.

#### REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 1455) restoring the pension of Alexander W. Browning, reported it with amendments, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, reported an additional amendment intended to be proposed to 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; which was ordered to lie on the table.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 187) for the relief of William J. Murtagh, late proprietor of the National Republican, of Washington, D. C., 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. 3660) to increase the limit of cost for the purchase of site and the erection of a public building at Joplin, Mo., reported it without amendment, and submitted a report thereon.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 9884) authorizing the construction of a bridge across the Red River of the North, to report it with an amendment.

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

Mr. VEST. I move that the bill (S. 3760) to authorize the construction of a bridge across the Red River of the North at a point on said river where the section line extending east and west between sections 8 and 17, in township 157 north, of range 50 west, in Marshall County, State of Minnesota, intersects said river, being order of business 819 on the Calendar, be indefinitely postponed, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 10310) to authorize the construction of a bridge across the Back Bay, at Biloxi, Miss., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5056) to authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, N. C., reported it with amendments.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8926) granting an increase of pension to Chill W. Hazzard; and

A bill (H. R. 8642) granting an increase of pension to Adolphus Lavine.

Mr. KENNEY (for Mr. LINDSAY), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8378) granting an increase of pension to Mary Steffens;

A bill (H. R. 2784) granting an increase of pension to Dolly L. Harrell;

A bill (H. R. 8682) granting a pension to Louisa C. Germain; and

A bill (S. 2557) granting a pension to Josie Brown.

Mr. KENNEY (for Mr. LINDSAY), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3457) granting an increase of pension to Laura Ann Smith; and

A bill (S. 4086) granting an increase of pension to T. L. Turnipseed.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 741) granting an increase of pension to Zedock C. Andrews, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2409) granting an increase of pension to Frank C. Stevens;

A bill (H. R. 6554) granting an increase of pension to Thomas J. Carlton;

A bill (H. R. 4037) granting a pension to Annie M. Churchward;

A bill (H. R. 7614) granting an increase of pension to David P. Stewart;

A bill (H. R. 8655) granting an increase of pension to Edgar H. Stevens; and

A bill (H. R. 7391) granting a pension to Mira B. Woolson.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3746) granting a pension to George W. Bodurtha; and

A bill (S. 3642) to restore to the pension roll the name of Rhe-nault A. Rollins.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1943) granting an increase of pension to Simon Price;

A bill (H. R. 3224) granting an increase of pension to Jeremiah B. Moore; and

A bill (H. R. 6285) granting an increase of pension to James R. Green.

Mr. SHOUP (for Mr. KYLE), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3655) granting a pension to Margaret Burns;

A bill (H. R. 192) granting an increase of pension to Anna H. Tupper; and

A bill (H. R. 359) granting an increase of pension to William M. Walker.

Mr. BURROWS, from the Committee on Finance, to whom was referred the bill (S. 2245) directing the issue of a duplicate of a lost check, drawn by William H. Comegys, major and paymaster, United States Army, in favor of George P. White, reported it with amendments, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5718) granting an increase of pension to Joseph Whitmore;

A bill (H. R. 528) granting an increase of pension to Isabel B. Hamilton;

A bill (H. R. 3307) granting a pension to Matilda Hennessy;

A bill (H. R. 1751) granting a pension to Cordelia Sessions;

A bill (H. R. 9180) granting an increase of pension to Nathaniel L. Colson;

A bill (H. R. 9457) granting an increase of pension to Roger Fenton;

A bill (H. R. 4138) granting an increase of pension to Elizabeth A. Hyatt; and

A bill (H. R. 9944) granting an increase of pension to Albert Rudiger.

Mr. QUARLES, from the same committee, to whom was referred the bill (H. R. 1787) granting a pension to Cora I. Cromwell, reported it with an amendment, and submitted a report thereon.

He also (for Mr. ALLEN), from the same committee, to whom was referred the bill (H. R. 4789) granting a pension to Mary M. Young, reported it without amendment, and submitted a report thereon.

Mr. FOSTER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 364) to appropriate funds for investigations and tests of American timber, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 8830) granting an increase of pension to

William F. Boyakin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3356) granting a pension to Mary J. Quinn, reported it with an amendment, and submitted a report thereon.

Mr. BAKER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 1381) granting an increase of pension to J. J. Angel, reported it with amendments, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9574) granting an increase of pension to Catharine A. Brown; and

A bill (H. R. 2125) granting a pension to Thomas R. Harris.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 2534) for the relief of Frank B. Crosthwaite, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2776) granting an increase of pension to Pinnie L. Carr; and

A bill (H. R. 7022) granting a pension to Rhoda A. Patman.

GEORGE S. THEBO.

Mr. DEPEW, from the Committee on Claims, to whom was referred the bill (S. 3753) for the relief of George S. Thebo, assignee of Charles F. Thebo, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the bill (S. 3753) entitled "A bill for the relief of George S. Thebo, assignee of Charles F. Thebo," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SENATOR FROM MONTANA.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. CHANDLER on the 23d ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 700 copies of the books of testimony with the report in the Montana Senatorial election case, bound in cloth, of which 400 shall be for the use of the House, 200 for the use of the Senate, and 100 for the use of the Senate Committee on Privileges and Elections.

FLAGS OF MARITIME NATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from West Virginia [Mr. SCOTT] on the 21st ultimo, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there shall be printed 10,000 copies of the document known as "Flags of Maritime Nations," under the supervision of the Bureau of Equipment of the Navy Department, with all necessary corrections and changes; 3,000 copies of which shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 2,000 for distribution by the Secretary of the Navy.

The amendments of the Committee on Printing were, in line 2, to strike out the word "ten" and insert "five;" in line 5, to strike out the word "three" and insert "one;" in line 6, after the word "thousand," to insert "five hundred;" in line 7, to strike out "five thousand" and insert "two thousand five hundred;" and in line 8, to strike out the word "two" and insert "one."

Mr. COCKRELL. Now, let the resolution be read as it would read if amended.

The Secretary read the concurrent resolution as proposed to be amended.

Mr. COCKRELL. That is a very interesting and, in some respects, a valuable publication. It is a very desirable one, and the only question with me is whether there are enough copies ordered printed or not. Ought there not to be a larger number printed?

Mr. PLATT of New York. It is a pretty expensive publication, and the committee propose to reduce the number of copies one-half.

Mr. CHANDLER. I will say to the Senator that there have been various editions printed, and a new one is desirable. I should myself be very willing to see a larger number printed, but, as the Senator from New York says, it is an expensive publication, comparatively speaking, and the Committee on Printing have wisely reduced the number one-half. If the Senator would like to have it doubled—

Mr. FORAKER. What is the number provided for?

Mr. PLATT of New York. The original resolution provides for 10,000 copies and the amendment calls for 5,000.

Mr. FORAKER. Five thousand for the Senate?

Mr. COCKRELL. Fifteen hundred for the Senate.

Mr. CHANDLER. Five thousand in all.

Mr. FORAKER. I earnestly hope that that number may be increased. I have a great many calls for it. I have been unable to supply, in a great number of instances, constituents who have written to me. If it is worthy of publication at all I think a larger number might very well be printed.

Mr. PLATT of New York. If there is a disposition to print the larger number, I will withdraw the amendment of the committee—

Mr. FORAKER. I trust the Senator will do that.

Mr. PLATT of New York. And let the resolution pass in its original form.

Mr. COCKRELL. I believe we had better do that.

The PRESIDENT pro tempore. The question is on agreeing to the amendments reported by the committee.

The amendments were rejected.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

MRS. LOUISA E. McLEAN AND OTHERS.

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

A bill (S. 1482) for the relief of Mrs. Louisa E. McLean;

A bill (S. 1139) for the relief of the estate of David Jameson, deceased, late of Shelby County, Tenn.;

A bill (S. 2923) for the relief of the estate of Elijah Thompson, deceased;

A bill (S. 3718) for the relief of the estate of Isaac M. Hollingsworth, deceased;

A bill (S. 3779) for the relief of Marcellus J. Edwards;

A bill (S. 3903) for the relief of William Fowler, administrator de bonis non of Hickman Fowler, deceased;

A bill (S. 4115) for the relief of the estate of Samuel Noble;

A bill (S. 4308) for the relief of the estate of Samuel T. Carrow, deceased;

A bill (S. 4349) for the relief of Adolph Hartiens; and

A bill (S. 4508) for the relief of the heirs of Pierre Sauve, deceased—

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

*Resolved*, That the claims represented by the following bills, to wit: S. 1482, 1139, 2923, 3718, 3779, 3903, 4115, 4308, 4349, and 4508, for the relief of Louisa E. McLean, for the relief of the estate of David Jameson, for the relief of the estate of Elijah Thompson, for the relief of the estate of Isaac M. Hollingsworth, for the relief of Marcellus J. Edwards, for the relief of William Fowler, administrator de bonis non of Hickman Fowler, for the relief of the estate of Samuel Noble, for the relief of the estate of Samuel T. Carrow, for the relief of Adolph Hartiens, and for the relief of the heirs of Pierre Sauve, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

ESTATE OF JACOB S. ENGLEMAN.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 8188) to amend the act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, to report it without amendment; and as it is merely a matter to reform a prior act and to change a name, I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to repeal so much of the act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, approved March 3, 1899, as authorizes and directs the Secretary of the Treasury to pay to the legal representatives of Jacob S. Engleman, deceased, late of Augusta County, Va., \$510, and in lieu thereof appropriates to Jacob S. Engleman, administrator of John Engleman, deceased, late of Augusta County, Va., the sum of \$510, and directs the same to be paid him by the Secretary of the Treasury.

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

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4532) for reestablishing the range lights on the Delaware River known as Finns Point range, Reedy Island range, and Port Penn range; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 4533) to correct the military record

of Evan D. Dunlap; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SIMON introduced a bill (S. 4534) granting an increase of pension to Chester W. Lynds; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 4535) for the relief of the estate of Mrs. Ann Chambers, deceased;

A bill (S. 4536) for the relief of Thomas C. Gibbons; and

A bill (S. 4537) for the relief of the estate of J. N. Chambers, deceased.

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

A bill (S. 4538) granting a pension to the minor heirs of Patrick McGee;

A bill (S. 4539) granting an increase of pension to Nicholas Moy; and

A bill (S. 4540) granting a pension to David J. Leahy.

Mr. NELSON introduced a bill (S. 4541) for the establishment of lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FORAKER introduced a bill (S. 4542) granting a pension to Jane Woods; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 4543) granting an increase of pension to Stacey H. Cogswell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4544) for the relief of J. S. Neal; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4545) to remove the charge of desertion from the record of Isaac Thompson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 4546) for the relief of E. H. Martin and Richardson & Martin; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4547) granting a pension to Henry F. Tower; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4548) granting an increase of pension to Albert A. Roberts; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. KENNEY submitted an amendment proposing to appropriate \$4,000 for the improvement of the channel at the mouth of St. Jones River, Delaware, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for the improvement of the channel at the mouth of Mispillion River, Delaware, and extension of jetty below the mouth of Cedar Creek, Delaware, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PLATT of New York submitted an amendment authorizing the appointment of two additional engineers to the Civil Engineer Corps of the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate \$100,000 for the construction along Piney Creek, Wyoming, of a reservoir system, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$20,000 for the repair and completion of the military road from Fort Washakie to near Jacksons Lane, Wyo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR submitted an amendment providing that out of the amount appropriated for the improvement of the Mississippi River between St. Louis and St. Paul the sum of \$50,000 shall be used for the construction of a levee on the Iowa side from the mouth of the Iowa River, in Louisa County, to Muscatine, Iowa, in Muscatine County, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### STATUE OF OLIVER P. MORTON.

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

*Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the accept-*

ance of the statue of the late Oliver P. Morton, presented by the State of Indiana, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Indiana; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

#### PAYMENT OF STENOGRAPHER.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved, That the Secretary of the Senate be, and he hereby is, authorized, out of the contingent fund of the Senate, to pay for stenographic work done before the Committee on Agriculture and Forestry, February 7, 1900, in relation to the agricultural interests of Alaska.*

#### SOUTH AFRICAN REPUBLICS.

Mr. TELLER. I submit a resolution, and ask that it be printed and lie over.

The PRESIDENT pro tempore. Does the Senator desire to have it read?

Mr. TELLER. I desire to have it read and lie over until to-morrow.

The resolution was read, as follows:

Whereas from the hour of achieving our independence as a people 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 war between Great Britain and the South African Republics, and, with full determination to maintain a proper neutrality between the contending forces, we can not withhold our sympathy from the struggling people of the Republics, and it is our earnest desire that the Government of the United States, by its friendly offices offered to both powers, may assist in bringing the war to a speedy conclusion in a manner honorable to both Great Britain and the African Republics.*

Mr. HOAR. I beg to suggest to the Senator from Colorado whether it would not be well to strike out the word "European." The sympathy of the United States should not be confined to people who are struggling to free themselves from European domination, and would it not be better to say "unjust domination?"

Mr. TELLER. Let it go as it is for the present. There is no time to discuss the resolution now.

Mr. HOAR. I wished to make that suggestion now in order that the Senator might have it in mind to-morrow.

Mr. TELLER. I will look at it to-morrow.

The PRESIDENT pro tempore. The resolution will be printed and lie on the table.

Mr. PETTIGREW. I suppose the Senator from Colorado desires to have it lie over under the rule, so that it will come up to-morrow without motion.

Mr. TELLER. That is my request.

The PRESIDENT pro tempore. That is the request, and it is so ordered.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the joint resolution (S. R. 116) to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

#### FREDERICKSBURG MEMORIAL PARK.

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions, the morning business is closed and the Calendar under Rule VIII is in order.

Mr. SEWELL. I ask unanimous consent to call up Senate bill 1920.

Mr. CHANDLER. I ask the Chair to lay before the Senate Senate resolution 284, a privileged resolution.

The PRESIDENT pro tempore. The Senator from New Jersey was recognized.

Mr. SEWELL. I should like to have this bill passed. I do not think it will take any longer than the time necessary to read it.

Mr. CHANDLER. If I yield for that I shall feel obliged to yield for other bills, and I think the question of privilege should be laid before the Senate. I think it may be very shortly disposed of so far as to-day is concerned.

Mr. HAWLEY. I wish to remind the Chair that the pending measure is the Army appropriation bill.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate proceed to the consideration of the following resolution.

Mr. CHANDLER. I do not move that the Senate proceed to its consideration. I ask the Chair to lay the privileged resolution before the Senate.

The PRESIDENT pro tempore. The Chair will not do it.

Mr. SEWELL. Then I ask unanimous consent to call up Senate bill 1920.

The PRESIDENT pro tempore. It is proper for the Chair to say to the Senator from New Hampshire that he holds that a

motion is necessary to take the resolution from the Calendar and lay it before the Senate.

Mr. MASON. Mr. President, if there is to be any discussion on the bill, I gave notice that at this hour I would desire to be heard upon the pure-food bill.

Mr. SEWELL. If the Senator will allow me, I do not think this bill will lead to any discussion. I ask the Senate to proceed to the consideration of the bill (S. 1920) to establish the Fredericksburg and Adjacent National Battlefields Memorial Park, in the State of Virginia.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SEWELL. There are some amendments reported by the Committee on Military Affairs, on which I ask action.

The PRESIDENT pro tempore. The amendments reported by the committee will be stated.

The first amendment reported by the Committee on Military Affairs was, in section 2, on page 7, line 9, after the word "General," to strike out "Barry" and insert "Berry;" so as to read: "General Berry, of the Union Army," etc.

The amendment was agreed to.

The next amendment was on page 10, line 12, at the end of section 3, to insert the following proviso:

*Provided*, That the Secretary of War shall proceed with the establishment of the park as rapidly as jurisdiction over the roads of the park and its approaches and title to the separate parcels of land which compose it may be obtained for the United States.

The amendment was agreed to.

The next amendment was, in section 6, on page 12, line 24, after the word "act," to insert:

And the Secretary of War is authorized to accept on behalf of the United States donations of land for road purposes.

The amendment was agreed to.

The next amendment was, after the word "act," in line 16, at the end of section 7, on page 13, to insert:

And the Secretary of War and the Secretary of the Navy are hereby authorized to deliver to the commissioners of the Fredericksburg and Adjacent National Battlefields Memorial Park, at the park, such number of condemned cannon and cannon balls as their judgment may approve, for the purpose of their work of indication and marking locations on the battlefields of Fredericksburg, Salem Church, Chancellorsville, the Wilderness, and Spottsylvania Court-House.

The amendment was agreed to.

The next amendment was, after the word "park," at the end of section 8, on page 14, line 15, to insert:

And no monuments or memorials shall be erected upon any lands of the park, or remain upon any lands which may be purchased for the park, except upon ground actually occupied in the course of the battle by troops of the State which the proposed monuments are intended to commemorate, except upon those sections of the park set apart for memorials to troops which were engaged in the campaigns, but operated outside of the legal limits of the park.

The amendment was agreed to.

The next amendment was, in section 11, on page 16, line 10, after the word "employed," to insert "office, clerical, and all other necessary expenses;" so as to make the section read:

SEC. 11. That to enable the Secretary of War to begin to carry out the purposes of this act, including the condemnation and purchase of the necessary land, marking the boundaries of the park, opening or improving and repairing the necessary roads, making the necessary maps and surveys, and the pay and expenses of the commissioners and their assistant, if one is employed, office, clerical, and all other necessary expenses, the sum of \$100,000, or such portion thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated; and disbursements under this act shall require the approval of the Secretary of War, and he shall make annual report of the same to Congress.

The amendment was agreed to.

Mr. SEWELL. Mr. President, I do not think it is necessary for me to make any remarks on the bill, as I never occupy the time of the Senate when it is not positively necessary to do so. The committee have made a report covering the entire ground, and that report is unanimous in its character.

On the battlefields named in the bill, which it is proposed to preserve and suitably mark, more men were engaged at the close of the war than on any other, not alone in this country, but in any other country, practically, since the days of Attila and other generals.

I trust, Mr. President, there will be no objection to the passage of the bill.

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

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

#### FOOD ADULTERATION.

Mr. MASON obtained the floor.

Mr. HAWLEY. If the Senator from Illinois will allow me, I had hoped that I should be able to have the consideration of the Army appropriation bill continued, so that the pending amendments might be disposed of and the bill passed; but inasmuch as the Senator from Illinois has given notice that he would address the Senate this morning on the subject of food adulteration, I

make no contest for the floor; but I do give notice that immediately upon the conclusion of his remarks I shall ask, and if necessary move, that the Senate proceed with the consideration of the Army appropriation bill.

Mr. HANSBROUGH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. MASON. I hope the Senator from North Dakota will excuse me. I have been waiting for a week or ten days to obtain the floor; and I said that after the passage of the long bill which has just been passed I did not wish anything else to interfere with my speech this morning.

Mr. HANSBROUGH. Of course, Mr. President, the Senator having given notice that he intended to address the Senate this morning, I shall not insist upon the request I was about to make; but I shall endeavor to get in at a later stage of the proceedings.

Mr. MASON. Mr. President, I think the reason will appear before I finish my remarks this morning why I take up the discussion of the adulteration of the food manufactured or prepared in this country at this time. I will state the matter as briefly as I can consistently with my duty as I see it, considering the importance of this question. I recognize the fact that the subject is somewhat tedious to those who have taken no special interest in it; yet it is one of the most important subjects before the present Congress.

This is the only civilized country in the world that does not protect the consumer of food products against the adulterations of manufacturers. I think I can say that, civilized or uncivilized, this is almost the only country that does not give to the consumer some protection when he goes into the market to buy prepared food for himself and his family.

The committee have had the matter under investigation, and have taken a great deal of evidence in Chicago, in Washington, and in New York, in accordance with the resolution which was passed by this Senate, and which gave that committee authority to find what, if any, food products were adulterated, what of those adulterations were deleterious to the public health, and what, if any, adulterations were mere sophistications and a mere fraud upon consumers.

I think, Mr. President, you will understand at once that there are two classes of adulterated food. For instance, and by way of illustration, you buy a jar of honey. The committee find by analysis that it consists of less than 1 per cent of honey, a little honey-comb on the top of the glass jar, and the rest of it is filled up with glucose. While glucose is not unhealthy, and is a natural product, undoubtedly, as any other sugar produced from cane or beets, yet one can readily see that that is a sophistication and fraud upon the consumer.

Not only that, but it is an absolute detriment to those people in this country who have given their time and their capital to the production of honest home-made bee honey. Take another class of adulteration, such as is found in jellies, in jams, in beers, and in wines in some cases; although I should say in mentioning it, that the American beer, which we have had analyzed under the direction of the Agricultural Department, I think out of the 140 samples which were sent to the National Government for analysis, only two American beers showed the presence of any preservative such as salicylic acid or anything else to preserve it; but the fact remains that in a large class of adulterations articles are inserted which are absolutely dangerous to public health.

I want to show, and perhaps I should now show here to Senators, the imperative necessity of establishing a good character to the goods that we manufacture into food products. Two years ago in this Senate the Committee on Manufactures reported an amendment to the revenue bill which put adulterated flour in the same class of legislation which now covers oleomargarine and filled cheese. I think there are now but three of our great food products that are under Government inspection and control, and they are filled cheese, oleomargarine, and flour.

You will remember how much difficulty we had in passing what was known as the pure-flour bill. Some of the Senators in this Chamber will remember that, notwithstanding the fact that we proved that 60 or 70 per cent of the flour sold in this country was adulterated with cheap and, in some cases, dangerous stuff, the by-products of the glucose factories, out of which all the life, or gluten and sugar, had been extracted—notwithstanding the fact that we showed that in 60 per cent of the flour sold in the South there was 10 or 15 per cent of terra alba, or ground white clay, mixed with it; yet when we sought to put it under the internal-revenue law, having three objects in view—to protect the honest manufacturer and miller, to protect the consumer, and to advertise our goods among the nations of the world as good and pure—we had the most desperate fight in this body to secure an amendment which would compel the people who sell wheat flour to either make wheat flour or mark it for what it was.

Let me call your attention just for a moment to the result of that law. I say now the evidence taken before the committee is

here in print so that anyone can see it. From this it appears that we increased the sale of American flour 5,000,000 barrels the first twelve months after the passage of the bill. If you will take the report and take time to see what it contains, you will find that there are letters from all the large cities of the world saying that the moment the Government of the United States undertook to say to the people of the world that wheat flour should be wheat flour and should not be mixed with anything else it increased the demand for American flour all over the world.

I want to call attention to some of the letters we received on this subject. Here is a letter from London; here is one from Bremen, another from London, one from Glasgow, one from Liverpool, one from Rotterdam, another from London, another from Glasgow, one from Amsterdam, one from Antwerp, one from Bristol; and so I might go on, Mr. President, showing that the consumers of American flour and the agents of American millers in European countries the moment we passed that bill found a greater demand, and the sale of American flour was increased 50 per cent. I do not say that that whole increase was on account of the fact that the Government stood with a guaranty back of every barrel of flour that went out as American flour.

Yet Senators all know how the sale of American meat was increased the moment the inspection law was passed some years ago, whereby to-day, as to every pound of meat that leaves a port in this country to go to any other port in the world, one sample of the creature killed goes through a microscopic examination. The result has been a greater demand for American products to feed the people of the world since they have found that we are advancing to a position that has been maintained by European countries for years; that is, having the Government, as to these large articles of food products, like butter, cheese, flour, and meat, before they are sent abroad into the world, guarantee their purity, healthfulness, and cleanliness.

I wish to impress this upon Senators, for we are asking the committee having this matter in charge that we be given an early day to consider a bill. There are two general plans of legislation suggested. The plan we adopted for flour was the plan adopted for oleomargarine. That has worked well. It has, I say, not only increased the sale abroad, but has given protection to the honest American miller. Millers came before our committee last year and said they were perfectly willing to quit mixing if the other millers, the competitors, would.

One man from Illinois said to me: "I stopped my mill for the simple reason that I can not pay for the wheat what other people sell a barrel of flour for." I will say that since the bill has passed the two large mills in North Carolina which made the clay that was being sold largely in this country have gone out of business. I have not that information before the committee under oath, but I have the statement of representatives of the neighborhood where the mills were located which were making this mineraline, really terra alba, or white earth. These mills have gone out of business, and the Government has captured over 12,000 barrels of adulterated flour and condemned it under the bill passed at the last Congress.

So I beg that you may understand the importance of this legislation. First, it is to protect the honest manufacturer. I wish to say right here that that is the complaint which comes all along the line. For instance, we had before the committee sirup makers with a dozen different brands of sirup, all marked "maple sirup." The gentleman who brought them said: "This holds 20 per cent of maple sirup; this has 40 per cent of maple sirup; this has 60 per cent of maple sirup, and the rest is glucose." He said: "We are perfectly willing to make our sirup and mark it for just what it is, if our competitor will do it." Therefore I say there should be a national law that will fix the standard of all food products, and that is the plan suggested by the bill which I have had the honor to introduce.

I think it is due to say here that the Secretary of Agriculture, through Dr. Wiley, has given the committee most valuable assistance day after day. I think if there is any one man in this country who deserves great credit for trying to furnish the facts for the benefit of the people of this country and helping the committee to have all these different products analyzed it is he.

The bill which I introduced, and which I am informed has been favorably recommended by the House committee, does not refer the products to the revenue department. In other words, Senators can well see how impossible it would be to have all of the small packages stamped. There must be fixed standards of foods to which all the foods that are offered for sale must rise or be condemned or marked for what they are.

I will state to the Senate the two general rules the committee have adopted. First, that class of adulterants which are said and are believed to be deleterious to the public health are absolutely prohibited. Those that are mere frauds upon the customer and which destroy the honest manufacturer are simply to be marked for what they are. The bill for the hearing of which we hope to have a date set provides for the establishment under the Agricul-

tural Department of a bureau that shall establish food standards. You can take every article upon your table when you go home to dinner, and at some time or at some place you will find it adulterated, except possibly the salt in the saltcellar. We had before us pepper makers, men who are called spice grinders.

I do not say that many of the manufacturers do not grind the substance pure, like cinnamon, cloves, spices, and mustard, but the evidence before the committee is that all of them, by direction of the people who give them the orders, adulterate, for instance, their pepper with cocoanut shells. In many cases those adulterants are not necessarily unhealthful. The mustard is adulterated with corn meal. It does not follow that it is unhealthful and ought to be prohibited, but the proposition of the committee over which I have the honor to preside is that when they insert into a food product salicylic acid or any other thing that is a poison or a danger or a detriment to the public health, the Government should absolutely prohibit it. Where it is simply put in as sophistication to cheapen it and deceive the consumer, then we purpose that there shall be a standard fixed.

For instance, coffee. They manufactured the coffee bean for years out of a dough. A machine was patented or attempted to be patented which would grind the coffee out of dough, colored green, so that it looked green until it was baked. Coffee became so cheap that it became known, and, so far as the committee have observed or have learned, that has now been abandoned. But I will tell you how they adulterate coffee now. They take an ordinary grade of coffee; and we have this in evidence from men who do it. A man who stands well in the commercial world says: "I do not want to adulterate my coffee, but my competitors do it. I have either to go out of the coffee business or to do it with them."

He mixes in from 20 to 30 per cent of what is called black-jack. Black-jack is a by-product of coffee, if you may call it so. In Germany and in other countries where they drink real coffee every diseased bean is picked out. If it is sour or decayed and has no natural coffee flavor, it is picked out by women and children and it is sent to America to be mixed with real coffee and sold here. The sale of it is prohibited in Germany. If you would offer a pound of "black-jack" for sale in Germany for what it is, and call it black-jack even, you would be punished for selling for food an article unfit for food.

Yet the fact remains that after they have selected those decayed beans they send them over here by the ton, and our manufacturers and merchants, driven by competition, use them. First A puts in a little, then B, then C. They are driven by competition into adulterating the coffee until it takes an expert to determine it. You can not tell anything about your coffee as you buy it in this country unless you are an expert in the business. Everyone gets it whether you buy it for your own table at home or drink it in a dining car or in a hotel or in a boarding house. It is only a sample of what you get.

The proposition of this committee and the proposition of the bill is that there shall be a standard fixed for coffee the same as for beer; that it must contain of the inherent qualities of coffee or beer or whatever it may be the standard fixed by the United States—it must rise to that standard.

I ask permission to insert as a part of my remarks the letters, or a part of them, which I have noted. Here is one of the letters from Hamburg. I will not take the time of the Senate to read them now, but I will exercise my own judgment in setting forth the letters, which I think prove conclusively the increased demand for American food products when we show to the people of the world that we intend to give them good products. There has been an increase in the sale of everything to which we have applied the Government tests.

To-day, Mr. President, we are discredited among the nations of the world. Germany is attempting to pass bills against us. She is attempting to direct her legislation against our meat products, our lard, our sausages, and she finds a pretended excuse in the fact that we have no general food law in this country, although as a matter of fact we inspect every pound of meat that goes out of this country into any other country in the world.

I wish Senators to understand the rule we are trying to adopt, and which we shall ask the Senate to indorse. Of course we can only regulate such manufactured articles as go by interstate commerce from one State to another, possibly, or that are manufactured and sold in the District of Columbia and the Territories. But we have adopted these two rules, in which we hope to have the support of the Senate: First, that when food is adulterated with the intention of deceiving, it shall be marked for what it is, and when it is adulterated with a dangerous preservative it shall be absolutely prohibited.

Mr. President, I desire at this time to submit a few observations upon a subject whose true character and importance came to me in the nature of a discovery in connection with the pure-food investigations so extensively carried on by the Committee on Manufactures of the Senate of the United States. For the first time in my life I became aware of the actual facts pertaining to the

existence of a great and growing industry whose product touches very closely not alone the public palate but the public health as well. I refer to the American champagne industry, in which are invested several millions of capital and in connection with which many thousands of wage earners directly or indirectly obtain profitable employment.

Most of you will doubtless be as surprised, as I was, to learn that thousands upon thousands of acres of land of no practical value for any other class of crops—soil so lean and poor that a white bean would thrive but precariously—are planted with flourishing vineyards whose juicy fruit finds its way to the wine presses of the champagne maker. In one county alone of the State of New York fully a million dollars worth of grapes is every year produced and sold to the makers of American champagne. The lake districts of Ohio also contribute a very important quota of the grapes used in the production of American champagne. The greater portion of this valuable crop is harvested from sunny hillsides whose steep inclines, curiously resembling those of the Rhine, would seem to have been planned primarily for vineyard terraces, for their stony, barren soil is of no value for any other agricultural use.

Straight into the bowels of these vine-clad hillsides run the cool, dark cellars of the wine maker, wherein are stored millions of bottles of that beverage rightly called king of wines and the wine of kings. Three to five years must this wine remain in these cool, dark dungeons before it is permitted to see the sun once more—this time in the shape of champagne.

Champagne is worthy to be classed as among the finest products of nature's chemistry. In America, as in France—the land of its origin—the true and honest method of fermentation in the bottle is pursued by the makers of genuine champagne. Not a detail is omitted which an experience of two hundred and fifty years has shown to be essential. From time to time during the past forty years the expert wine makers of the Old World have been tempted by high wages to bring to the United States the secrets of their craft—the knowledge without which the successful production of American champagne would have been impossible. In time these secrets have been acquired by clever, watchful Yankees, until, in some respects, the Frenchmen have been beaten at their own game. In an article on the subject of "Food Adulterations," which I had the honor of contributing to the North American Review for April, 1900, the following statement occurs:

There has been a great desire on the part of the American public to eat and drink imported food products. Imported champagnes have been regarded as most desirable. The analyses and tests show that the genuine American champagnes that have been fermented in the bottle are superior to the imported.

Please note the qualification, "that have been fermented in the bottle."

My judgment as to the superiority of our true American champagnes over the sparkling wines of all other countries is fortified by the testimony of the five leading makers of true champagne in the United States. These five gentlemen, whose testimony I desire to incorporate as a part of these remarks, united in stating under oath that the French process of fermentation in the bottle is scrupulously followed here in all its details, and that in some particulars the American method is better than the French. For example, far greater care is taken by the Americans in the sorting of the grapes and the rejection of every grape that is in any manner imperfect, whether it be underripe, overripe, dried, shrunken, or moldy.

Again, it was shown by the testimony of these expert champagne makers that whereas the Frenchmen use certain liqueurs or cordials to impart to their wines their peculiar flavors, the American makers wholly depend for their flavors upon the blend of grapes used and do not employ any artificial flavors whatsoever.

In looking over the different definitions of the word champagne I find that all are essentially agreed upon the main central point, viz: A wine that is fermented in the bottle, or a wine that is grown in the district of Champagne, France.

Such is undoubtedly the true definition of the word—that is, a wine naturally fermented in the bottle. No wine not so fermented has any right to masquerade under the name of champagne. Funk & Wagnall's Standard Dictionary is among the authorities quoted in behalf of the carbonating interest regarding the generally accepted meaning of the word champagne. I read from Funk & Wagnall's Standard Dictionary the entire definition of the word, as follows:

[Standard Dictionary, page 318.]

Champagne: 1. A highly effervescent wine, typically amber-colored, made in Marne and adjoining departments in France, or wine in imitation of it. Champagne effervesces through liberation of carbon-dioxide gas generated during the fermentation in bottle, or, in spurious varieties, forced in.  
2. Originally, any wine, still or sparkling, white or red, produced in the old province of Champagne, France.

In spite of statements made to the contrary by parties engaged in the production of bogus champagnes, I am perfectly convinced, as the result of thorough investigation, that it is a chemical im-

possibility to produce an artificially carbonated wine that will remain for any length of time—say longer than two or three months—in a clear and unclouded state without the use of some preservative that is injurious to health. If, however, I am in error regarding this matter, which I do not believe, and if it be true, as the carbonating people assert, that the wine they make is purer and better than any naturally fermented wine could be, then these gentlemen should have no objection to a law requiring them to use the word "carbonated" on their labels. If, as they claim, imitation champagne is better than genuine champagne, they ought to welcome this law as the best possible advertisement of their product. That they are not exactly sure of their ground in this regard is unmistakably suggested by the fact that the carbonaters are, one and all, bitterly opposed to the proposed requirement as to labels.

But there is, I think, no question as to the propriety, indeed the necessity, of the proposed requirement regarding labels. It is an indisputable proposition in law and in morals that the consumer is entitled to know what it is that he buys and consumes—whether it be true champagne, fermented in the bottle, or an artificially carbonated wine whose carbonic-acid gas is forcibly injected. In the case of the true champagne, as appears from the sworn testimony of the witnesses examined by your committee, the finished bottle of wine requires at least three years to bring it to perfection. It is handled by hand labor more than 300 times. In the case of the carbonated wine the finished product undergoes no such stages of time and labor. It starts with a still wine and in fifteen minutes it receives its carbonation and is practically ready for the market.

Clearly the consumer is entitled to be informed concerning this important distinction. Each and every one of the makers of true champagne has expressed a willingness to print upon his labels the words "Fermented in the bottle." Certainly the producers of the carbonated article should be equally willing to declare the precise character of their product. It is to this end that there has been incorporated in the pure-food bill recommended for passage by the Senate Committee on Manufactures a clause requiring that every bottle of imitation or bogus champagne shall bear upon its label the word, distinctly legible, "Carbonated."

As bearing directly upon the question of protecting the consumer against adulteration, sophistication, imitation, or fraud of any character in food or drink, I append hereto the report of the Senate Committee on Manufactures relative to the labeling of carbonated wines and the testimony of the following-named gentlemen, leading producers of true champagne in the United States: Edward R. Emerson, president Brotherhood Wine Company, Washingtonville, N. Y.; W. E. Hildreth, president Urbana Wine Company, Urbana, N. Y.; De Witt Bauder, secretary and manager Pleasant Valley Wine Company, Rheims, N. Y.; Douglas G. Cook, president American Wine Company, St. Louis, Mo.; Charles G. Wheeler, president Lake Keuka Wine Company, Pulteney, N. Y.; also Prof. H. W. Wiley, Chief Chemist, United States Department of Agriculture, Washington, D. C.; William McMurtrie, chemist, New York City; Duncan B. Harrison, Washington, D. C.; Alex. Hamill, assistant appraiser of merchandise, district of New York City.

[From the report of the Senate Committee on Manufactures.]

#### WINES.

A large amount of evidence has been taken in regard to wines and liquors, and it may become necessary to have a separate bill as to this article. It is thought, however, by the committee that the Government will have sufficient power under the bill recommended to compel the proper branding of the wines so that the consumer may know with a reasonable certainty what he is purchasing. The manufacturers of champagne in this country have complained bitterly that the American product is being injured by the sale of artificially charged wine which is being sold as champagne. Champagne originally meant wine that came from the champagne districts of France. It is contended by the manufacturers of American champagne that the trade word "Champagne" means any wine fermented in the bottle. A large class of American manufacturers, however, are engaged in carbonating still wine artificially by the injection of carbonic acid gas, and that wine is also sold in the market as champagne.

The tests made by the experts show that the American champagne which is fermented in the bottle excels in practically every point the imported champagnes which are also fermented in the bottle, and, under the evidence of uninterested witnesses, it is clear to the committee that champagne fermented in the bottle is superior in analysis and very much more expensive to the producer than the wine which is artificially carbonated. For the purpose of bringing this question within the rule adopted by the committee it is not necessary to make any decision as to the true definition of true champagne. It is admitted that the artificially charged champagne is cheaper than that fermented in the bottle.

It is claimed by the manufacturers that it is just as good or better than the wine fermented in the bottle. If that is true, there ought to be no objection to having it marked for what it is, and the committee recommend the amendment offered, which compels the manufacturer of carbonated wine to place upon the outside of the bottle the word "Carbonated" in distinctly legible letters. The committee does not say by this recommendation anything against artificially carbonated wine. It simply follows the set rule that it should be sold for what it is.

Testimony of Edward R. Emerson.

Edward R. Emerson, sworn and examined:

The CHAIRMAN. Where do you live?  
Mr. EMERSON. In Washingtonville, N. Y.  
The CHAIRMAN. What is your business?



Mr. EMERSON. I am president of the Brotherhood Wine Company, which is a corporation.

The CHAIRMAN. What do you manufacture?

Mr. EMERSON. We manufacture champagne and still wines of different kinds—port, sherry, and claret.

The CHAIRMAN. Where is your vineyard?

Mr. EMERSON. We have a vineyard at Washingtonville, N. Y., and also a vineyard at Hammondsport, N. Y.

The CHAIRMAN. You manufacture champagne and still wines at both places?

Mr. EMERSON. Yes, sir.

The CHAIRMAN. What is your definition of champagne?

Mr. EMERSON. Champagne is a sparkling wine, made by the French process of fermentation in the bottle, which requires from three to four years to complete.

The CHAIRMAN. Is there anything properly known as or that can be called champagne that does not ferment in the bottle?

Mr. EMERSON. Yes, sir; there is what in the trade we call a bogus champagne, made by taking a still wine and forcing into it carbonic acid gas, which is produced from sulphuric acid and marble dust generally. That is not considered in the trade to be a true champagne.

The CHAIRMAN. In what particular does the American or domestic champagne differ from the imported or French champagne?

Mr. EMERSON. There is practically no difference. They are made in exactly the same way by the leading companies. We are using the same methods and experience that it has taken them some two hundred years to acquire. We use exactly their methods.

The CHAIRMAN. Do you have to age your wine that length of time here?

Mr. EMERSON. Yes; we never put a bottle of champagne on the market until it has been in bottles at least three years.

The CHAIRMAN. What is the process of manufacture, briefly?

Mr. EMERSON. The process is in the first place to have your grapes absolutely clean, well picked over, and the proper variety of grapes to produce the flavor that you wish in the champagne. Then it is crushed and the juice is put in barrels or casks and allowed to ferment. In the spring this wine is taken and put into a large tank—what we call a bottling tank—holding from two to four thousand gallons. It is then bottled, after the addition of some older wine. Champagne always contains more or less old wine.

The perfection of the champagne comes in in the perfection of the wine and in the careful and judicious selection of the grapes to make the original blend, and also in the care and skill that is taken in regard to developing the wine in regard to temperature. Then it is bottled and allowed to remain in a moderately warm place until fermentation commences in the bottle. As the fermentation proceeds the bottles break more or less, and that is the only way that we can tell how the fermentation is proceeding. After it gets to a certain point and the bottles are breaking too fast we move that champagne into a colder apartment, so as not to entirely chill the fermentation, but so as to lessen it and lessen the pressure slightly on the bottle.

It is gradually moved from one apartment into another until at the end of perhaps three, four, or six months it arrives at the coldest cellar that we have, which we call our storage cellar. There it lies in tierage, lying on the side, to keep this gas from escaping and also to economize space. It lies there from three to four years in properly-made champagne. Then it is taken and put on tables which have holes made through them—plank tables, set in the form of an A, with holes intended to hold the bottles. When it is first put in, it is quite flat, and a sediment is formed from the fermentation which falls directly to the side of the bottle in a little streak. It is shaken every day by a dexterous twist of the wrist and gradually raised up, until in the course of some weeks—sometimes two weeks, but sometimes three months, according to the obduracy of the sediment to leave the bottle—it arrives at a vertical position.

When the sediment is directly on top of the cork, then we take the champagne to the finishing room, carefully keeping the bottle with the cork down, so as not to disturb the sediment. In the finishing room it is disgorged; that is, the cork is dexterously taken—withdrawn—allowing the sediment and a small portion of wine to be removed. A small quantity of the escaping gas is allowed to blow out with the sediment. Then it is put on a finishing table and a small dosage is added to it to slightly sweeten it and render it a little more palatable. That addition is called dosage.

The CHAIRMAN. What is the dosage made of?

Mr. EMERSON. It is made of rock candy and old wine. A very small percentage is used.

The CHAIRMAN. Does not the carbonic-acid gas escape?

Mr. EMERSON. Yes; to some extent it does, but the bottles originally contain more of that gas than is needed.

The CHAIRMAN. The investigation that this committee is conducting is intended to include all food products and all drink products—what, if anything, is deleterious, and what, if anything, is sold for what it is not. Do you, in your opinion, use anything that is deleterious to health?

Mr. EMERSON. Absolutely not.

The CHAIRMAN. You have told everything that you use?

Mr. EMERSON. I have told everything that we use.

The CHAIRMAN. Do you have any competition with adulterated wines?

Mr. EMERSON. The great impediment to the increase in the sale of true domestic champagnes is largely in the prejudice that exists in the public mind against them—against American champagnes. That, perhaps, up to the present time, has militated to a considerable degree against the sale of our genuine, rightly produced champagnes in this country.

The CHAIRMAN. Do you have to compete with some of these artificial champagne people—this carbonated material, or with any other that is not genuine champagne?

Mr. EMERSON. That, in my opinion, is what has caused the prejudice against the true champagne. The carbonated product being artificial and being produced in ten or fifteen minutes, simply carbonated with artificial gas and made with any kind of wine and labeled so as to tell an untruth—they call that champagne which is not champagne in any sense of the word, and it has turned a great many American wine drinkers against the domestic champagne. People who have been in the habit of drinking wine would try that so-called champagne, and of course they would be disgusted with it, make up their minds that all American champagnes were poor products. Every such man becomes an enemy of the true American product.

The CHAIRMAN. What remedy would you suggest for that condition of affairs that this committee or the Senate could have jurisdiction over?

Mr. EMERSON. I would suggest that the producers of such wines or such so-called champagne should be compelled to state on their labels what are the contents of the bottle, whether carbonated champagne or genuine champagne, although there is no carbonated "champagne" really.

The CHAIRMAN. In other words, if it is a genuine champagne you would like it to be marked so?

Mr. EMERSON. Yes.

The CHAIRMAN. The artificial carbonic-acid gas can be put into new wine, but if it is to be natural it has to be made in old wine. In other words, it takes time to generate it in the old wine, does it not?

Mr. EMERSON. Yes, sir.

The CHAIRMAN. And if it is a natural champagne it is bound to be old wine?

Mr. EMERSON. Yes.

Senator MASON. And people understand that they are buying old wine when they buy champagne?

Mr. EMERSON. When they buy true champagne.

The CHAIRMAN. And, of course, carbonic-acid gas may be injected into fresh, new wine?

Mr. EMERSON. Yes.

Senator MASON. That is, if put in by the artificial process?

Mr. EMERSON. Yes.

The CHAIRMAN. So that at least it is a sophistication and is intended to deceive?

Mr. EMERSON. Yes.

Senator HARRIS. In your definition of champagne you spoke of wine that has undergone certain processes.

Mr. EMERSON. Yes.

Senator HARRIS. Would not a proper definition go farther back? Would it not mean grapes of a certain character or grapes grown on a certain soil, primarily—of course, grapes grown in a certain province of France?

Mr. EMERSON. Yes; that was originally the true source or origin of the name champagne—grapes grown in a particular province of France.

Senator HARRIS. A province of a very limited area?

Mr. EMERSON. Yes. Subsequently the producers in that province of the wine called champagne in that district of Champagne got their materials outside of their own district, and still they called their wine or their product champagne, until now the word "champagne" means a wine produced in a certain particular way, just as we speak of a wine produced in a certain way as port wine, meaning a wine that is produced in the same way as wine was produced in Portugal originally. The term "champagne" now means a wine produced by the French or natural process of fermentation in the bottle. They speak of German champagne and French champagne without any regard to the original Champagne district.

Senator HARRIS. Is there any other sophistication or adulteration that you know of used in what are called champagnes?

Mr. EMERSON. No, sir; I do not know that there is. It is practically impossible to adulterate a true champagne. The wine has got to be a true wine or you can not make a champagne of any merit out of it.

Senator HARRIS. That is, even with this injected carbonic-acid gas you still have to have wine?

Mr. EMERSON. Well, I was speaking then of the true champagne. With an artificial method you can use any kind of wine; it does not make any difference whether it contains salicylic acid or other things.

Senator HARRIS. That is, you could make it sparkle for a time?

Mr. EMERSON. You could make it sparkle for a time, whereas in the case of the natural wine if it contained any impurities it would not respond to the process. It would not sparkle. It would remain flat in the bottle. In making a true champagne you would have to have a perfect wine to begin with.

The CHAIRMAN. You would recommend, then, that whether for domestic or imported wine the true champagne should be marked as such, and that the other should show that it was carbonated?

Mr. EMERSON. Yes; most decidedly.

The CHAIRMAN. And that, in your opinion, would protect the consumer of the real champagne and would inform the consumer of the other?

Mr. EMERSON. Yes.

Senator HARRIS. Going back to champagne, is there a large amount of this artificial-process champagne on the market and being sold all the time?

Mr. EMERSON. Yes; a large amount.

The CHAIRMAN. Of domestic and foreign manufacture both?

Mr. EMERSON. Yes; I think both, although I have no experience with the carbonated imported wine, but I understand that that is also sold here in a limited way. A while ago, when the duty was less on champagne, there was more of that cheap character of wine sold here, but under the present tariff we have not had that to compete with so much.

The CHAIRMAN. You feel that there ought to be a national law to compel people practically to show by their labels or to say by their labels what is in the bottle?

Mr. EMERSON. I think so. I think that would be to the ultimate great advantage of the American wine industry.

The CHAIRMAN. And it would be also a benefit to the man who buys a thing, who ought to be permitted to get what he pays for?

Mr. EMERSON. I think it would be a benefit to the producer and the consumer both.

#### Testimony of Walter E. Hildreth.

Walter E. Hildreth, sworn and examined:

The CHAIRMAN. What is your residence?

Mr. HILDRETH. New York City.

The CHAIRMAN. What is your business?

Mr. HILDRETH. I am president of the Urbana Wine Company.

The CHAIRMAN. What kind of wines do you make?

Mr. HILDRETH. Champagnes and still wines; some brandies, but very little.

The CHAIRMAN. You have heard the evidence of the last witness in regard to what he considers a champagne?

Mr. HILDRETH. Yes.

The CHAIRMAN. Is that your definition of champagne as it is now understood in the trade?

Mr. HILDRETH. As I understand the word champagne, it is a term used for a certain wine, made in a certain way. It has become an accepted term for wine which is fermented in the bottle, which produces carbonic-acid gas and has a sparkling effect when poured out.

The CHAIRMAN. In manufacturing your wine do you use anything but grapes?

Mr. HILDRETH. No, sir; but of course in the finishing we add a finishing sirup to the wine, but the sparkling quality of the wine is due entirely to the fermentation of the grape juice in the bottles.

The CHAIRMAN. Do you or not use any artificial carbonic-acid gas?

Mr. HILDRETH. No, sir; none whatever. The wine is, in the first place, the result of a process which the old French covered by the term "the marriage of the wine." It is a new and an old wine blended together. The wine made in the fall is blended with the old wine in winter and allowed to remain a certain length of time, after which it is bottled and corked. The wine is then left in the cellars for a period of two to three years or more, during which time it goes through what they call the second fermentation. During that second fermentation carbonic-acid gas is produced, the same as any wine will ferment. In fermenting it will produce carbonic-acid gas, but with a cork in the bottle the gas is all retained in the wine.

In producing that gas it forms a sediment, which drops to the bottom or side of the bottle as the bottle is laid in racks in the cellar. When they get ready to finish the wine it is put in "horses" or tables. The bottle is kept nearly flat at first and lies there from ten days to two weeks, after which

time the bottle is handled with a certain quick knack, and each time it is picked up it is tilted a little more, bringing the sediment down by degrees to the cork. Sometimes the sediment is stuck to the side of the bottle and they have to do what they call "pounding" it until they get the sediment removed and get it down to the cork. When it is finally down to the cork it is ready to be what they call "finished."

When ready to be finished it is taken up to the finishing room. The wine is then, as they say, "disgorged," and a finishing sirup is added to the wine, consisting of old wine and a small percentage of white cognac brandy and rock candy. In the American champagne we use simply these three ingredients. We depend entirely for the flavor of wine on the blending of the grapes that we use. In the French champagne the wine itself has little or no flavor, and they add to the original liqueurs or cordials, which is the secret of the flavor of the French champagne. We depend entirely on the flavor of the grapes which enter into its composition. That is really the only difference between the French and the American true champagnes.

After that when the wine is disgorged it is passed quickly to a dosing machine, where the pressure is equalized and the sirup allowed to flow in, and it is then corked and allowed to be put out for use. We keep it for from three to six months, allowing the sirup to blend with the wine.

Senator HARRIS. Can champagne be made from the juice of any grape? Mr. HILDRETH. Almost any grape—the black grape as well as the white grape. In fact, the best champagne grapes that we have are the black grapes.

Senator HARRIS. It is in the process, then, more than in the natural juice of the grape, that the champagne function or quality lies? Mr. HILDRETH. It depends entirely on the process; but some grapes will ferment and produce the gas better than other grapes will. There are certain classes of grapes that produce a good champagne, while others will not do so.

Senator HARRIS. Aside from the question of flavor, you think? Mr. HILDRETH. Yes. Senator HARRIS. Of course the bouquet would differ? Mr. HILDRETH. It would differ with the different grapes used. The CHAIRMAN. Have you any suggestions to make to the committee as to adulterations? You do not adulterate any goods?

Mr. HILDRETH. No, sir. The CHAIRMAN. Do you think there ought to be some national legislation to compel all manufacturers, whether foreign or domestic, to mark their goods for what they are?

Mr. HILDRETH. I do. The CHAIRMAN. And when they are carbonated that fact ought to be shown on the label?

Mr. HILDRETH. Yes; the question of carbonated wines is a serious one for us in this country. We make wine of the same character as is made in Champagne, France. We do not say that it is made in Champagne or in France, but we put on it our own label, and we claim that it is a true champagne, inasmuch as it is made by the same process as the French champagnes are made. Of course we do not want to come into competition with a wine which can be made in fifteen minutes and which has none of the properties of the true champagne. And it seems to me that those quickly made champagnes ought to be labeled for what they really are.

The CHAIRMAN. That would protect you and the consumer as well? Mr. HILDRETH. Yes. We are perfectly willing to put on our label the fact that our wines are made in the United States. In fact, we do put that on our wines ourselves, and we put on also the name of the place where the wine is made, and we would like to see everybody else do the same thing. It is a protection to the public as well as to ourselves.

Senator HARRIS. Is there a large amount of this artificial-process champagne on the market? Mr. HILDRETH. How much I could not say, but we run across it all the time and in every direction.

Senator HARRIS. You have no idea as to the percentage at all, or could you give us an approximation as to the percentage of that kind of wine that is sold as champagne?

Mr. HILDRETH. No; I could not. We run across a good deal of it, and there is a good deal of prejudice against American champagnes due to that class of wines. There is no question about that.

Senator HARRIS. That is aside from the preference for wines made in France? Mr. HILDRETH. Yes, entirely aside from that. We very often run across illustrations of this prejudice in this way: We speak to people in regard to the American wines and they say: "Oh, I have tasted such and such a wine; it is a miserable sort of stuff; I would not touch it again." We attempt to tell those people that our wines are different from the wines that they say they have been drinking and against which they have formed this opinion. But they say: "Your wines are American champagne?" We say: "Yes." Then they say: "Well, this was American champagne, and I do not want to have anything to do with it."

They have got from their grocer something in the way of an article called American champagne for which they have paid, perhaps, a quarter of a dollar per half pint. They have taken that home and tried it and have been disgusted with it, and when anyone wants them to taste American champagne, they say: "Oh, well, we have tasted that sort of thing, and we don't want to have anything more to do with it." They will not be talked out of that prejudice derived in that way.

The CHAIRMAN. Could you produce and sell at retail, at that price, a bottle of that wine if it was a genuine article? Mr. HILDRETH. We could not, of course; it would be impossible. The CHAIRMAN. Have you any suggestion to make to the committee regarding the subject-matter which they are investigating?

Mr. HILDRETH. I would suggest that it would be an excellent idea to label wines for what they are. We are perfectly willing to put on our labels the words "Fermented in the bottle." I have heard some carbonated wine people say that their carbonic acid gas that they put into the wine is perfectly pure, and I have even heard some of them go so far as to say that their wines are better, purer, than the natural fermented wine. Now, that may be a matter of opinion. If anybody wants that kind of wine, let him have it, but it ought to be correctly labeled. I think people ought to get what they pay for.

#### Testimony of De Witt Bauder.

De Witt Bauder, sworn and examined:

The CHAIRMAN. Where is your residence?

Mr. BAUDER. At Hammondsport, N. Y. I am manager of the Pleasant Valley Wine Company.

The CHAIRMAN. What is the business of that company?

Mr. BAUDER. To manufacture champagne and still wines.

The CHAIRMAN. In any of your manufacturing processes do you use anything but grapes?

Mr. BAUDER. No, sir.

The CHAIRMAN. Do you use any preservatives—salicylic acid, or anything of that kind?

Mr. BAUDER. Not at all; nor any coloring matter.

The CHAIRMAN. Do you agree with the last witness as to what real champagne is?

Mr. BAUDER. I do.

The CHAIRMAN. It is a wine carbonated by its own gas?

Mr. BAUDER. Yes.

The CHAIRMAN. And developed in process of time?

Mr. BAUDER. Yes.

The CHAIRMAN. An artificial champagne is one carbonated by artificial means?

Mr. BAUDER. Yes.

The CHAIRMAN. The gas being manufactured by some process outside.

Mr. BAUDER. Yes.

The CHAIRMAN. Do you mark your goods for what they are?

Mr. BAUDER. Yes, sir.

The CHAIRMAN. Do you put on them your name and the place at which you manufacture them?

Mr. BAUDER. Yes, sir.

The CHAIRMAN. What do you say, as a manager of a wine company, as to the question before this committee whether there should be a national law to compel the branding or marking of wines for what they are?

Mr. BAUDER. I am heartily in favor of a law of that kind.

The CHAIRMAN. Do you feel that the carbonating of new wines is a detriment to the legitimate manufacture of the true champagne?

Mr. BAUDER. I do, in the way spoken of, that many people, as you yourself explained a little while ago, supposed that all champagnes were made by the artificial process—all that were made in America or in the United States. A man that buys that wine gets a very bad impression of American wine, and it takes a great deal of persuasion to persuade him out of that impression.

The CHAIRMAN. Do people get that impression from the taste or the effect of it?

Mr. BAUDER. Both.

The CHAIRMAN. In champagne you wait for months and years until the sediment is deposited and then take it out?

Mr. BAUDER. Yes.

The CHAIRMAN. Before final corking?

Mr. BAUDER. Certainly.

The CHAIRMAN. But, of course, if they carbonate new wine and make champagne in a few days, that would leave the ingredient necessary to make that sediment, would it not?

Mr. BAUDER. A genuine champagne made by fermenting in the bottle must of necessity be a perfectly pure wine. We have occasionally some little accident, and we find that something has gotten into the wine in the process of champagneing it or of fermenting it in the bottle. The thing will magnify like a magnifying glass, and will come out and be very strong. You can see why, because the bottle is hermetically sealed, and, although fermentation is going on in the bottle, nothing can escape. We are obliged many times to dump a great many thousand bottles because it has a flavor that is objectionable. We can not always explain why, but that is the fact.

The CHAIRMAN. I understood you to say that you would recommend, or would be glad to have this committee recommend, to Congress a law that would compel bottlers of goods to mark their goods for what they are.

Mr. BAUDER. Yes; just for what they are.

The CHAIRMAN. And if they are carbonated that they should say so on the bottle?

Mr. BAUDER. Yes; I would be perfectly willing to put on our bottles the words "Fermented in the bottle."

The CHAIRMAN. All true champagne is so fermented, is it not?

Mr. BAUDER. Yes.

The CHAIRMAN. It would be an advertisement to a person enlightened upon the subject, would it not?

Mr. BAUDER. Certainly. If any man is satisfied with the carbonized wine and buys it for what it is, namely, a carbonized wine, I have no objection. They certainly have a right to manufacture it, but they have no right to manufacture and sell it for something that deceives the people.

The CHAIRMAN. It injures the trade of a man who is making straight goods?

Mr. BAUDER. Yes. I picked up a paper the other day and meant to bring it before this committee, but it slipped my mind, in which there was a very fine advertisement from different carbonators throughout the country, not one of them stating that they made carbonized wines. They all state that they are American champagne, and that they are equal to the best imported champagne. Now, a man not knowing anything about champagne might be easily taken in by a sign or advertisement like that, and when he took his wine home he would be much disappointed in it. He certainly would be disappointed if he had a very fine taste.

#### Testimony of Douglas G. Cook.

Douglas G. Cook, sworn and examined:

The CHAIRMAN. What is your residence?

Mr. COOK. St. Louis, Mo.

The CHAIRMAN. And your business?

Mr. COOK. I am president of the American Wine Company.

The CHAIRMAN. What kind of wine do you manufacture?

Mr. COOK. Champagnes.

The CHAIRMAN. Where are your vineyards?

Mr. COOK. We buy our grapes in the Lake Erie district, near Sandusky.

The CHAIRMAN. What wines do you manufacture?

Mr. COOK. Just one brand; sparkling wine.

The CHAIRMAN. Known by the name of "Cook's Imperial"?

Mr. COOK. Yes.

The CHAIRMAN. Where do you say you buy your grapes?

Mr. COOK. In the islands of Lake Erie—Put in Bay and Kellys Island. We press our juice in Sandusky and ship in the spring of the year to St. Louis. We have our first fermentation in Sandusky.

The CHAIRMAN. You have heard the definition of true champagne as accepted now in the trade, or by men in that business. Do you agree with the gentlemen here who have testified on that subject? Is that your idea of champagne?

Mr. COOK. Yes.

The CHAIRMAN. Do you use any preservatives in your goods?

Mr. COOK. No, sir.

The CHAIRMAN. You manufacture the same champagnes as the other gentlemen here, do you, using the same grapes?

Mr. COOK. Yes. Our superintendent has just returned from Europe, where he was for some months, and he says that he saw no improvement on our methods. He was through all the wine cellars in Europe.

Senator HARRIS. I intended to ask some of the other gentlemen a question that I will now ask of you. How is the difference produced between what is called sweet wine—sweet champagne—and dry champagne?

Mr. COOK. By adding less sirup to the dry champagne. The dry wine has less sirup than the other.

Senator HARRIS. So that the quality of sweetness is produced by the addition of more sirup?

Mr. COOK. Yes, sir.

Senator HARRIS. And the dry champagne has less added matter?

Mr. COOK. Yes.

Senator HARRIS. But you do not regard that as affecting the question of the healthfulness of the product?

Mr. COOK. Not at all. It is only a question of the palate.

Senator HARRIS. You do not think there is any more headache in one than in the other?

Mr. COOK. I do not. I prefer the sweet wine of the two.

Senator HARRIS. You manufacture both kinds, however?

Mr. COOK. No, sir; we have only one brand.

The CHAIRMAN. Did you ever visit a factory where they carbonate wine artificially?

Mr. COOK. No; I never have done so, but I have been in soda factories and places of that sort.

The CHAIRMAN. You know how it is done in a general way?

Mr. COOK. Yes.

The CHAIRMAN. Do you know how that gas is manufactured?

Mr. COOK. Only from what I understand—from marble dust and sulphuric acid. I understand that it is on the same principle as if you used large quantities of soda water or charged mineral water. It is very bad for the health. It is said that soda water or charged mineral water is not at all good in large quantities; that it is bad for the kidneys.

The CHAIRMAN. How much cheaper could you manufacture your goods, do you think, if you were allowed to carbonate your wine artificially?

Mr. COOK. About \$10 cheaper per case.

The CHAIRMAN. That would save 40 or 50 per cent, would it not?

Mr. COOK. Yes; more than that; nearly 75 per cent of the cost.

The CHAIRMAN. Then the great expense of all in manufacturing champagne is aging and developing its own carbonic-acid gas?

Mr. COOK. Not only that, but the manipulation of the wine in the bottles.

The CHAIRMAN. But you do not have that expense if you carbonate it artificially?

Mr. COOK. Oh, no.

The CHAIRMAN. All that manipulation is done away with when it is carbonated?

Mr. COOK. Yes.

The CHAIRMAN. And all that idle capital is saved?

Mr. COOK. Yes.

The CHAIRMAN. You are the Mr. Cook from whom "Cook's Imperial" is named?

Mr. COOK. Yes.

The CHAIRMAN. You have been in the business a good many years?

Mr. COOK. I succeeded my father.

The CHAIRMAN. You are willing to market your goods and mark them for just what they contain?

Mr. COOK. Yes; we do mark them now in that way.

The CHAIRMAN. Do you favor a law which would compel your competitors, who make an artificial wine, to mark theirs in the same way; that is, to mark them for what they contain?

Mr. COOK. Yes; I think it will be a very beneficial thing for the public and also beneficial to the general manufacturers of sparkling wines.

The CHAIRMAN. I suppose this carbonate is sold cheaper, is it not?

Mr. COOK. Necessarily it must be cheaper. There is very little expense connected with it except the original expense of buying the carbonating machine. In a carbonated wine you can take any wine, no matter what the quality of it is, and charge it up and sell. Naturally, in buying wine to carbonate, they bought the cheapest that they could get. They had to sell it cheap, and if they could get their fundamental wine cheaper, why, the more money they could make.

Senator HARRIS. Not being experienced, people in general would not be able to distinguish the difference in the bottles. I suppose the bottles are put up in the same way and look like the bottles in which there is pure champagne?

Mr. COOK. Yes; it has all the appearance of the other wine. They cap it and label it in the same way.

Charles G. Wheeler, sworn and examined:

The CHAIRMAN. Where do you live?

Mr. WHEELER. In Pulteney, Steuben County, N. Y.

The CHAIRMAN. What is your business?

Mr. WHEELER. I am a producer of champagne.

The CHAIRMAN. Do you make anything besides champagne?

Mr. WHEELER. No, sir.

The CHAIRMAN. What brands of champagne do you make?

Mr. WHEELER. "White Top."

The CHAIRMAN. Do you use anything in your wine to preserve it?

Mr. WHEELER. No; we do not.

The CHAIRMAN. Simply the grape?

Mr. WHEELER. Nothing but blended grapes—different grapes.

The CHAIRMAN. Just as has been testified here by other gentlemen in your business?

Mr. WHEELER. Yes.

The CHAIRMAN. Do you carbonate these in the usual way by aging your wine?

Mr. WHEELER. By fermentation in the bottle.

The CHAIRMAN. Have you ever seen it done in any other way?

Mr. WHEELER. Yes.

The CHAIRMAN. Tell the committee how it is done.

Mr. WHEELER. I saw some of it done about three weeks ago. They use an ordinary still wine. They can use any kind of wine, for that matter—that is, a light-colored wine—whether a true still wine or a sugared wine; that is put into a tank or cylinder; they have attached to that a cylinder of carbonic-acid gas, and they turn that gas on to this wine. The wine at first, of course, is sweetened to the taste or sweetness that they want. They turn this gas on and run it up to a pressure of about 70 or 80 pounds per square inch, and then they revolve it and work this gas all through the wine. Then it is run through a machine to which the bottles are attached, and filled. In this machine that probably occupies a minute or two. Some machines run faster than others. After it is filled they pass it through a corker, and it is corked in the regular way like a true wine and a label is put on.

The CHAIRMAN. While it is being corked a little gas escapes?

Mr. WHEELER. Yes; but it is put on with a heavy pressure, so that they can afford to lose a little. But every twenty minutes or so a man revolves this machine and keeps the gas going through the wine. It is finished in the same way as our wine.

The CHAIRMAN. Have you ever seen a bottle marked in a way that would indicate that it was carbonated artificially?

Mr. WHEELER. Never.

The CHAIRMAN. Does it compete with your wine?

Mr. WHEELER. Well, we don't claim to be competitors of those people;

but still in one sense we are competitors. If anybody tells me that he can buy a certain wine cheaper than our wine, why, I say to him that we are not competitors of those people; we are not carbonators. Still, there is no doubt that they are in one sense our worst competitors.

The CHAIRMAN. Is it not your opinion and observation and experience that the consumers largely suppose that this is the same sort of champagne as any other champagne is?

Mr. WHEELER. Certainly. It is put on the market in that way, and it is labeled as champagne, and oftentimes the consumer buys it for a true champagne and pays the highest price; that is, the price of the true champagne. It is sold to the jobber; and the jobber and the grocer may understand that it is not a true champagne, because, as a rule, they can buy any quantity of it for five or six or seven dollars a case, whereas the true wine would be twelve or thirteen or fifteen dollars a case. Where they know it is carbonated, they sell it for less—for one-third, practically—but they do not tell the customer, and the consumer buys it for a true champagne.

Senator HARRIS. The fraud is practically done by the seller?

Mr. WHEELER. Yes. He will sell it for eleven or twelve or thirteen dollars a case until the consumer gets onto it, and then the seller or retailer will sell the same wine for six or seven or even five dollars a case.

Senator HARRIS. The retailer is the beneficiary in that case?

Mr. WHEELER. Yes; of course he is. He has a chance to sell it to the consumer for a true champagne. Of course if it were labeled for what it really is, the consumer would not buy it, or at least very few persons would. To be sure, if he wanted it for what it is, that is his business, but there is not 1 per cent of the people who do know.

The CHAIRMAN. You are not asking us to prohibit artificial carbonating?

Mr. WHEELER. No.

The CHAIRMAN. But you people would like to be protected by having the labels state the facts?

Mr. WHEELER. Yes; we would like to have a label on those goods according to what the goods are. It ought to be called carbonated wine, not carbonated champagne, because it is not a champagne. Then, if people want to buy it let them buy it. The consumer is the man who suffers if there is anything wrong.

The CHAIRMAN. What percentage could you save on the cost of manufacture, in your opinion, if you were to carbonate artificially?

Mr. WHEELER. I think it would be about the same as Mr. Cook said. I think he got that about right. A case does not cost more than the expense of carbonating—more than a case of still wine—like a case of sweet catawba, which could be sold very cheap. Perhaps it would be three or four dollars, or about that.

The CHAIRMAN. You would save, perhaps, 75 per cent.

Mr. WHEELER. Easily.

The CHAIRMAN. If I can carbonate a wine artificially and make the consumer feel or believe that it is a genuine champagne and carbonated by age, I have that advantage?

Mr. WHEELER. Yes; of course they can carbonate any wine, whether old or new.

The CHAIRMAN. You think the brand or label should contain the name of the maker?

Mr. WHEELER. Yes.

The CHAIRMAN. And should state what it is?

Mr. WHEELER. Yes. As a rule the people in the carbonating business are not wine producers at all. They have no vineyards nor wine cellars. They buy everything. They are what may be called "gerillas."

The CHAIRMAN. They have no regular location?

Mr. WHEELER. No regular location. Many of them are liquor dealers and in other business, like whiskies, etc.

*Testimony of H. W. Wiley, chief chemist, United States Department of Agriculture.*

The CHAIRMAN. Will you please state, Professor Wiley, if you have made a comparative examination of American and European champagnes and of carbonated wines which resemble champagnes?

Professor WILEY. Yes. I have made comparative analysis of the wines, with the results which follow. I made an examination of the samples of champagne furnished me by Maj. Duncan B. Harrison. They were entered in our books as follows: 19325, Gold Seal; 19326, Great Western; 19327, Cook's Imperial; 19328, White Top; 19329, Le Grande Monarque; 19330, A. Werner & Co., Extra Dry; 19331, Pommery Sec.; 19332, Moet and Chandon; 19333, G. H. Mumm, Extra Dry.

*Examination.*—The wines were placed in cylinders an inch in diameter to the depth of 5 inches in each and kept at a temperature of 16.5° C., equivalent to 62° F., from 12.30 to 5.30 o'clock. They were examined every half hour to determine the rate of effervescence. The samples showed very little difference in this respect. The bubbles, however, which came from the 19330—that is, the Werner wine, were larger in size and less evenly distributed than from the other samples. In other words, the distribution of the gas in 19330 seemed to be less perfect than in the other samples.

The samples were allowed to stand overnight; and on the morning of February 6, at 9 o'clock, when they were next examined, it was found that all the effervescence had ceased. Even on jarring the cylinders no appreciable effervescence was produced in any one. The cylinders were then placed in a room at a temperature of 31° C., equal to 88° F. The rise of temperature, however, failed to produce any additional effervescence. This experiment shows that there was very little difference in the samples in regard to their ability to retain gas.

*Color.*—All samples were examined for color, the deepest color being marked 10, and a cylinder of water, used for comparison, marked 1. The depth of color of each sample marked on this scale is shown by the following figures:

19325, 7; 19326, 7.5; 19327, 7.5; 19328, 7; 19329, 10; 19330, 4; 19331, 7; 19332, 5.5; 19333, 6.

*Odor.*—On the morning of February 6 the odor of each of the cylinders was carefully tested. All of the samples, with the exception of 19330, which had a bad odor, were pleasant to the smell. The American wines, however, had a richer and nuttier flavor than those of foreign origin.

*Chemical examination.*—The samples were submitted to a chemical examination and the data obtained are found in the inclosed table. It will be seen from the data that the artificial champagne, viz. 19330, contained a much less quantity of alcohol than the natural champagnes. As shown by the polarization also, this wine differs entirely from all the others in being right-handed to polarized life. The figures show that a considerable quantity of cane sugar has been added to this wine. The other data show that the natural American champagnes correspond very nearly to the standard European varieties in chemical composition.

In closing, I would say that these analyses show that an artificial champagne can be easily detected by chemical means as well as by the taste and odor. In my opinion, all champagnes should be sold under their proper name and no artificially carbonated wine should be allowed on the market as a genuine champagne.

Serial number.	Extract (grams per 100 c. c.)	Ash (grams per 100 c. c.)	Extract-ash ratio.	Alcohol by volume.	Alcohol (grams per 100 c. c.)	Specific gravity.	Total acids, as tartaric (grams per 100 c. c.)	Volatile acids-aceter (grams per 100 c. c.)	Polariscope, reading direct.	Polariscope, reading invert.	Reducing sugar (grams per 100 c. c.)
19325 (Gold Seal)	5.8704	0.1038	40.1	12.09	9.59	1.0064	0.953	0.0786	- 0.7		2.71
19326 (Great Western)	7.0348	.1184	40.9	13.10	10.39	1.0138	.953		- 2.6		4.09
19327 (Cook's Imperial)	7.0856	.1376	34.3	11.64	9.24	1.0150	.878	.0806	- 2.0		3.38
19328 (White Top)	6.7720	.1080	43.7	12.17	9.62	1.0101	.886	.0790	- 2.4		3.49
19329 (Grand Monarque)	8.0668	.1448	36.5	11.67	9.26	1.0157	1.050	.0798	- 2.2		3.77
19330 (Werner's)	7.8028	.2040	30.8	9.84	7.81	1.0168	.748		+23.3	+23.3	2.52
19331 (Pommery)	4.2416	.1204	31.4	13.62	10.81	1.0001	.731	.0629	+ .7		1.50
19332 (Moët & Chandon)	5.3280	.1100	34.5	12.63	10.01	1.0045	.785	.0764	+ .4		2.52
19333 (G. H. Mumm)	4.9796	.1336	33.3	13.59	10.73	1.0042	.953		-1.5		1.52

The extract-ash ratio is obtained by dividing the extract (minus reducing sugars in excess of 0.1 gr. per 100 c. c.) by ash. The polariscope reading was made on Schmidt & Harnsch instrument with 200 mm. tube, and is calculated to natural dilution of the wine.

*Testimony of Duncan B. Harrison.*

WASHINGTON, D. C., January 13, 1900.

Senator WILLIAM E. MASON,  
Chairman Senatorial Committee on Pure Foods.

DEAR SIR: Pursuant to your instructions, I herewith submit the following report:

I procured in open market a pint bottle of each of the following wines, viz: Imported champagnes.—G. H. Mumm's Extra Dry, 1; Pommery & Greno, 1; Piper Heidsieck, 1; Moët & Chandon, 1; Veuve Clicquot, 1; total, 5. American champagnes.—Cook's Imperial, 1; Great Western, 1; White Top, 1; Gold Seal, 1; Le Grand Monarque, 1; total, 5.

American carbonated wines.—A. Werner & Co., Extra Dry, 1; Ripin & Co., Extra Dry, 1; Frash & Co.'s Imperial Cabinet, 1; Germania Wine Cellars, Imperial Sec. 1; total, 4. Grand total, 14.

I placed the 14 bottles, also a thermometer, in a refrigerator. After a period of two and a half hours had elapsed I opened said refrigerator and examined the thermometer, which registered 35°. I withdrew the bottles of wine, uncorked them, and placed said bottles, with the thermometer, on top of a steam radiator, and then proceeded to time the escaping gases, with the following results:

Actual time consumed for the total cessation of effervescence in each of the following bottles of wine.

AMERICAN CARBONATED WINES.

	Minutes.
Grand Imperial Sec.	5
Werner & Co.'s Extra Dry	7
Ripin & Co.'s Extra Dry	7
Frash & Co.'s Imperial Cabinet	8
Total	27
Average	6 3/4

Actual time consumed for the total cessation of effervescence in each of the following bottles of wine.

IMPORTED CHAMPAGNES.

	Minutes.
Moët & Chandon	41 1/2
Veuve Clicquot	43
Pommery & Greno	43 1/2
Piper Heidsieck	44
Mumm's Extra Dry	45
Total	217
Average	43 1/2

AMERICAN CHAMPAGNES.

	Minutes.
White Top	46 1/2
Cook's Imperial	47
Great Western	48
Gold Seal	48 1/2
Le Grand Monarque	49
Total	239
Average	47 3/4

As the effervescence in each bottle ceased, I shook them to secure, if possible, a continuation, but without success. The gas in each instance had completely evaporated.

At the finish of the test, or after fifty minutes had elapsed from the time of uncorking the first bottle, the thermometer on top of the steam radiator registered 98°.

The tinfol was first removed from the neck of each bottle, and the wires securing the corks were cut from all the bottles before withdrawing the corks, so that there was no appreciable difference in time in the uncorking.

The American champagnes were uncorked first, then the imported champagnes, then the carbonated wines. One minute and five seconds were consumed withdrawing the corks.

It will be seen from the above results that the capacities of the various wines to retain their effervescence averaged:

- In the carbonated wines, six minutes forty-five seconds.
- In the French champagnes, forty-three minutes twenty-four seconds.
- In the American champagnes, forty-seven minutes forty-eight seconds.

These tests were made in the presence of Col. Edwin B. Hay, attorney and counselor at law and handwriting expert, of Washington, D. C., and James B. Green, attorney and counselor at law, of Washington, D. C.

I delivered to Prof. H. W. Wiley, Chief Chemist Agricultural Department, for analysis, samples of wine, viz:

Imported champagnes: Mumm's Extra Dry, Pommery & Greno, Moët & Chandon.

American champagnes: Gold Seal, White Top, Great Western, Le Grand Monarque, Cook's Imperial.

American carbonated wines: Werner & Co.'s Extra Dry.

I have the honor to be, very respectfully,

DUNCAN B. HARRISON,

Sergeant-at-Arms Senatorial Committee on Pure Foods.

Witness:  
JAMES B. GREEN.

Witness:  
E. B. HAY.

Subscribed and sworn to before me this 18th day of January, 1900.

[SEAL.] GEORGE W. BAGG,  
Notary Public.

*Testimony of Dr. William McMurtrie, Chemist.*

The CHAIRMAN. Let me make an inquiry of you on another subject. We have had under discussion here the question of carbonated wines. I wonder whether in the course of your professional experience you have had any occasion to investigate the matter of wines. The American makers of wine who ferment the wine in the bottles claim that that is champagne, and that if it is not fermented in the bottle it is not champagne. On the other hand, representatives of other leading manufacturers of wine appeared here before the committee within a day or two and testified that they carbonated their wine; that they took a good wine, prepared it carefully by filtration, and then put into it a carbonic-acid gas which was imported from Germany.

Senator FOSTER. From the Apollinaris Springs.  
The CHAIRMAN. From the Apollinaris Springs—gathered from the springs themselves and injected into this wine. In other words, it may be said to be artificially charged with carbonic-acid gas, or to be carbonized wine. Have you had any experience, Dr. McMurtrie, in those matters which you would be willing to tell the committee?

Dr. MCMURTRIE. I have made a very careful study of the manufacture of wine in France and in this country, and have given a good deal of attention to the manufacture of champagne wines.

The CHAIRMAN. Who are the legitimate American champagne manufacturers; that is, those who pursue the natural method of fermentation in the bottles?

Dr. MCMURTRIE. There are, I think, five legitimate champagne manufacturers in the United States, who are making champagne wines equal to any produced in the world. They are the Pleasant Valley Company, The Brotherhood Company, Cook's Imperial Company, The Urbana Company, and the Lake Keuka Company. These companies have developed an enormous American industry through adopting the natural method of fermenting in the bottle.

Now, I believe it has been generally accepted that in this process of fermentation certain peculiar ethers are formed—possibly ethereal carbonates—which, when the bottle is opened and the pressure removed, undergo a slow decomposition, with a continuous liberation of carbonic-acid gas; and it is true that a wine that is not seriously cooled will continue this liberation of gas for a long time after it is opened, and this gives the exceedingly pleasant quality to a wine made in this way. In other words, the wine after being opened does not quickly become flat and dead.

If, on the other hand, the wine is produced by the quick fermentation and is cleared by the ordinary methods of producing a still wine, and the wine is then bottled and charged with carbonic-acid gas, if the wine be strongly cooled, when it is opened it will continue to give off the gas for some considerable time. This will last as long as the wine is cold; but if the wine should become warmed at all—to the temperature of the ordinary room, say 65°—the gas is liberated very rapidly and the wine very quickly becomes flat. Of course we enjoy champagne because of the presence of the carbonic-acid gases liberated, because of the ethers that undergo decomposition become volatile and give to the wine its bouquet. Therefore the wine is valuable.

The CHAIRMAN. Can you produce that effect by artificial carbonizing?

Dr. MCMURTRIE. That can not be produced by artificial carbonization. Therefore the artificially-carbonated wine has by no means the value, in my opinion, that the wine made by natural processes has.

The CHAIRMAN. Did you ever hear of their importing this gas from the springs in Germany?

Dr. MCMURTRIE. I do not know anything about that. I should imagine that in view of the comparatively low cost of carbonic acid of very high quality in this country it would be impossible as a trade proposition to bring it in. We have in this country the carbonic acid produced either directly by compression or that which issues from the springs, as is done in the neighborhood of Saratoga, or that which is produced by the heating or ignition of the limestone in retorts. We have also now in this country that produced from the process of fermentation in the manufacture of beer and spirits; and the carbonic acid from either of these sources would be eminently suited, I think, to any carbonating process; and it can be produced at such low cost that I doubt whether the trade would admit of the importation of the product from any other country.

*Testimony of Alex. Hamill, Assistant United States Appraiser of Merchandise.*

OFFICE OF THE APPRAISER OF MERCHANDISE,  
Port of New York, N. Y., February 5, 1900.

SIR: Replying to the inclosed communication of the 23d ultimo from Hon. WILLIAM E. MASON, relative to the importation of carbonic-acid gas, with request to be advised as to the quantity of this merchandise imported during the past five years, I have to state:

Carbonic-acid gas had been returned free of duty previous to the operation of the present tariff as acid used for manufacturing purposes. This provision was not made in the present tariff, nor was the article specifically mentioned, and therefore it was returned for duty as a nonenumerated acid at the rate of 25 per cent ad valorem under the provisions of paragraph 1.

An appeal was taken to the United States Board of General Appraisers on this classification, and the action of this office was sustained, the whole matter being the subject of T. D. 19134 (G. A. 4107). Since the decision has been rendered no merchandise of this character has been received here. If it is brought into the country it comes through other ports.

The records of this office do not furnish the information desired as to the quantity of this merchandise imported, as it is only returned in our record book as an acid. No specific items of particular merchandise are recorded.

Respectfully,  
Hon. W. F. WAKEMAN,  
United States Appraiser.

ALEX. HAMILL,  
Assistant Appraiser, Seventh Division.

Let me state again briefly the proposition of the committee on that point. There is a general disposition among a certain class of Americans to buy everything abroad. Nothing is so good as an imported cigar or imported wine. Clothes that are made across the water are a little bit better. Far fetched and dear bought seems to have been the craze with the American people for some time, whereas this investigation at the end of the year shows—speaking now upon the subject of American wines—that there are scores of manufacturers of wine in this country who make, according to the tests made by the Government experts, just as fine champagnes as are made anywhere in the world. Of course there are imitations of them.

Some of our busy, ingenious people in this country take still wines, perhaps fermented, a few days old, inject into it carbonic acid gas, and call it champagne. That has injured the manufacture of American champagne to a large degree. The proposition that we propose to make is that carbonated champagne is a fraud upon the consumer when it is marked "champagne." He believes that he is getting wine fermented in the bottle. The proposition, and that is only one of the scores of things in the bill, is that he shall be made to mark it "carbonated" upon the outside. If it is just as good as the wine fermented in the bottle, then he can not have any objection to marking it what it is. We stand upon the two rules, as I have said before, and I hope to get it clearly into the record, that these goods must be marked for what they are, and the man who says, "I make just as good goods as anyone," if he is honest, will not be either ashamed or afraid to mark his goods on the outside for what they are.

The general food products of this country are the best in the world, but scattered out all through this country are small manufacturers of different articles of food which go onto the table of the American people that are not fit to go into the human stomach. Take sugar made in this country. The committee bought samples. We know the statements that have been made from time to time that sugar was adulterated with sand and was mixed with glucose and flour. We not only took the evidence of the chemists of the large sugar refineries of the country, but we took samples from the small groceries and the great groceries in several of the large cities, and the report of the chemist is that the sugar is just as pure as it can be made. We are to be congratulated upon that fact. But if the time comes when the adulterant is cheaper than the sugar itself, the proposition of the pending bill is that the people may be protected and that a standard for sugar shall be fixed by the same board of agriculture.

It is true there have been many claims made and a memorial is now pending before another committee to the effect that there is no right of appeal; that it leaves all these things in the hands of one board. The committee had already, away back in March, recommended an amendment to what was known as the Brosius bill, providing that before the standard was fixed against anyone, whether he was making beer with salicylic acid or cream of tartar baking powder or alum baking powder, he should have a chance to be heard before the commission, with the right of appeal allowed. There can not be any question about that right. There ought to be no question about it. I say whether we put it in the bill or not, it is the law; it is the inherent law; it is constitutional law.

A great deal has been said about the condensed milk of the country. The Agricultural Department analyzed it. It is undoubtedly true that in some of the cheap quarters of New York City they have been selling condensed milk that means starvation to the children who are fed upon it. Yet we were never able to get a sample of anything except the genuine condensed milk. We had before our committee in New York one of the officers of the largest condensing factories in the country, and he testified that he was familiar also with the processes used by his competitors, and that the condensed milk of the country made in those great factories in New York and Illinois was produced in the same way and by the same process. It is merely a condensation, taking the water out, and the simple process of adding sugar. Yet the fact remains that people have used skimmed milk and have got up artificial brands.

Our proposition is, if this bill becomes a law, that it must reach a standard to be fixed by the Government of the United States. A standard is easily fixed. The same with beer. As a matter of fact, the report of the Government chemist, under the direction of this committee, shows that out of 160 or 170 samples of American beer which he tested, I think only two samples were found that contained salicylic acid or any other deleterious subject, whereas imported beer, that imported in casks especially, contained in many cases a large percentage of salicylic acid or other preservatives.

I have spoken briefly upon the subject of sirups. There is no reason why a consumer should not know what he is buying, and there is no reason why an honest manufacturer should not be protected against unfair competition. There is no reason why the bee

keepers of Illinois and California, who make an honest honey and put it on the market, should be compelled to compete with the man who sells for pure honey a jar of glucose with an ounce of honeycomb floating on the top. I do not say that is one of the things which is deleterious to the health, but it is one of the things which is a common fraud upon the consumer and a detriment to the honest manufacturer and producer.

On the question of extracts, we propose under this bill that there shall be a standard fixed. I wish to say to the Senate that I can think of no subject that is so grossly adulterated as the extracts sold to the people of this country that go into the soda-water fountains and into the food we eat at home.

Mr. GALLINGER. Will the Senator from Illinois permit me? Mr. MASON. Certainly. I shall be glad to have anyone ask questions, because I can only cover a part of the subject.

Mr. GALLINGER. I read with interest and astonishment the report which the honorable Senator made of the investigation he carried on with such industry and success, covering the adulteration of almost everything that we eat and drink in this country, and I am very much gratified to know that the Senator proposes to push the matter further and to have some legislation on this subject.

I rise simply to ask the Senator, for the reason that I have been engaged in other matters, as the Senator knows, and have not kept up very accurately with the action of the committee of which he is chairman, whether he has prepared and presented a bill and made a report upon it? Is the bill on the Calendar?

Mr. MASON. I presented a bill, and I have been in consultation with the committee in the House as to their bill. To the bill which I have prepared we have now several committee amendments which we propose to submit.

Mr. GALLINGER. It is not on the Calendar?

Mr. MASON. It is not on the Calendar.

Mr. PLATT of Connecticut. It is Senate bill 2426.

Mr. MASON. That is the one.

Mr. GALLINGER. I trust the Senator will be as industrious in this matter as he was in the investigation. I simply want to say to the Senator that he will have the support of at least one member of this body in any proper effort he may make to correct this tremendous evil that exists in our country as I view it.

Mr. MASON. I am obliged to the Senator. I want to say that I propose and have asked the committee to give us a day to hear the bill. It has been deemed wise to wait, possibly, until the House bill comes over. It may not be thought wise to wait for the House bill, and I am not particular—

Mr. HANSBROUGH. Mr. President—

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

Mr. MASON. Certainly.

Mr. HANSBROUGH. I desire to say that the Committee on Agriculture, of which I have the honor to be a member, has under consideration several bills which have been introduced at this session on the question of pure food. We have also had some hearings on certain features of those bills. It is the intention of the chairman to call the committee together soon for the purpose of taking up the several bills and considering them with a view of bringing a measure into the Senate for consideration.

I believe that bills of this character have always gone to the Committee on Agriculture. I have no doubt the Senator from Illinois has obtained a great deal of interesting testimony on this subject which will be of value to the Senate, and I do not desire to antagonize him in his efforts to bring a pure-food bill into the Senate, but I insist that the subject belongs to the Committee on Agriculture.

Mr. MASON. In regard to that, I think it is true that for years all pure-food legislation has found a graveyard in the Committee on Agriculture. I have no doubt that is true. About two years ago, when we took up the question of manufactured food, it was referred to the Committee on Manufactures, and we reported the bill and passed it. We are dealing with no agricultural products except as everything is a part of agriculture. We are dealing with prepared or manufactured food, and the Senate of the United States passed a resolution authorizing us to make an investigation. I had, as I remember, the hearty cooperation of the distinguished Senator who just took his seat in securing the passage of the resolution authorizing the Committee on Manufactures to investigate the adulteration of manufactured food products.

Afterwards the Senate passed another resolution instructing us to make a report and authorizing us to employ a stenographer and to pay witnesses. Carrying out the plan that we had two years ago, we supposed, of course, the Senate, having put the matter into the hands of the Committee on Manufactures, would permit us to report a bill, and that the Senate would not send us out to take this evidence and spend eight or ten thousand dollars in witness fees and stenographers' fees and hotel bills to get this evidence unless they intended us to report a bill. I did not understand

that we were acting in a clerical capacity for the Committee on Agriculture. If so, and if the Senate so desires—and that question will be tried, I suppose, at the proper time—we are perfectly willing to resign.

I have so much interest in this legislation that after having given two years to it on the only committee where I have active work to do (the Committee on Manufactures never had a bill before it, I guess, until the last session), going from one end of the country to another to secure the evidence, that if the Senate wants to take it out of the hands of that committee, of which the present Presiding Officer [Mr. FOSTER in the chair] is a member and six other Senators, and put it into the hands of the Committee on Agriculture, I should just as heartily support the bill from that committee as if it came from my own committee.

I have no pride of ancestors on the question of pure-food legislation. As a matter of fact, the pure-flour bill, which I introduced two years ago, was presented by the National Board of Trade, and a gentleman in the House from Minnesota, if it is proper to use his name [Mr. TAWNEY], was more efficient and deserves more praise for passing that bill, I think, than all the rest of the Congress put together. But it came to our committee because we were dealing with manufactured articles. There is not a recommendation here, and we do not propose to touch in that anything that comes from the farm unless it goes through some manufacturing process.

We do not touch apples or wheat or corn, but we simply say that after you begin to manufacture then you enter the realm of manufactures, whether you are dealing with wheat or corn or steel wire. It is a manufactured product. The Senate has gone to the expense and trouble of sending us to work on this committee, and there has been no special objection made, so far as I know, and no special lobby here against any part of the bill until after we made a report condemning certain articles which go into human food, and which I propose now to take up, and that is the question of baking powders.

We start out with the two propositions: First, that all articles that go into the manufacture of human food that is deleterious to public health ought to be prohibited. For years we have stood on the proposition that alum baking powder ought to be marked for what it is. But as a matter of fact it was found impracticable, and in the States where they compel them to mark alum on the outside they have in most cases found some way to conceal the fact that alum is in the baking power. We have had before the committee no less than twenty different cans where there has been a State law compelling them to mark the alum in the baking powder. We have had no less than twenty different samples of different manufacturers who had attempted or pretended to comply with the law, and it said "just as good as cream of tartar baking powder," putting in large letters the words "cream of tartar."

Mr. President, you can enter into no avocation of life without opposition. When we thought to put through the bill years ago to compel them to mark oleomargarine for what it was, we were met with the opposition of those gentlemen who wanted to sell oleomargarine for butter. When we attempted to put through a pure-flour bill we were met with opposition, and bitter opposition. We felt it everywhere, and in the capital of the United States we met opposition from men who were interested in selling to the American people, under false colors and under false names, a thing that was not fit to go into the human stomach.

When we made this report we made it based on the evidence before us. The report is based upon the evidence, and the evidence is simply overwhelming. I do not care how big a lobby there may be here for the alum baking powder, I do not care how many memorials they publish, and they have published one here. We kept our committee open for a year, and I have letters and telegrams showing that if they had any evidence to offer that alum was a fit subject to go into the human stomach they could have produced it. Yet they bring here an affidavit by some man who said he wrote me as chairman of the committee and sent me a registered letter, asking to come before the committee, and he never received any answer, whereas I was in communication almost every day with both the manufacturers of baking powders, asking them to bring in their evidence, and all the evidence they produced was the witnesses they called on behalf of the alum baking powder.

There is an underlying fact back of all this. There is no place in the human economy of human food for this thing called alum. The overwhelming evidence of the leading physicians and scientists of this country is that it is absolutely unfit to go into human food, and that in many cases—if the gentleman will read the evidence, some of the physicians say they can trace cases in their own practice—there are diseases of the kidneys due to the perpetual use of alum in their daily bread.

Now, Mr. President, I do not care particularly for this circular. I should not have printed it, reflecting upon any member of this

body as it does upon this committee, without some consultation and a general understanding. Our committee has opened its doors, and they are open now. Under the resolution we are authorized to hear witnesses at any time. No man has ever been denied a hearing. But because we have made a report based upon the evidence of the gentlemen there, now this protest comes.

If these gentlemen are wrong, upon whose testimony we rely, I have no desire to prohibit the use of alum. I want to give the Senate an idea of the class of men we have called. They are the leading scientists from every college of the United States that we could get hold of. Yet I have no doubt that many of these have been suggested by the cream of tartar baking-powder companies. I have no doubt that plenty of them were suggested by them to be called, for we had open doors, and no witness ever came before that committee in the twelve months we were hearing evidence but who was permitted to testify.

There is a fight here between the baking-powder trust, so called, on one side, which manufactures cream of tartar powder, and the baking-powder organization on the other side known as the alum baking powder organization. The witnesses state that the cream of tartar people are in a trust, and I have no doubt it is true. I think the evidence shows that. I am not dealing with the trust question. I am simply saying that the leading physicians of the world say that cream of tartar is a pure, natural, healthy food product. It is a product of the grape, and when it is put in solution in the bread with soda, if there is a residuum left it does not hurt the stomach, and it does not go into nor injure the brain or the blood or the kidneys.

When you mix a mineral poison, as they all say that alum is, it is impossible to mix it always to such a degree that there will not be a residuum left of alum, which produces alumina and which contributes largely to the diseases of the people in this country.

I will tell you now of the men before the committee who condemned the use of alum baking powder, some in one language and some in another. I have not all the names. I simply asked my stenographer to go through hastily and give me those that could be found readily out of 700 or 800 pages of evidence there.

Ames, Howard E., surgeon, United States Navy, Washington, D. C.

Appleton, John Howard, professor of chemistry, Brown University, Providence, R. I.

Army, United States, refuses to allow the use of alum in anything like a food product in the United States Army.

Arnold, J. W. S., professor, University of New York.

Atwater, W. O., professor and director Government experimental station, Washington, D. C.

Barker, George F., professor, University of Pennsylvania.

Busey, S. C., professor, Washington, D. C.

Caldwell, G. C., professor, Cornell University, Ithaca, N. Y.

Chandler, C. F., professor, Columbia University, New York.

Chittenden, Russell H., professor, Yale University, New Haven, Conn.

Cornwall, H. B., professor, University of Princeton, New Jersey.

Crampton, C. A., professor, Division of Chemistry, Washington, D. C.

Cuthbert, Dr. M. F., physician, Washington, D. C.

De Schweinitz, Emile, professor, United States Department of Agriculture, Washington, D. C.

Fairhurst, Alfred, professor, chemist, University of Kentucky, Lexington, Ky.

Fleming, Walter M., physician, New York City.

Frear, William, professor, State College, Pennsylvania.

Freeman, George F., surgeon, United States Naval Hospital, Washington, D. C.

Jenkins, Edward H., professor, department of agriculture, State of Connecticut.

Johnston, Dr. William W., Washington, D. C.

Johnson, Joseph Taber, professor of surgery, Washington, D. C.

Johnson, S. W., professor, Yale College, New Haven, Conn.

Kerr, Dr. William R., ex-health officer, Chicago, Ill. He is not a chemist.

Mallet, John William, professor, University of Virginia.

The Marine-Hospital Service reject in their rules all alum baking powders or any food containing alum. It is a drug, and no chemist has ever testified that in any food that goes into the stomach of any animal the particles that form alum are found. It is a poison, and it is so testified to by every one of these witnesses, some in one form and some in another.

McMurtrie, William, professor, consulting and analytical chemist.

Mew, W. M., professor, Army and Medical Department, United States Government.

Morton, Henry, president of Stevens Institute, Hoboken, N. J.

Munroe, Charles Edward, professor of chemistry, Columbian University, Washington, D. C.

Mott, Henry A., professor, New York City.

The United States Navy refuses, under the direction of the Surgeon-General, to have alum used in any of the products that go into the food of the men of the Navy.

Prescott, Albert B., professor, University of Michigan, Ann Arbor, Mich.

Price, A. F., medical director United States Naval Hospital, Washington, D. C.

Smart, Charles, lieutenant-colonel, assistant surgeon-general, United States Army.

Sternberg, George M., Surgeon-General United States Army, Washington, D. C.

Stringfield, C. Pruyn, professor, Chicago Baptist Hospital, Chicago.

Thurber, Francis B., president American Grocer Publishing Company, New York City; not a chemist.

Tucker, Willis G., professor of chemistry and director of State board of health, State of New York.

Vaughan, Victor C., professor, University of Michigan, Ann Arbor, Mich.

Van Reypen, W. K., Surgeon-General, United States Navy, Washington, D. C.

Wayne, E. S., professor, Cincinnati, Ohio.

Weber, H. A., professor, Ohio State University, Columbus, Ohio.

Wiley, Prof. H. W., Chief Chemist, Department of Agriculture, United States, Washington, D. C.

Wise, John C., medical inspector, United States Navy.

Withers, Prof. W. A., chemist, North Carolina agricultural experiment station, Raleigh, N. C.

Wyman, Walter, Surgeon-General United States Marine Hospital, Washington, D. C.

Woodward, Dr. William C., health officer, Washington, D. C.

Mr. PETTIGREW. I have seen the statement made that the use of alum in baking powder is not harmful, for the reason that the character of the drug is changed by its use in baking.

Mr. MASON. Certainly.

Mr. PETTIGREW. Do these gentlemen answer that question? Mr. MASON. Yes. I will show you how it is answered. What you state is right. I may not get the technical terms all right, but the carbonic-acid gas, which raises the bread, is formed by the uniting of the acid, like alum or cream of tartar, with soda. It is mixed in a dry state; it becomes moist when it goes into the bread, and then the moisture throws off the carbonic-acid gas, which raises the bread.

The best and the most carefully trained chemists and physicians combined say that if it were true that you could in each case have no residuum, in other words, after the carbonic acid is given off and the soda has consumed all of the alum, and the alum all of the soda, that contention is right, and unless there is a residuum left, something left, it is not necessarily dangerous to public health. But cream of tartar, which is a natural acid, a fruit acid made from the grape, in case a residuum is left, is not dangerous or deleterious to public health; and, indeed, they all say that the use of alum baking powder occasionally, even where there is a residuum left, is not necessarily dangerous; but that the constant use does produce these diseases, and that naturally no man is farsighted enough and no man has skill enough in advance to mix the soda and the acid in such proportions that there will not be a residuum left.

Mr. PETTIGREW. I should like to ask the Senator if what he has just stated is the sum and substance of the statements of these eminent professors on that subject?

Mr. MASON. Yes; of those who took up that branch of the case.

Mr. PETTIGREW. All those who took up that branch of the case agreed with you in that statement?

Mr. MASON. No; I was just coming to that. They called on the other side two gentlemen, both, I have no doubt, reputable chemists, and good men, so far as I know—Mr. Peter F. Austen, professor of chemistry in New York City, who stated that he had been employed by the alum baking powder company to make investigations; and also Prof. Marc Delafontaine, professor of chemistry in Chicago, Ill.; and also Mr. George C. Rew, who said at the opening of his evidence that he was a chemist, but at the close of his examination it was disclosed that he was the manager or vice-president of the Calumet Baking Powder Company, of Chicago.

So as against those three who are interested there are perhaps 50 men, not one of whom, so far as I know, has any interest, and the weight of the evidence is on that side, if the Senator was on a jury. While it is not necessarily the greatest number of witnesses, I take such men as come here from the University of Michigan, from Yale, and from Harvard, and from Cornell.

There is an insinuation in this memorial by this gentleman who tried to masquerade before the committee as a chemist that the chairman of the committee in some way knew that these distinguished men were in Chicago, and there is an insinuation that they were brought there by the Royal Baking Powder Company. So far as I know it may be true. I have no knowledge upon that subject. But I do know that the overwhelming weight of evidence convinced me as against witnesses who were simply employed to testify, and the leading chemists of this country are thoroughly convinced that it is not a proper food product.

Mr. PETTIGREW. I should like to ask the Senator a further question.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. MASON. Certainly.

Mr. PETTIGREW. Then the mass of testimony was that there must be alum left after the chemical process takes place?

Mr. MASON. No.

Mr. PETTIGREW. In the baking powder there must be some left—a residuum?

Mr. MASON. Yes; not necessarily in each case, but that there would be, in all human probability.

Mr. PETTIGREW. And that the constant use of it would be injurious?

Mr. MASON. Yes, sir.

Mr. PETTIGREW. That was the universal testimony?

Mr. MASON. Yes, sir.

Mr. PETTIGREW. Was there any testimony which showed that there were cases of injury to health as a result of constant use?

Mr. MASON. Yes; I can turn you to the testimony.

Mr. PETTIGREW. I do not care to have the Senator turn to it. I simply want to emphasize the point. I agree with the Senator. It has always been my own impression that alum baking powder is injurious, but I wanted to bring it out and make it emphatic, if the proof sustains that position. Of course, alum baking powder is very much cheaper than the other, and it would be to the advantage of the public if it were equally healthful to use it, and it would be a disadvantage to discourage its use. But if it is injurious to health, of course the question of price does not come in.

Mr. MASON. I quite agree with the Senator. I only speak now for myself. I put in the report based upon the evidence. I never examined the law. It is claimed that there is not a country in Europe that does not prohibit the use of alum. Certainly three or four of the leading countries of Europe to which I have had my attention called prohibit the use of alum in baking powder. But if I could be convinced that, being a cheaper product, it was healthful, if it is the desire to pass this bill or the bill introduced by the Senator now in the chair, leave out that question. The main thing I want to get is to establish a standard of food products, and if the prohibitive bill does not pass I still want one bill to fix the standard, to give a start for this department which we ought to have in this country, and which every other civilized country in the world has except ours.

You go to your hotel or your boarding house. You sit down to flour bread. You absolutely do not know; it may be or it may not be pure flour bread. You lift your pepper box, and 60 per cent of it is, or may be, ground cocoanut shells. You ask for mustard—

The PRESIDING OFFICER. Will the Senator suspend a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. GALLINGER. I ask that the bill may be temporarily laid aside.

The PRESIDING OFFICER. The Chair hears no objection, and it will be temporarily laid aside. The Senator from Illinois will proceed.

Mr. MASON. I wish to be understood in this matter, Mr. President, after calling, as I did call, as chairman of the committee, on the leading professors of every college in New England, and every one of them condemned the use of this article of food, yet to-day when you buy your food in a dining car, hotel, or boarding house you are getting it, and you are getting it because some of the Senators may say hereafter it is a little cheaper. Yet one of the best physicians in Chicago testified that in his judgment a large percentage of the disease of this country was attributable to the perpetual and continual use of alum.

I have no desire, and I dislike as much as anyone, to enter into this contest. I know what that sort of warfare means. I appreciate it here every day when people can file memorials of this kind. But you can not stand here and fight the people who adulterate the food of this country without having that sort of a fight on

your hands, and if they insist on that sort of a fight, so far as I am concerned I shall have to trust to my health and to the Lord to get through with those people.

Mr. PETTIGREW. I should like to ask the Senator a further question.

Mr. MASON. Certainly.

Mr. PETTIGREW. I feel at liberty to ask questions, because the Senator invites it.

Mr. MASON. Yes, I do. It is one of the best ways to get the facts before the Senate and to get the people interested in it; and I think it is a very important question.

Mr. PETTIGREW. In cream of tartar baking powder is there any chemical change that goes on in the bread as the result of its use?

Mr. MASON. Exactly the same.

Mr. PETTIGREW. I have heard it said that the residuum was Rochelle salts, and that that was injurious.

Mr. MASON. Yes; Mr. Rew, who, as I said, masqueraded as a chemist, brought in some Rochelle salts, which he said was the residuum. No, he did not say it was the residuum. No one testified that, not even Mr. Rew, the vice-president of the Calumet Baking Powder Company, but those who have testified at all about it testified that when there is a residuum it is the residuum of a natural fruit acid, and it is not an astringent, as alum is—and you know what alum is if you ever as a boy had taken it in your mouth.

Mr. PETTIGREW. So there is no injurious result in the use of cream of tartar?

Mr. MASON. Everyone who has testified upon this subject says there is not.

Mr. PETTIGREW. The combinations, then, of that acid with the soda which produces the gases that raise the bread does not produce a chemical result that is injurious in any way?

Mr. MASON. No, sir; I say there is no reputable chemist who has been before this committee who has testified to anything of that kind.

Mr. PETTIGREW. I knew the Senator was familiar with the evidence, and I wanted to bring that point out, because it is important.

Mr. MASON. That is right. That is exactly the evidence. Now, I do not say that there may not be other evidence to be produced; and if there is, we are ready to hear it; we have never closed the door; but after hearing what this evidence was and waiting a year for those gentlemen, we thought we would make a report to the Senate of the true situation.

Mr. PETTIGREW. I noticed something—I do not know whether it was a memorial or not—that was placed upon our desks. I glanced through it, and in it the statement was made that the result of using cream of tartar baking powders is Rochelle salts.

Mr. MASON. Yes.

Mr. PETTIGREW. I wanted to know whether there was any evidence taken by the committee that proved the truth of that statement.

Mr. MASON. The only evidence given, as I say, that tended that way was the alum baking powder officer, Mr. Rew, who came before the committee as a voluntary witness and testified that he was a chemist, and then produced in a bottle some Rochelle salts which he said was produced in some way from cream of tartar.

Mr. PETTIGREW. There was no other testimony?

Mr. MASON. Not before the committee, as I now remember, and I was before the committee, I think, every day except one or two.

Mr. PETTIGREW. Did the chemists who came before the committee, these professors, generally testify—was it the result of their evidence—that the cream of tartar baking powder is healthy and does not leave a residuum which is injurious to health?

Mr. MASON. Yes; I say emphatically yes; that the weight of the evidence is that wherever any of these distinguished men, who have a national reputation, the leading chemists of the colleges, were interrogated upon the point, they stated that fact, every one of them, to my recollection. Of course I am only speaking from memory now; but not one of them said that there was a prospect of anything deleterious coming from the use of cream of tartar, and the reason for it was given that one was a fruit acid and the other was a mineral acid.

Mr. PETTIGREW. Are there any other kinds of baking powder except those made from cream of tartar and alum?

Mr. MASON. No; but there is another baking powder. I will get the name of it in a moment.

On the question of extracts I had spoken but briefly when I was diverted for some reason or in some way. I think it is more grossly adulterated, but perhaps there is not so much danger from it from the fact that it is used in such small quantities. In all of these adulterants—for instance, Dr. Wiley testified that in salicylic acid it is put in beer to preserve it; that is, it destroys the germ life and prevents fermentation.

It is put in in such small quantities that people drinking mod-

erately are not injured by it; but in the extracts in one year nearly that we were taking evidence, there was but one manufacturer in the United States who offered to have this committee go through his factory from top to bottom and examine everything he had. We adopted the same rule as to extracts that we did as to every other food product. We went into the open market and bought it, and sent it to Dr. Wiley, who is the Chief Chemist in the Department, and he analyzed it. Now, take vanilla extract. Ought there not to be a standard fixed? Ought there not to be some way that the consumer may be protected and the honest producer protected?

The bill which I had the honor of introducing and which, as I said, was prepared by Dr. Wiley, will, I believe, fix a standard. I do not think the bill is perfect. It will be a step in the right direction, and it will be taken if I can induce the Senators of the United States to read only one-half of the evidence that has been taken here as to the adulteration that is being practiced. Why, take the question of jellies alone. Take a pail of glucose, which is in itself healthy if it is properly made. It will have a teaspoonful of acid that would eat your hand off if you put it into it and stir it in. This is the evidence sworn to before the committee.

Sometimes they will get the apple parings from an apple-paring factory, or from some apple-drying establishment, and boil them out so as to give a little apple flavor; but as a rule not. They put in aniline dyes in the glucose to sour it, or rather to color it, and the acids to sour it. I said to one man who made it, "Now, that is apple jelly?" "Yes." "How did you make it?" He told me. I said, "This is currant jelly?" "Yes." "How did you make it?" He said, "I made it just as I did my apple jelly, except I put in a little more red."

Now, those things are sold, and they are sold, as a rule, to poor people, who have not an opportunity, who have not the ability, who have not the chance, to put away their own preserves. Every man should be prohibited from putting into the manufacture of food products in this country those dangerous acids. As I said, if one child would only eat one slice of bread with one spreading of this once a day, the danger is not there, but it is a cheap product and they say it is cheap. They recognize this because it is cheap; it looks like the genuine thing, and you go down among the poor people and you find them using what you would not permit to go into the stomach of your child if you knew it. I say that this is the only country in the world that does not have some standard fixed.

Upon the question of beers, ales, and porters we have now what is known as the Pasteur process. They preserve beer that is put in bottles. That process was invented by Pasteur. The beer is put into a large vat and boiled up to a temperature so that it destroys all germ life. But you can not apply that pasteurizing process to beer in the cask. And so it has become a temptation among the beer makers of this country. Some of them have testified that they use small amounts of salicylic acid. I do not believe it ought to be permitted at all, because if a brewer or brewmaster simply neglects his business and it is liable to destroy his beer in a few days, he ought not to be permitted to use 1 ounce of salicylic acid in a barrel of beer, because if he uses 1 ounce to-day, he may use 10 ounces to-morrow.

I notice the Senator from Wisconsin [Mr. QUARLES], who lives in Milwaukee. They do not do it there.

Mr. QUARLES. They make pure beer there.

Mr. MASON. Yes, sir; they do, and the testimony of experts proves it. We had testimony before the committee. We had the evidence of that great manufacturer up there. What is his name?

Mr. QUARLES. Pabst.

Mr. MASON. He testified that he did not use an ounce of that, and the evidence of the Agricultural Department before the committee is that his testimony is true. Not an ounce or a drop of salicylic acid was found in his bottle, and that is to be said to the honor and credit of a man who will manufacture it. Now, any other man can make it without that preservative. If every brewmaster was a doctor, or skilled, and put into a position so he could handle these poisonous things with safety, I should not object to it.

But I propose to present a bill to the Senate, even if I have to make a minority report from my own committee, which will prohibit the use of these deleterious things in manufactured goods. Honest manufacturers do not need them, and I do not see why we should permit the others to make up for their lack of intelligence and their lack of diligence by putting a lot of preservatives into their goods which diligence and proper attention to their business would have made it unnecessary for them to do. I want to say that the committee investigated this subject very fully.

There has been a demand from some people that the beer of the country should be made from nothing but hops and malt. I had great pleasure in reading the report made by Mr. Gladstone. I think he took some two years in the investigation of the question



as to whether the brewmasters should be permitted to use anything but hops and malt in the manufacture of beer. In most of the German States they prohibit the use of anything else, but, as a matter of fact, in this country we find that the maltsters contend that certain of their customers and consumers want a lighter-colored beer that is produced by the use of corn or rice in an unmalted state. Every man who has testified before the committee has said that rice or corn is just as healthy a material to be used in food or beer as malt made from barley. Mr. Gladstone, after giving over two years to the examination of this question, reported that the brewmaster ought to have the absolute liberty to make his beer from whatever cereal he chose; and that is the English system to-day.

There has been a contention before this committee, but only by one or two people, that American beer was unhealthy because it was made lighter; that while using a certain amount of malt and hops they used a certain amount of corn or rice; but there was no evidence before the committee that that in any way deteriorates or weakens the virtues of the beer. Therefore the committee, without a dissenting voice, after hearing the evidence, agreed that there should be absolute liberty to the brewmaster to use whatever cereal he wanted, so long as he used none of the preservatives and none of the things that are deleterious to the public health.

The committee have taken up many of these different subjects, and I want to make just one or two additional suggestions.

Mr. GALLINGER. On the subject of beer, I understood the Senator to say that the adulteration is more noticeable in the foreign than in the domestic beer.

Mr. MASON. Yes. I should have said the preservatives. I will tell the Senator why it is so. The pasteurizing process, which you understand is the boiling of the beer after it is in the bottles, can not be accomplished when the beer is in casks, when they ship casks of beer, for instance, from Bavaria, in Germany. There is not any State in Germany but what says, "You must have so many bushels of barley to so many barrels of beer, if you want to sell it to Germans, but if you want to send it to America, you can put in all the preservatives you want to keep it from spoiling before it gets over there."

Mr. GALLINGER. I want to ask the Senator a question. I noticed the tribute he paid to Milwaukee beer—

Mr. MASON. That was suggested by the Senator from Wisconsin (Mr. QUARLES), who lives in Milwaukee.

Mr. GALLINGER. I am not an expert on the beer question, I will say, but I want to ask the Senator—and he need not mention names—whether or not he found inferior beer or adulterated beer or beer that had these preservatives in it which was manufactured in this country?

Mr. MASON. Yes, we did; and some of the people testified that they used them. We had an analysis of 140 or 150 samples of beer by the Agricultural Department, where we had sent them to be examined, and out of those samples a very small percentage was found to contain these preservatives. I will say that there is no excuse for using them in bottled beer.

Mr. GALLINGER. There is no need of it?

Mr. MASON. There is no real need of it. It is simply a matter of laziness on the part of the brewmaster. It is merely a matter of boiling the bottles of beer in great vats, and instead of doing that they find it a little cheaper to put in preservatives, which destroy the germ life and prevent fermentation.

The question of oleomargarine has been covered by the law to which I have called attention. There are two general laws regulating the question of food adulteration. I do not now desire to take the time of the Senate to discuss that question, but it is undoubtedly true that late developments show that there must be something done in the way of a more rigid enforcement of the present law. I have it, not officially, before the committee, but it appears now that hundreds and thousands of pounds of that product have been shipped, the stamp taken off, and the product sold for butter. I had supposed at the time of making this report that the present law was sufficient to protect the consumer and to protect the honest manufacturer of dairy butter, and I do not know but that it is sufficient now if we had plenty of men to enforce it; but late developments show that there has been a great deal of wholesale robbery going on by avoiding the existing law.

At the time of making this report we thought the present law was sufficient; yet there may be some additions which the committee will gladly hail and recommend, which will protect the honest manufacturer of butter against the unjust competition of the people who make oleomargarine. Oleomargarine is a healthy food product. Every chemist and every physician who testified before the committee so stated. Indeed, there was no contention to the contrary by the gentlemen representing the Dairy-men's Association. It is a product of the farm, just as much as butter is a product of the farm. But what we contend for is, as we did in the case of the pure-flour bill, that we do not want corn to mas-

querade as wheat, and we do not want oleomargarine to masquerade as butter. It seems to me if the present law was enforced that the people would have protection.

Mr. SCOTT. Will the Senator allow me to interrupt him a moment?

Mr. MASON. Certainly; I shall be glad to have the Senator do so.

Mr. SCOTT. If the Senator will glance over the bill I recently introduced in regard to oleo, I think he will see that proper protection would be afforded by it. Having lately occupied the position of Commissioner of Internal Revenue, I know something of the difficulties which present themselves to the purchaser to know whether he is buying butter or whether he is buying oleo. An article ought to be so represented to the purchaser that he may know what he is buying; and I hope the Senator will give that matter his attention.

Mr. MASON. I am very much obliged to the Senator. He is a member of the committee of which I have the honor to be chairman, and I think the suggestion in his proposition is to have each package marked.

Mr. SCOTT. Yes; to have what it is imprinted on the article.

Mr. MASON. Yes; to have it imprinted on the article itself. That will be an additional guaranty to the consumer as to what he is purchasing. It does not seem as though anyone could possibly object to such a provision as that.

Candies and confectionery are the source of a good deal of trouble in this country, and we found it difficult to get at the real facts regarding them. I subpoenaed before the committee the leading confectioners of Chicago, and every one of them testified that he had stopped the use of aniline dyes, and that he did not use terra alba or ground earth; and yet the analyses showed adulteration, though not in their product. It so happened that I knew these gentlemen by reputation, they being confectioners in the city where I have lived for many years; and they all testified that they had never used or had abandoned the use of terra alba in confectionery.

I think Senators can hardly fail to appreciate the importance of having the confectionery of this country made safe. If there is any class we ought to protect, it is the children. They get money in the most inconceivable ways. There never was a boy or a girl born, in my judgment, who would obey the rules of home government in regard to confectionery. I have known children to be perfectly faithful in regard to every other thing in life, from the morning to the evening prayer, but they always slipped a cog when it came to getting money to buy candies, and you never saw a confectioner who hesitated to sell to the child whatever he had the money to pay for. Those of us who have been up at nights in settling with the confectioners understand and appreciate this.

As a matter of fact, some of the evidence before the committee shows a very sad situation. The confectioners all claim that they have stopped it now. But why should there not be a standard fixed for confectionery just as well as for bread? Honest confectioners favor it. It is the same principle as with the brewers. All the brewers who appeared before the committee said, "We are willing to have a standard fixed upon our product, a Government standard that a pint of beer shall contain so much or so little of alcohol and so much of malt extract." All of the large and small brewers said, "We are willing to have a standard fixed." But the small brewer finds in competition with the large brewer that he can not produce as cheaply, and he begins to adulterate and sophisticate his goods until you can almost buy them cheaper than you can buy lake water in some places; finally, their beer contains almost no malt extract at all.

This is a serious question so far as that is concerned; and the report of the committee is that on all goods, whether candy for the children or honey on the table for us old folks, or beer or wine or anything else, these preservatives are not safe in the hands of the manufacturer, and that he frequently uses them to cover his own negligence, to cover up the defects in his own manufacture; and that the Government of the United States ought absolutely to prohibit such a practice. I do not believe that aniline dyes ought to go into confectionery. There is an amendment pending before the committee to that effect.

When glucose goes into any food product it should be marked. Certainly that is fair when glucose masquerades as honey. We found that some people made a very fair quality of maple sirup by boiling hickory bark and pouring it into glucose, but it should be marked as containing glucose.

We want to be fair to the confectioners of the country, whose representatives have been before the committee. They say, "Our confections do not pretend to be made of cane sugar or beet sugar; and so long as we do not use any deleterious substance like terra alba, so long as we do not use any aniline dyes or any material which would be poisonous to the children of the country, and so long as we make a confection, a sweet, so called, why should we be obliged to mark it as containing glucose?" That is one of the

amendments to be voted on, and I make this statement so that we may all have a fair understanding of the question.

I confine myself to glucose used to deceive the public, as it is in the case of sirups and honey, in which case it ought to be marked for what it is; but where it is used in confectionery—as it is a pure, healthy food product—I should not insist, at least against the judgment of others, that it should be marked. However, I am perfectly agreeable to accept the wisdom of those who are to pass upon it when we come to it.

The whole question is very important; but as to the details of it I shall not be particular if we can only get a general statute which will fix a standard of food, so that when you, Mr. President [the President pro tempore in the chair], go to your home or to a hotel or a boarding house and sit down to eat, you will know what you are getting. I say to you that, after two years' experience on this committee, I do not say that all foods are adulterated, but I say that while the large portion of the food products we send out of this country are the finest in the world, they are made so because of our inspection law, as is the case with wheat flour. But I say everything from your pepper box to your dessert, your ice cream, your vinegar, is liable to be adulterated with substances which are not fit to go into the stomach of a human being or of any animal.

We considered the question of cream of tartar. Dr. Wiley, of the Agricultural Department, went, for the committee, to a number of different places to buy cream of tartar. His evidence shows—I only state this from recollection—that he bought cream of tartar in seven different drug stores and groceries, and but three of the samples were pure cream of tartar. They were "C. T. S." cream of tartar substitute, which is a preparation of alum; and even in the drug stores, where they are supposed to keep pure cream of tartar, that was the case.

There is one subject which we expect to embody in the bill which I think is probably as important as any other, and that is to prevent absolutely the importation of foreign articles of food the sale of which is prohibited in the country where they are produced. I have shown how they bring in "black jack" and call it coffee and sell it for coffee. If they sold it in Germany, they would be arrested and fined, and yet they sell it here.

Our analysis shows how imported beer contains these preservatives; and anyone can see at a glance the necessity for them when it is shipped across the water for thousands of miles, lying out for weeks and months, and not being in bottles, so that, it not having been previously submitted to the pasteurizing process, they put in these preservatives; and yet if they should put an ounce of preservative in beer in Bavaria to be used there, they would be punished for it. There is, however, nothing in any law of Germany which protects our people against the manufacturers of adulterated beer or coffee or anything else; there is nothing which prevents them from sending such articles to America in any shape they please. The law in Bavaria which says you must have so many bushels of barley to every barrel of beer does not apply to the export trade.

What I hope is that we will take some action which will prohibit the importation into this country of goods the sale of which is prohibited in the countries from which they come; and this is a matter which should receive attention.

Mr. President, I have taken more time than I intended. I beg Senators to examine this subject. I can not ask them to read all of this evidence, for it consists of a good many hundred pages, some six or seven hundred.

I want again to restate what the committee of which I was the chairman propose to you. First, that all foods which are manufactured and which are sophisticated shall be marked for what they are; second, that food which is deleterious to public health be prohibited, and that the shipment of it from one State to another or its manufacture and sale in any District or Territory or insular possession shall be prohibited. The reasons for this, which I ask you to remember, are, first, to protect the honest manufacturer from unfair competition; second, to protect the consumer, who has a right to know what he buys; and, third, to give credit and character to the goods of America, as we did in the case of flour, so that we may increase the sale of the products of American factories and American farms in other countries.

I am exceedingly obliged to those Senators who have been kind enough to hear me, and I expect to ask for a day as soon as the appropriation bills, which are now pressing, are disposed of, to consider the report of the committee.

#### ARMY APPROPRIATION BILL.

Mr. HAWLEY. I move that the Senate proceed to the consideration of the Army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901.

Mr. HAWLEY. I call attention to the absence of a quorum.

There are some Senators who I know desire to be here when the bill is considered, who are now absent.

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

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

Bacon,	Gallinger,	Money,	Sewell,
Bard,	Hansbrough,	Morgan,	Shoup,
Bate,	Harris,	Nelson,	Simon,
Berry,	Hawley,	Perkins,	Spooner,
Burrows,	Heitfeld,	Pettigrew,	Stewart,
Carter,	Hoar,	Pettus,	Taliaferro,
Clark, Wyo.	Jones, Ark.	Platt, Conn.	Teller,
Deboe,	Jones, Nev.	Platt, N. Y.	Tillman,
Depew,	Lodge,	Proctor,	Turner,
Fairbanks,	McComas,	Quarles,	Vest,
Foraker,	McCumber,	Ross,	Warren,
Frye,	Mason,	Scott,	Wellington.

The PRESIDENT pro tempore. Forty-eight Senators have responded to their names. A quorum is present.

Mr. TURNER. Mr. President—

Mr. TILLMAN. If the Senator will permit me a moment, I should like to offer an amendment.

Mr. TURNER. I yield to the Senator.

Mr. TILLMAN. I offer the amendment which I send to the desk, to be added at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain, and to ascertain the loss or injury, if any, that may have been sustained by such claimants, and certify in a report to Congress the amounts he finds to be equitably due from the United States to such claimants. That all claims not presented to the Secretary of War under this provision prior to the 1st day of January, 1901, shall be forever barred.

Mr. HAWLEY. I make the point of order against the amendment. It is providing, I believe, for a commission to ascertain certain claims against the United States, and it does not pertain to an appropriation for the Army.

Mr. TILLMAN. I hope the Senator will not press the point of order.

Mr. HAWLEY. I feel obliged to do so.

Mr. TILLMAN. I will have to ask the Chair to rule upon it after I have explained its purpose.

The volunteers who were assembled during the Spanish war were in camps at various places in the United States, principally in the States of Georgia, Alabama, and South Carolina. There was more or less injury to the surrounding property of citizens, mostly farmers. These claims which have been sent up to me among others amount to very little.

The Secretary of War has no authority to adjust them or even to find out whether the Government owes or not. There is a continual stream of complaints coming up that such and such damage was done. No doubt lots of them are fictitious. This amendment simply provides that through the machinery of the War Department, with the officers at its command, while there is nothing much for them to do, a board shall be sent down there to take testimony and put on record the amount that the Government through its own officials—nobody else to determine it—will say is just and proper.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. I yield.

Mr. SPOONER. What is the nature of the claims?

Mr. TILLMAN. For instance, a brigade would be out drilling; they would run over some man's crop and trample it down. They did not have sufficient space within the camp that had been provided by the Government, and they simply went where the line of march and evolutions took them. I suppose they stole some man's fruit or some little odds and ends like that, for soldiers will do those things. But they are for trifling amounts, so far as I know, and can not amount, I suppose, take it all in all, so far as the South is concerned, to a hundred thousand dollars. The men who are injured are poor people. I refer to those who have appealed to me. I do not suppose any of them are worth \$10,000. They need this money, and, if the Government owes it, I think it is only just and proper that the Government should take some measures to find out what the damage is and settle for it.

I hope the Senator from Connecticut will not press the point of order, but will let the information be obtained, and let Congress next year act as it sees proper.

Mr. HAWLEY. Mr. President, I am not convinced that this has anything to do with an appropriation bill for the support of the Army. If the Senator can persuade the Committee on Claims to present a bill providing for a commission or any Army board.

we can afford to give it consideration, but I hold that it has no place on the Army appropriation bill.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order.

Mr. TILLMAN. Of course, I have to yield to the apparent lack of consideration of the chairman of the committee for what every one must realize is a perfectly just and proper thing. It is well understood that small matters like this have great difficulty in going through as special bills, but I myself introduced this as a special bill and had it referred to the Senator's committee, and it has been lying there a month. It may lie there ten months or possibly five years and not get a favorable report, simply because the Senator is overworked and has so many things on his hands that he has not time to examine the matter. It goes to the House and it dies there, and these wrongs to poor people go on, simply because we have red tape here.

Mr. HAWLEY. Such a bill ought not to have been referred to the Committee on Military Affairs. It ought to have gone to the Committee on Claims.

Mr. TILLMAN. They are claims arising from the Army, and I thought it was germane to have the War Department go to work and discover and report what damage had been done from the occupation by the Army of this country with its camps.

Mr. HOAR. May I be allowed to make a suggestion to the Senator from South Carolina before this matter passes away?

Mr. TILLMAN. With pleasure.

Mr. HOAR. If he will put in a simple call on the Secretary of War to give to the Senate such information as he has regarding claims of this class in his Department, the petitioners can then send to the Secretary of War, being informed of that purpose, their claims and the Secretary of War can then inform the Senate what the amount of the claims are on file, or made to his Department, and very probably he would accompany that report with a recommendation on his part of a method of trying the question and disposing of it. I suggest to the Senator that might accomplish his object.

Mr. TILLMAN. I have already done that. I have been to the War Department and presented these claims and filed them. I was notified that nothing could be done, that it required additional legislation. I then came back and put in a bill, and I cannot get any action on that.

Mr. HOAR. Has there been any authoritative communication to the Senate by the War Department of the information in its possession in regard to this class of claims? That is the suggestion I make.

Mr. TILLMAN. The Senate has not called for this information, but the War Department has informed me that it requires legislation here in order to obtain anything at all.

Mr. HOAR. If I may be permitted, my purpose, I desire to say—

Mr. TILLMAN. I understand that the Senator's purpose is a friendly one, and that he wants to facilitate the payment of this money, and I thank him for his kindly interest.

Mr. HOAR. I want to say, further, that I have had a very large experience, I think more than any other man in this body, in regard to this general subject. That may be too strong a statement, but I think not. I went on the Committee on Claims when the war claims growing out of the late civil war, which amounted to a great many millions, were before Congress, and we had to work out the rules and the policies which we would adopt in dealing with that important question and apply them to individual cases. I suppose in general the country has been satisfied with the policy which was adopted—just to the Treasury and just to the petitioners.

Now, my suggestion is that the Senate by resolution call upon the Secretary of War to give us such information as he has in regard to the existence of this class of claims, and to suggest to the Senate some policy for the Department in dealing with them.

Mr. TILLMAN. I have had a letter from the Secretary of War—

Mr. HOAR. That is a different thing from a private conversation with Senators. I think that would bring a communication. We should know whether there are a few thousand dollars or two or three hundred thousand involved, and we should have the Secretary's idea of what is the best way of dealing with the matter, and then I think the Senate would adopt any recommendation made by the Department. I merely make that suggestion.

Mr. HAWLEY. The Senator from Massachusetts means by an independent inquiry?

Mr. HOAR. By an independent inquiry.

Mr. HAWLEY. I will vote for it with pleasure.

Mr. TURNER. I now offer the amendment which I submitted last evening.

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

Mr. TURNER. Before the amendment is read I wish to appeal to the Senator from Connecticut to suspend judgment on the

merits of the proposition and to withhold a point of order, if he has one in mind concerning it, until I have made a statement in reference to the matter.

Mr. HAWLEY. I will wait until the Senator from Washington can be heard.

The PRESIDENT pro tempore. The amendment moved by the Senator from Washington will be stated.

The SECRETARY. On page 12, after line 17, insert:

And such further sum as may be necessary to accomplish the following: That all officers and soldiers in the volunteer service of the United States who were serving in the Philippine Islands at the time they were entitled under the law to muster out of service, and who continued in the service in said islands after said period and were thereafter transported at the expense of the United States to this country and here were mustered out, shall be entitled to receive travel pay and commutation of subsistence from the port of embarkation in the Philippine Islands to the place in the United States where their muster out took place at the same rate and to the same extent that officers and soldiers of the Regular Army would receive such allowance if discharged in the Philippine Islands by reason of the expiration of their term of service or otherwise: *Provided*, That the actual cost to the Government of conveying and subsisting such volunteer officers and soldiers on Government transports from the said Philippine Islands, and the monthly pay allowed them for the period while in transit, shall be deducted from the allowance provided for by this act.

That the proper accounting officers of the Government shall determine the cost of conveying and subsisting the several volunteer organizations affected by this provision from the Philippine Islands to this country, and shall prorate equitably between the members of said organizations, and on the basis of the amount of travel pay and subsistence due to each person, the cost of such transportation and subsistence, and charge the same against the amount due each individual, and shall ascertain and find all other facts necessary to determine the amount due the several individuals in said organizations under this act, so that the same may be paid to them directly on their own application on forms to be furnished by said accounting officers.

Mr. TURNER. Mr. President, I wish to state as briefly as I can the nature of this amendment, first, for the purpose of showing that it is in aid of existing law and therefore not amenable to a point of order; and in the second place, for the purpose of showing that it involves a proposition so meritorious and just that upon grounds of justness and equity my honorable friend on the other side of the Chamber who has charge of the bill ought not, even if it be amenable to a point of order, to urge it against the adoption of this legislation.

This amendment, as will be observed, applies to volunteer soldiers and officers who served in the Philippine Islands, and only to such of those as served after their terms of enlistment had expired, and who, instead of being discharged in the Philippine Islands, as they were entitled to be, were ordered home under the orders of the War Department for the purpose of being discharged here and for the purpose of preventing a charge against the Government in their behalf for travel pay.

It does not, however, propose to give them full travel pay. It proposes to give them travel pay minus the cost to the Government of bringing them home, and provides that that cost shall be equitably ascertained by the War Department, and deducted from the travel pay to be due to each of them under this amendment.

This amendment, as I understand, applies to about 10,000 of our volunteer soldiers and officers. There were volunteer organizations in the Philippine Islands from seventeen States and Territories. Probably when they originally went out there there were 12,000 or 15,000 of them. Taking those who were killed, those who were wounded and invalided and sent home, and those who remained there under reenlistment, I do not think it can be said that there are over 10,000 men who will be included in the effects of this amendment.

They do not come from any particular section of the country, but from all over the country. They come from New York, Pennsylvania, Iowa, Tennessee, Kansas, Nebraska, Wyoming, Utah, Minnesota, North Dakota, South Dakota, Montana, Idaho, Oregon, Washington, California, and Colorado. Possibly organizations from some other States and Territories may have been in the Philippine Islands besides those I have mentioned here. No doubt a great many of the men who were in those organizations come from other States. So this proposition affects 10,000 men scattered all over the United States.

Up to the time their places had been taken by the provisional army established under Congressional legislation to go to the Philippine Islands the law had been that those persons who were discharged from the Army should be entitled to travel pay. That is found in the Revised Statutes as section 1290. This is the provision of the law:

SEC. 1290. When a soldier is [honorably] discharged from the service [except by way of punishment for an offense], he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every 20 miles.

As I say, up to the time that the places of these volunteers had been taken by the provisional army organized for the purpose of taking their places—and it was nearly a year after they were entitled to their discharge—all whose terms of enlistment had

expired in that country and elsewhere who were discharged there—under were permitted to come back to their homes at their own expense and receive this travel pay. But when it was found that it was necessary to discharge ten or twelve thousand men, the Department thought this expense would be a great drain on the Treasury, and it changed its policy by special orders of the War Department, providing that instead of being discharged at the point where they were at the time of the expiration of their term of service they should be sent home upon Government transports and discharged. That action is the basis of this proposed amendment.

But an exception to this rule was made, which I think it is well for the Senate to understand, and that was that any of the volunteers who would remain upon this foreign service and reenlist should be entitled to travel pay from the point of their discharge back to their home, notwithstanding the fact that they were not to travel there at all. I find this order in a communication on this subject made by the Secretary of War to the Senate:

[General Orders, No. 67.]

HEADQUARTERS OF THE ARMY,  
ADJUTANT-GENERAL'S OFFICE,  
Washington, April 11, 1899.

By direction of the Acting Secretary of War, the following instructions are published for the information and guidance of all concerned:

When soldiers belonging to organizations, regular or volunteer, serving in Cuba, Porto Rico, Hawaii, and the Philippines, are discharged under provisions of General Orders, No. 54, March 22, 1899, from this office, immediately reenlist in the Regular Army, they will be entitled to travel allowances for land and sea travel involved from place of discharge to place of previous enlistment.

The commanding generals in Cuba, Porto Rico, Hawaii, and the Philippines are authorized to discharge such enlisted men of the volunteer organizations as may be selected by Signal Corps officers, for service in the Regular Army, provided the men reenlist for three years in the Signal Corps. Men when so discharged will receive the allowances provided for in this order.

By command of Major-General Miles:

H. C. CORBIN, *Adjutant-General.*

The observation I desire to make right here is, that these boys who remained in the volunteer organizations fighting in the Philippines for a year after they were entitled to their discharge, performed every service there that the volunteers did who were tempted by this order to seek their discharge from the volunteer organizations and enlisted in the regular organizations remaining there, because all the fighting in the Philippines was done before the volunteer organizations were sent back here. We have it on the authority of the President and the Secretary of War that at that time the backbone of the insurrection in the Philippines had been broken, and there has been nothing in that country since these volunteer organization came home, except a desultory guerilla warfare.

But it was determined that these volunteers should not have this bounty of the Government, and they were packed like swine in the holds of a lot of old, antiquated, worn-out, rotten, dirty vessels and sent home at the expense of the Government. I went to the city of San Francisco for the purpose of meeting the First Washington Regiment, which came home from the Philippines only last October, and I visited that ship when she came into the harbor and went down into the hold to see what the accommodations were which the Government had furnished these volunteers in kind. I aver, upon my honor, that they were not fit, sir, for animals. I venture to say that there is not a member of this body who would go from here to Manila in the hold of one of those vessels as those boys came back, packed like sardines, for any amount of money which the Government would reasonably give to him for performing a service of that kind. Instead of calling that travel in kind they ought to have paid the volunteers double pay for packing them into these dirty holds like sardines and bringing them back in that manner.

It is remarkable, Mr. President, that this discrimination should have been made against this most deserving class of our soldiers just at the time when their service had expired and the Government had determined to dispense with them for the future.

The President himself upon a number of occasions has taken opportunity to eulogize them for their self-sacrificing devotion. The Secretary of War has done the same thing. General Otis has done the same thing. In the President's message to Congress delivered to us last December I find that he uses this language concerning the merits and deserts of these soldiers:

The rebellion must be put down. Civil government can not be thoroughly established until order is restored. With a devotion and gallantry worthy of its most brilliant history, the Army, ably and loyally assisted by the Navy, has carried on this unwelcome, but most righteous, campaign, with richly deserved success. The noble self-sacrifice with which our soldiers and sailors whose terms of service had expired refused to avail themselves of their right to return home as long as they were needed at the front forms one of the brightest pages in our annals.

Mr. President, last July the President sent this telegram to General Otis at Manila:

OTIS, Manila:

The President desires to express, in the most public manner, his appreciation of the lofty patriotism shown by the volunteers and regulars of the Eighth Army Corps in performing willing service through severe campaigns

and battles against the insurgents in Luzon when, under the terms of their enlistment, they would have been entitled to discharge upon the ratification of the treaty of peace with Spain.

Pursuant to that telegram, General Otis issued this general order to the volunteers then about to return to their homes:

[General Orders, No. 88.]

HEADQUARTERS DEPARTMENT OF THE  
PACIFIC AND EIGHTH ARMY CORPS,  
Manila, Philippine Islands, July 1, 1899.

Emergencies have rendered it impossible to transport to the United States the volunteer organizations of the Army of the Philippines as soon as meditated and desired, thereby preventing their members from joining their homes and reengaging in their civil pursuits for a considerable period of time after they acquired the acknowledged right to demand their release and return. Notwithstanding this unexpected detention, these soldiers have uncompromisingly given to their Government uninterrupted military service, attended with deprivations and dangers to life and health, which those of their countrymen unacquainted with conditions can neither realize nor appreciate.

This spirit of devotion to country and its announced humanitarian policy, manifested so abundantly in their individual sacrifices, has animated them from the day they commenced their long voyage of 7,000 miles of sea to engage its European enemy, then represented in these islands, and assist the island subjects to obtain social and political regeneration. It did not fail them when those subjects, freed by their efforts from the control of Spain and deceived by evil-disposed persons to distrust the beneficent intentions of the United States in their behalf, placed themselves in hostile attitude with surprising celerity. It displayed its greatest achievement during the weeks of waiting and watching, when, confined within the city limits of a single city by the battle lines of a self-constituted enemy, these men offered neither threat nor violence for insults received and the hostile demonstrations which menaced them. On the contrary, responding to their Government's commands to avoid war, they vainly endeavored to placate that enemy by peaceful and friendly assurances.

This obedience to instructions was construed as cowardice by the insurgent army and influenced it to precipitate a formidable attack, assured not only of victory but of its ability to completely destroy its declared adversary. The victory, in fact, was won and belonged to the American soldiers at the moment that attack was inaugurated, for they were then absolved from the duty of longer self-imposed restraint which they had rigidly enforced during the preceding weeks of anxious expectancy, whereby they exhibited the crowning virtue of the highest type of civilization. They had achieved the victory over themselves, and the easier task of confronting an enemy who had assailed the majesty of their Government alone remained. This they have accomplished most efficiently. Withstanding the heat of the Tropics, its scorching sun and drenching rains, overcoming every obstacle which its prolific nature and a wily, active, and courageous foe could devise, their onward march has been a series of astonishing successes. They have responded with alacrity to every demand made upon them, however desperate the consequences might appear, and have never failed to more than accomplish expected results.

To all soldiers of the department the department commander desires to acknowledge his great obligations. The country owes them a debt of gratitude which it can not repay. To the volunteers and troops of the regular establishment who pledged their services during the war with Spain only, and who have continued to render them under sacrifices innumerable, without complaint, and cheerfully, intelligently appreciating, as they did, the public necessities, even greater praise and regard are due. Some have recently departed. All others will follow within a short period of time and as rapidly as facilities can be secured. The department commander desires for them a speedy and safe return to their homes and that merited rest and public gratitude to which their exceptional services entitle them.

By command of Major-General Otis.

THOMAS H. BARRY,  
*Assistant Adjutant-General.*

Mr. President, one would think that the President and everybody in the Administration under him, in view of these high and well-deserved commendations of these soldiers for the patriotic spirit they had manifested and the self-sacrificing devotion to duty which they had shown during their stay in those islands, would gladly seek any avenue open to them by the law to deal with them justly and generously instead of dealing with them niggardly.

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

Mr. TURNER. Certainly.

Mr. SCOTT. Do I understand the Senator to intimate that the soldiers in the recent war have been unjustly treated compared with the soldiers of the war from 1861 to 1865?

Mr. TURNER. I would not say that, Mr. President, at all. However, I think that the Congress of the United States has shown a very commendable and liberal spirit in dealing with the soldiers of the war from 1861 to 1865, and it is that liberal spirit I am invoking here now.

Mr. SCOTT. May I ask the Senator another question? Is it not true that the soldiers of the Spanish-American war were provided with Pullman cars to transport them from one part of this country to the other and that other conveniences and comforts were furnished them that were not furnished to the soldiers of the war from 1861 to 1865?

Mr. TURNER. Some of them may have had exceptional luxuries here on this coast, but I know that they did not have that on our coast. I know that the soldiers who were brought home from the Philippine Islands were packed into the hold of the dirty vessels like hogs, and that no civilized human beings ought to have been expected to be returned under such conditions.

Mr. SCOTT. Will the Senator allow me another interruption? I think there are Senators on this floor who will bear testimony to the fact that during the war of 1861 to 1865 they rode in hog cars in this country.

Mr. TURNER. Mr. President, I feel as kindly toward the soldiers of 1861 to 1865 as the Senator from West Virginia, and he

can not get up any controversy with me by reprobating the treatment which they received at that time. He can not get up any controversy with me unless he wants to say that the treatment which the soldiers of 1898 received is all right in every respect, and if he says anything of that kind, I have to differ with him.

Now, Mr. President, I was proceeding to say, when I was interrupted, that one would expect the President and his advisers to gladly grasp at any opportunity the law might afford them for the purpose of dealing justly and generously with these soldiers, and if by any oversight they had not been dealt with in that manner, that they would gladly look with favor upon any Congressional legislation designed to correct errors and omissions in that respect.

I was very much surprised, therefore, having offered this as a separate bill in the early days of the session, to find that the Secretary of War had written a letter to the honorable chairman of the Committee on Military Affairs opposing the passage of the bill on the ground that it would require an expenditure of \$7,000,000; not that the bill was not equitable and just—there was not a word upon that subject—but that we could not afford to be equitable and just to the soldiers of this Republic, because it might take a little money out of the Treasury of the United States.

Moreover, Mr. President, the Secretary of War has been imposed upon by somebody, or he would not have made the assertion to the Military Committee that this provision would require \$7,000,000, or anything like that sum. Any Senator can figure it out mathematically for himself and see that that is not true. There are not over 10,000 soldiers—

Mr. HAWLEY. Will the Senator allow me to make a remark simply by way of information? The calculation of the Paymaster-General makes it about \$7,000,000.

Mr. TURNER. I have looked for that communication. I never have been able to get it. I was down in the Military Committee room to-day trying to get it. But I say there are not over 10,000 men who will be affected by the provisions of this amendment.

Now, the provisions of law are that they shall receive one day's pay for every 20 miles that they travel. Our private soldiers get \$13.50 a month. For the purpose of round figures we will say it is 50 cents a day. So they get 50 cents for every 20 miles that they travel under this amendment, or they get \$2.50 for every 100 miles that they travel, or \$25 for every 1,000 miles that they travel. Now, it is 7,000 miles from Manila to San Francisco. Every one of these private soldiers would get, we will say, seven times \$25, which is \$175, under the provisions of this amendment; and there is to be deducted from that the cost to the Government of actually bringing them over, which I assume—I do not know that it is correct—would probably reduce the amount of this bounty which we propose to give these soldiers to about \$100. Now, there being about 10,000 of them, a hundred times 10,000 would be a million dollars for the private soldiers. One of my colleagues—

Mr. FORAKER. Will the Senator from Washington allow me to ask him a question?

Mr. TURNER. Certainly.

Mr. FORAKER. The calculation which the Senator makes, as I understand it, is based upon the supposed number of volunteer soldiers who would be entitled to this extra pay and allowance. I will ask the Senator if he has taken into consideration the number of soldiers who were enlisted for the Spanish-American war in regiments of the Regular Army, and who were entitled to their discharge under the same circumstances as the volunteer soldiers—

Mr. TURNER. No, sir.

Mr. FORAKER. Namely, upon the conclusion of the treaty of peace?

Mr. TURNER. I am simply taking into consideration those who come under the terms of this amendment which I have offered. If there—

Mr. FORAKER. I so understood the Senator, but I wanted to be confirmed about it. I wanted to say in this connection, if the Senator will allow me, that I have a communication on my table, which came to me only this morning, calling my attention to the fact that there were about 8,000 volunteer soldiers that served in the Philippine Islands during the war—

Mr. TURNER. Regular soldiers, do you not mean?

Mr. FORAKER. In regular regiments, and that they would be entitled to this same extra allowance. Quite a number of them are from the State that I have the honor in part to represent—it is said nearly 4,000—and if this amendment should be adopted, I want to offer an amendment to broaden it, so as to include those who served in the regular regiments as well as those who served in the volunteer regiments.

Mr. TURNER. I am satisfied that the estimate which the Senator has from his constituent is a very gross overestimate.

Mr. FORAKER. That may be; I know nothing about it except what is stated in this letter.

Mr. TURNER. The Regular Army, in this respect, was different from the volunteer organizations. Whenever an individ-

ual is entitled to his discharge from the Regular Army he gets it as a matter of course; but these volunteer organizations were held over there intact, being perfectly willing to waive their rights to come back home, and none of them were discharged until their places had been supplied by regular soldiers. There may be some regular soldiers who ought to be entitled to the same benefits, if we should pass a law of this kind, that we give to volunteer soldiers, but their number is very small indeed, and would not appreciably add to the number I have estimated.

Mr. LODGE. If the Senator will allow me, there certainly are a number of regulars who occupied the same position as the volunteers for whom he is trying to provide, and who ought to be included, I think, in the amendment.

Mr. TURNER. Now, Mr. President, I have just a few more words to add. So far as the volunteers who are affected by this amendment are concerned, it is certain that there are not over 10,000 of them, and upon the computation that I have made it would not require over a million dollars for their payment. A confrère sitting by me over here has made a computation as to the travel pay of the officers of these volunteer organizations under this amendment, and he finds that it would require about one-third as much for their travel pay as will be required for the pay of the soldiers, so that a million and a half dollars, at the outside, would meet this drain upon the Treasury, so far as the provisions of this amendment create such drain, instead of \$7,000,000, as estimated by the Secretary of War and the Pay Department.

Now, I think these are deserving men, and that they ought to receive the consideration of the Senate and the Congress of the United States. They are brave, courageous, heroic men, who dared all and suffered almost even to death itself in the cause of their country. In a campaign of six months made over there after their terms of enlistment had expired, they fought fifty battles and marched and countermarched hundreds of miles under the blazing tropical sun of the Philippine Islands. Some of them have told me that during that period they were not permitted for weeks to remove their clothing, and that during that time they were under the fire of the hostile guns of the enemy every day without intermission.

Mr. PROCTOR. Will the Senator allow me a question?

Mr. TURNER. Certainly.

Mr. PROCTOR. I should like to ask the Senator if it would not be just, if such legislation is adopted, that it should be extended and made general and apply to all soldiers now in the Philippine Islands? They would seem to me to have reason to feel injured if, when they come to be discharged, they did not fare as well as those whom the Senator proposes to provide for.

Mr. TURNER. I think not, Mr. President, because the spirit and purpose of this amendment is to give this as a bounty or compensation to the volunteer soldiers who remained over there a year after their terms of enlistment had expired, serving the country when they were entitled to come home.

Now, Mr. President, when these patriotic young men answered the call of their country, they understood that they were not only to be exposed to these dangers and trials and privations and sufferings, but that they were to be compelled to brave as well the perils of the sea and the dangers of a killing and inhospitable climate. Yet they answered the call of their country with alacrity, heedless of interrupted business avocations and pursuits, never, in many cases, resumed; and notwithstanding the fact that they were compelled to sunder the ties of tender love and friendship which bind and paralyze the energies of men of weaker fiber, they went over there, they served their country loyally, and they are entitled to the same treatment now when they come back here that others who went over there and did not serve the country under the same circumstances as they did, who were discharged sooner than they were, received at that time.

Mr. President, through all of their arduous service there these young, green American boys conducted themselves like trained veterans and gathered for American arms imperishable laurels, which have elevated American character to the highest pitch in the estimation of the world. Some of them sleep over there in unmarked and forgotten graves. Those of them who returned to their homes, when they were finally permitted to return, found themselves impaired in health, and many of them, physical wrecks from wounds and disease, will be subjected to the shame and ignominy of penury and want unless relieved by the generous, but just and merited, consideration of a grateful country.

This amendment which I have prepared and offered, and which I sincerely hope the Senate will be permitted to act on, is simply an act of justice toward them. Suppose it does take two or three million dollars, or even \$7,000,000, as the War Department has reported, did we not give the Cubans \$3,000,000 for a lot of rusty old guns? Did we not as an act of charity appropriate \$2,000,000 for the purpose of building roads and schoolhouses in the island of Porto Rico? Are the broken frames and ruined fortunes of 10,000 American soldiers who gave all to their country less worthy the consideration of this great, rich, powerful Government?

No one will say so, Mr. President. No one, then, should act so as to carry such an affirmation. In behalf of these soldiers I appeal to the sense of justice of the Senate, to the generosity of Senators, to their pride in the achievements of these brave, patriotic citizen soldiers of ours, and I appeal also to their sense of patriotism. They have a patriotic duty to perform as well as the men who shouldered their muskets and shed their blood, and that duty is to recognize and recompense courage and valor and worth in the defenders of our flag in order that those qualities may be found again when the flag needs defenders. There will always be found a multitude of men among our citizenship to do the great deeds which our future may require of them if they know that ungrudging and unstinted justice will follow them after their toils and privations and sufferings and dangers have gone by.

Mr. President, I appeal especially to the distinguished Senator from Connecticut, the chairman of the Military Committee, to permit this measure of justice to be done to these soldiers. He was a great soldier in that other day when the country needed defenders. He is one of the few volunteer officers yet left to us who won distinction in that day. We all of us honor him for what he did then and for his long and distinguished and useful career in civil life since that time. He is an old soldier who understands what arduous service is and how inadequate even the most generous and munificent benevolence is to recompense for such service. I appeal to him as an old soldier to allow this justice to be done to these young soldiers, as a patriot of 1861 to do justice to these patriots of 1898, and I shall be very much disappointed indeed if he declines to listen to the appeal.

Mr. HAWLEY. Mr. President, I served about four years; got every dollar that was due me, and I have no complaint to make.

This amendment I raised a point of order against because it changes existing law. It is a complete reconstruction of the pay roll, and general legislation most emphatically.

The PRESIDENT pro tempore. Will the Senator from Washington read to the Chair the existing law under which he claims this amendment is justified?

Mr. TURNER. The law is section 1290 of the Revised Statutes. It provides that—

When a soldier is discharged from the service (except by way of punishment for an offense) he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind; but in case it shall not do so, he shall be allowed travel pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every 20 miles.

It would seem to me that this might very justly be considered as an amendment within the language of the first clause of Rule XVI, to the effect that it is made to carry out the provisions of existing law.

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

Mr. PETTIGREW. I should like to ask the Senator from Washington a question. I should like to know whether this amendment which he offered was not introduced as a separate bill and referred to the Committee on Military Affairs, and I would also like to know what has become of the separate bill?

Mr. HAWLEY. The separate bill was reported adversely on the 15th of February.

Mr. TELLER. Why?

Mr. HAWLEY. I can read the report. It is a short report:

Your committee, having had the above-entitled bill under consideration, report the same to the Senate adversely, and recommend that its passage be indefinitely postponed. As the law now exists there is no discrimination between regular and volunteer soldiers in the payment of travel pay. Though prior to January 1, 1899, a few soldiers, both regular and volunteer, who had been discharged in the Philippines, were paid full travel allowances from the place of their discharge to that of their enlistment, yet the payment or the refusal of these allowances is not due any soldier as matter of right, but rests in the option of the Government. This being so, it is urged as a further reason for an unfavorable report that the Paymaster-General, United States Army, estimates that the Government would be under the necessity of disbursing more than \$7,000,000 to those who would come within the terms of this bill.

Mr. TURNER. I understood the committee to report that it would take too much money.

Mr. PETTIGREW. I should like to ask whether the committee were unanimous. Was there any objection in the committee to that report?

Mr. HAWLEY. There is no record of it. I do not remember particularly. I know it was very easily reported adversely.

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

Mr. HAWLEY. Yes.

Mr. TELLER. The report says:

Yet the payment or the refusal of these allowances is not due any soldier as matter of right, but rests in the option of the Government.

I should like to ask the Senator how that option was exercised where they did make the payment?

Mr. HAWLEY. They have a right to furnish the soldier trans-

portation in kind all the way home. They transport him at their own expense, in their own ship, and in their own car, or they may pay him under the law of 1813.

Mr. RAWLINS. Will the Senator permit me a question?

Mr. HAWLEY. Oh, yes. I ought not to be talking, because the amendment has been declared to be out of order.

Mr. TELLER. We will talk on the bill then, for just a moment.

Mr. HAWLEY. Very well, then; I do not care.

Mr. RAWLINS. To illustrate this situation, there was a light battery from New York, known as the Astor Battery, which went to the Philippines. There was a light battery which went from my own State to the Philippines. The volunteers from my State went earlier. The Astor Battery was discharged from service in the Philippines, before hostilities began with the Filipinos, on the 4th of March. I understand that the members of that battery drew their travel pay in accordance with the proposition made by the Senator from Washington. The volunteers belonging to the Utah Light Artillery were entitled to their discharge in the Philippines at the time of the ratification of the treaty in the spring of 1898. They were not so discharged. They were kept in the service virtually under compulsion, ordered into the trenches, fought 50 battles, day and night, hour after hour, for a period of six months.

If this Government had done to them as it was bound to do according to the terms of their enlistment, they would have been discharged in the Philippine Islands and received their travel pay under the law. The Government now by this objection is seeking to take advantage of its own wrong, compelling those men to serve in the Philippine Islands after their terms of enlistment had expired, in order that it may deny to them what was freely accorded to the Astor Battery, which was discharged before the term of its enlistment had expired. I say this is an outrage, a wrong which no man loving justice, it seems to me, would consciously be guilty of, whether it cost \$1,000,000 or \$5,000,000.

Mr. PETTIGREW. Mr. President, I think I can clearly show the reason why the Utah battery was thus treated. South Dakota sent to the Philippines a regiment of a thousand men. They were the boys from our universities, the young doctors and the young lawyers of the State. A brighter and more capable body of men were never gathered together anywhere in the world. They enlisted to fight Spain. They enlisted to free the people of Cuba from oppression and wrong. They went to the Philippines for the same purpose. But when the treaty of peace was signed in December they asked for their discharge and it was refused. In April, after the ratification had been finally exchanged, they again demanded their discharge, when it was refused.

I demanded their discharge, at their request, of the President of the United States and the Secretary of War, but my request was denied. The governor of my State demanded their discharge and that was denied. We were told that any individual soldier who chose to ask for his discharge would be returned. Then hundreds of those soldiers sent in their applications for discharge, but those applications were returned and refused and they were kept in that service against their will; they were, in spite of themselves, conscripted and forced into that service in order to compel them to reenlist.

What further occurred? When the regiment returned to my State the President of the United States met its members at Aberdeen and told them that they had sent him word that they were willing to remain and that they desired to remain and fight. He received no cheer, because what he said to them was untrue. Five of the boys of that regiment came into my office after the President had made that statement and told me that the statement was untrue; and one of them, who had been wounded, said that the words of the President might imply that a man who asked for his discharge after hostilities commenced was a coward; and he said, "I resent any such imputation; I was in 23 engagements; I am wounded and crippled for life, and when I applied for my discharge when my term of service expired, it was not given to me;" and he added, "Any man who intimates that I am a coward under those circumstances is not worthy of my respect." Hundreds of those soldiers have written letters to the same effect.

I am coming to the question alluded to by the Senator from Utah [Mr. RAWLINS]. I said yesterday in debate:

These men reenlisted in the Philippines, and the inducement to get them to reenlist was the proposition to pay them commuted travel pay from Manila home, amounting to between five and six hundred dollars apiece, and with that bribe and that bonus they got a little over 70 of our boys to reenlist.

Mr. SEWELL. If the Senator will allow me, I should like to know what evidence he has to sustain the statement he has made.

Mr. PETTIGREW. I have plenty of letters from the men who enlisted from South Dakota.

The Senator from New Jersey [Mr. SEWELL] then said:

The Senator makes broad statements here in relation to matters which are of national importance, when he has no facts to sustain them.

After the debate yesterday I telegraphed to several of the boys in that regiment. I have a telegram in my hand from the adjutant of the regiment, in which he replies to my telegram asking

what inducements were offered to secure reenlistment of South Dakota troops, as follows:

DESMET, S. DAK., May 1, 1900.

To Senator PETTIGREW, Washington, D. C.

Volunteers were given travel pay home, five to six hundred dollars, and non-commissioned officers, if they would reenlist. Strong arguments were also used.

GEO. W. LATTIN.

I have another telegram, which is as follows:

SIoux FALLS, S. DAK., May 1.

Senator R. F. PETTIGREW, Washington, D. C.

Private soldiers were offered an amount approximating \$500 if they would reenlist for the war or until July 1, 1901.

Arthur Swenson, sergeant; Eugene L. Parker, private; Milton Crandall, musician; Elwin L. Hawkins, second lieutenant; Carl Roman, artisan; A. J. Groves, sergeant-major; Chas. Ward, corporal; John Johnson, private; W. S. Doolittle, first lieutenant.

I also have a telegram from Sioux Falls, dated May 1, as follows:

SIoux FALLS, S. DAK., May 1, 1900.

Hon. R. F. PETTIGREW, Washington, D. C.

We, as privates, were offered by General Otis about \$440 travel pay, two months' extra salary, and clothing, amounting altogether to more than five hundred, as inducements to reenlist. We emphatically declined.

SERGEANT R. F. LUCY.

The facts of the matter are exactly these: These soldiers—

Mr. TELLER. I ask the Senator, were these men discharged at the expiration of their terms of enlistment?

Mr. PETTIGREW. They were discharged at the expiration of their terms and came home with the regiment.

The facts of the matter are exactly these: These soldiers were offered this bonus of \$500 if they would reenlist, and were told that if they did not reenlist they would be sent home on a transport and deprived of the bonus.

Mr. FORAKER. The Senator says this was offered them as a bonus. Is it not true that if they were mustered out in the Philippine Islands they were given all they were entitled to under the law? They were entitled to be mustered out there, and it was at their option whether they should be mustered out there or be brought home to be mustered out; and they were entitled to travel pay and all these allowances. If they were to reenlist they would certainly elect to be mustered out there.

Mr. PETTIGREW. But the choice of whether they would be mustered out there or not was not left to them unless they would reenlist. That is the trouble. They were simply told, "We will muster you out here and give you this commuted pay if you will reenlist; but if you will not, we will send you back to San Francisco;" and they were taken back to San Francisco and there discharged. This amendment simply gives these men the pay they would have been entitled to if mustered out there.

Mr. FORAKER. It was the right, was it not, of the Government, under the law as it then stood, to either muster the soldiers out there and allow them travel pay and the other allowances mentioned, or else to bring them home and give them transportation in kind? So the Government was not enforcing anything against them, but only exercising its own right.

Mr. PETTIGREW. The law does not say, as the Senator from Colorado says, who had the option. What officer of the United States had the right under any law that anybody can cite to say to those men, "If you will reenlist, we will give you this bonus; and if you do not, we will send you home in a transport?"

Mr. PROCTOR. The Senator will not claim that the Government had not the option to furnish those returning soldiers subsistence or transportation in kind, I suppose?

Mr. PETTIGREW. Certainly not.

Mr. PROCTOR. The law especially says that the Government may furnish the same in kind.

Mr. FORAKER. Yes.

Mr. PROCTOR. But in case it shall not do so, they shall be allowed commuted travel pay.

Mr. FORAKER. Will the Senator kindly give the sections of the Revised Statutes?

Mr. PROCTOR. The provision will be found in two sections, one applying to the officers and one applying to the men—sections 1289 and 1290 of the Revised Statutes.

Mr. FORAKER. I am obliged to the Senator from Vermont for calling attention to the statutes. It is my understanding that such was the law, and that the Government has the right under the law to either muster the soldiers out there and allow travel pay, etc., or to send them home; that is, to give them transportation in kind.

Mr. PETTIGREW. I think I clearly understand the law.

Mr. SCOTT. I ask the Presiding Officer what is before the Senate at the present time? I understand that a point of order had been made, and that the President pro tempore had sustained the point of order. I want to know what is before the Senate?

Mr. PETTIGREW. I will answer the Senator that—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will state to the Senator from West Virginia that the

bill is before the Senate as in Committee of the Whole for discussion.

Mr. PETTIGREW. I was going to say a moment ago that the Senator from West Virginia [Mr. SCOTT] was before the Senate.

Mr. SCOTT. I merely wanted to know what was pending. I asked for information.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PETTIGREW] has the floor.

Mr. PETTIGREW. The law probably is plain enough; but what I complain of is that the Astor Battery, for instance, who were discharged before they wanted to compel these men to reenlist, were given commuted pay. Somebody had the power to do it, and the men composing that battery were sent home and received this bonus. After that, when the fighting commenced, and the Administration wanted to compel our volunteers to stay and fight against their will in a dishonorable cause, they conceived the idea of compelling them to reenlist or depriving them of this bonus. That is what I am getting at. The law is plain enough. They could have discharged these men at Manila and allowed them travel pay, as they did with the men who agreed to reenlist; but they would not do it where they would not reenlist. This amendment simply gives those men who did come home, and who had been fighting for five or six months after their time had expired, the same pay as the men who were induced to reenlist by this bonus. That is all there is to it; and there is no getting around it.

The Senator from Utah [Mr. RAWLINS] complains of the treatment of the battery from his State. The men composing that battery were punished for what? For staying in the Philippines and fighting; and the New York battery was rewarded by giving them just what is now asked for the men of the Utah battery; but the Committee on Military Affairs reports the bill unfavorably, and the chairman of that committee now makes the point of order against the amendment.

Mr. NELSON. Mr. President, if the Senator from South Dakota had been a little older, if he had been old enough to have been a soldier in the war of the rebellion and had had a little of the experience some of the old soldiers had in that war, he would not have been guilty of making the remarks which he has made in the hearing of the Senate.

During that war, after our soldiers had served faithfully for three years, the Government felt that their services were more valuable than would be the services of fresh men—mere recruits—and in order to induce those veterans to reenlist the Government, in 1863 and 1864, as an inducement for them to reenlist, gave them a veteran's bounty of \$300, two months' furlough, and transportation home. Mr. President, there was no soldier or loyal citizen in those days who complained of that act and who tortured it into a wrong or an act of injustice.

Now, what are the facts in this case? Our troops were there at Manila; their term of enlistment was expiring; we needed soldiers to take their places over there: the soldiers who were there were more valuable than mere recruits at home by the fact that they had had the training and experience of soldiers and because of the saving of time and cost of transportation. Under these conditions was there anything wrong in the Government saying to those trained soldiers, "If you stay and reenlist, we will give you as a bounty all that you would be allowed for transportation and subsistence to your homes; but you are not obliged to reenlist on these terms."

If you do not reenlist the Government will either furnish you transportation and subsistence home or make you the statutory allowance therefor. The Government has always had such an option: it had it during the war of the rebellion, and during the Spanish war. It had the option either to let the soldier pay his own transportation and subsistence and receive the allowance for it, or to furnish him with transportation and subsistence. This offer of transportation and subsistence allowance for veteranizing was merely a bounty, under the circumstances of advantage to both the soldier and the Government.

Mr. RAWLINS. Will the Senator yield to me for a question?

Mr. NELSON. I will yield in a moment.

I remember very well when I was discharged at Morganza Bend, La., in 1864. I came home on my own account at my own expense and received my allowance for transportation and subsistence; but the Government could have furnished me transportation and subsistence, and if it had I should not have had my allowance.

The Government, to secure reenlistments in the Philippines, did in substance the same by way of offering bounty as in the days of the rebellion. None of the veterans of the war of the rebellion complained of this system, nor did any of their uncles or aunts or nephews complain as in these modern days; and I have never heard until to-day any complaint of this bounty offer in respect to reenlistments in the Philippine Islands. Certainly no soldiers are complaining.

I have a higher opinion than has the Senator of the young men

of South Dakota who enlisted in the service of our country in the Spanish war. I know they were more patriotic and had a higher love for their country than the Senator from South Dakota accords to them in his remarks. If those soldiers could be here and hear the remarks the Senator has made they would all resent and repudiate this attack upon their patriotism and their loyalty. No man can secure the favor or approval of real soldiers by such assaults. There was not a real soldier either in the war of the rebellion or in the recent war with Spain who would take any comfort from or who would approve any such remarks as have been uttered by the Senator from South Dakota this afternoon.

Mr. RAWLINS. Mr. President, I want to ask the Senator from Minnesota a question.

Mr. NELSON. I will answer your question.

Mr. RAWLINS. I want to ask this question of the Senator: I ask if, during the civil war, where the term of the enlistment of a volunteer had expired in any instance the Government required his services, say, six months longer without giving him the option of either going home or taking advantage of or receiving the bounty of which the Senator has spoken?

Mr. NELSON. I can speak from my own experience. I served some forty days over my time without getting permission to leave sooner and without getting a bounty. It never occurred to me that the Government was tyrannical. When the Government got ready to discharge me and allow me to go home, I left; and it never occurred to me that I had been badly treated, or that the Government was a bad Government because I served overtime.

I could have veteranized and received my \$300 bounty and two months' furlough, but not having done so I had no claims to the bounty. It was a matter of frequent occurrence for soldiers to serve overtime, more or less, during the civil war, and neither soldier nor citizen cursed the Government therefor.

Mr. RAWLINS. The question I asked the Senator was not whether he voluntarily continued in the service—he had a right to do that, of course—but where the privilege was given to a volunteer, after his term of enlistment had expired, of volunteering again for six months, say, with a bounty of \$300, or to take his discharge, if the soldier should elect to take his discharge and not receive the bounty, does the Senator know of any instance in which the Government or those in command of the Army retained a soldier against his will?

Mr. NELSON. If the emergency—the necessity—existed, soldiers were often retained after their term of enlistment expired against their will.

There were repeated instances where our soldiers served beyond their term of enlistment. I know in the siege of Port Hudson, La., in the bloody charge of the 14th of June, there were a number of nine months' regiments from New England who were in that charge whose term of service had expired, and yet there was not one of those New England boys who refused to go into battle and fight for their country, although their time had expired. Our soldiers at Manila were possessed of the same patriotic spirit, and would never have deserted their colors in the face of the enemy.

Mr. PETTIGREW. Mr. President, the other day while we were discussing the amendment to the Alaska bill an opportunity was offered to the Senator from Minnesota [Mr. NELSON] to eulogize the Scandinavian race, and to tell us what wonderful deeds they had performed under Gustavus Adolphus, and he also informed us that he was a Scandinavian. To-day, in the discussion of an amendment to the Army appropriation bill, the Senator finds an opportunity to inform the country that he was a soldier in the civil war, and was exceedingly brave and fearless. I am very glad this opportunity has been offered to the Senator to get into the RECORD.

The attack of the Senator upon the South Dakota boys because they wanted to return would be resented by them if he lived where they could get at him; but as he does not, I suppose they will content themselves with taking it out in an opinion in regard to his sample of bravery.

I ask the Secretary to read a letter from Captain Lattin, of the South Dakota regiment, upon this subject.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

DE SMET, S. DAK., January 30, 1900.

DEAR SIR: I had supposed, now that the volunteers were home, that the question of whether they were held against their will in service in the Philippines or not was settled beyond any question. No one who was there will dispute the fact that the volunteers were ready and anxious to come home as soon as the war with Spain was over. They did not expect to be held for garrison purposes and supposed that they were to be returned home at once, or at least as soon as regulars could be brought over to take their place. Any one who says that the rank and file of the volunteers wanted to stay and fight the natives is uttering a falsehood, and he must be an extremely bold liar in the matter in view of the well-known facts so easily proven by the volunteers themselves. We received an order at one time to take a vote on this question in the South Dakota regiment, but the order was countermanded before the vote was taken. It was well understood that this order was countermanded because those regiments that had voted were almost to a man in favor of returning home at once.

The vote was not what the commanding officer wanted and so it was sup-

pressed. Afterwards, when a letter that had been sent out from the War Department at Washington saying that the volunteers who wanted their discharges could get them by applying through the regular channels reached us, a considerable number of the men made out applications for discharge; but these applications were stopped by the officers in command, notwithstanding the law said that they must be indorsed and forwarded immediately. It was under such circumstances as these that letters and petitions were sent home to the governors of States, members of Congress, and some of them directly to the President himself, asking that the volunteers might be sent home according to the law under which they had enlisted and as the Government had already promised the people at home should be done.

The volunteers did all that they had enlisted to do willingly. They did more. They did all that their country required of them, and they did it notwithstanding the fact that they considered the war against the natives of the Philippines both unnecessary and unjust. That they rendered obedience to their country under these circumstances is the greater proof of their loyalty and patriotism. The attempt on the part of the Administration, who commanded them to do this work, to claim that because they obeyed their orders they consented to and approved that work is political chicanery of the worst kind.

It is probable that no records have been preserved of these things, but it is not too late to get the unwritten history from the actors themselves.

Very respectfully,

GEO. W. LATTIN,

Late Captain, First South Dakota Volunteer Infantry.

Hon. R. F. PETTIGREW, Washington, D. C.

Mr. PETTIGREW. I now offer a letter, which I ask to have the Secretary read, on the same subject, from another officer of the same regiment.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

WATERTOWN, S. Dak., January 24, 1900.

DEAR SIR: Yours of the 20th instant, requesting information as to the desire of the volunteers to return home and the reason for their being turned down, at hand.

To be exact in answering your question it would be necessary for me to look over the regimental and company records now in the hands of the Adjutant-General at Washington; but perhaps I can refer you to these records in such a way as to permit of your securing the same with but little trouble.

The first effort made by the men of our regiment to secure the discharge was about the first of the year 1899. The officers of Colonel Stover's battalion (the first) were instructed by him to notify their men that under certain orders of the War Department (I have forgotten the number) the men could apply for a discharge, giving their reasons, and that the said orders required the applications to be forwarded to the Adjutant-General's Office, whether indorsements were favorable or not. A notice of the men's privilege in this matter was also posted in the men's quarters by Colonel Stover. As a result upward of 40 men of my company (H) applied for a discharge for reasons stated (see letters sent, book Company H), and other companies of this battalion made a similar showing. The day following the matter came under the observation of Colonel Frost, and he reprimanded Colonel Stover for his action, at the same time instructing the company commanders of the regiment to counsel the men to withdraw these applications. As a result these applications were withdrawn, as the books will show, with the exception (in my company) of two men. These two refused to withdraw their applications, and they were supposed to have gone through channels as a test case. If my memory serves me correctly, one of these was M. C. Bowen, wagoner of my company, who was killed in action at Pulilan, April 24, 1899. I could tell by the records. His widow now lives in Watertown. This application may be followed from my company letters received or letters sent, then to the regimental letters received and letters sent, and so on up through brigade, division, and corps headquarters to the Adjutant-General's Office, if it was handled according to the War Department order referred to.

The second time the men would have formally expressed themselves on the matter of the discharge, if given the opportunity, was about March 1, 1899, after they had taken the line of blockhouses, while waiting for the advance on Malolos, then occupying the line around the city. My own part in the matter probably serves for the whole regiment. About that time Colonel Frost orally informed me that General Otis expected to take a poll of the volunteers for the purpose of ascertaining how many of them would be willing to remain if given their discharges and an opportunity to reenlist, receiving full travel pay to their homes upon reenlisting. He said for me to informally put the matter to my company and let him know how the men felt. This I did and found that not a man of my company was willing to remain, and so reported to Colonel Frost. Further than this the men were not given an opportunity to express themselves, as the matter was not again presented to them. The other companies of the regiment and, in fact, of other regiments expressed themselves in the same way.

Again, after the regiment reached San Fernando, with no apparent hope of being relieved from the firing line, fourteen men of my company (all that were on duty at the time) applied, through channels, for their discharge, giving as their reason that the purposes for which they had enlisted, viz, to engage in the war with Spain, had been accomplished. These letters are a matter of record, and may be found in my company letters-sent book, dated some time in May. In fact, the identical letters may be found in the documents of the company turned in to the mustering officer at the time of muster out. They were forwarded by me to regimental headquarters approved. They were returned from regimental headquarters and contained an indorsement from the colonel reading something like this: "Under instructions from corps headquarters, applications of this nature are not to be forwarded for the reason this regiment will be returned to the United States for muster out shortly." This is the nature of the indorsement, but it was in direct violation of the order first referred to from the War Department.

The regiment continued to do duty at San Fernando and on the line around the city for more than two months after these applications were made, notwithstanding there were less than 300 men in the entire regiment for duty, and that a board of doctors appointed by General Otis especially for the examination of the South Dakota regiment, as his reports must show, found less than 10 per cent of those remaining on duty with pulse and temperature normal. I am not positive just what the report was, but am sure it was less than 10 per cent.

This is the information you have requested, as near as I can give it without access to the records. I give it without any prejudice against the President, as it was and still is my belief that Otis, and not he, was at fault for the ill-treatment of the Volunteers. While I knew nothing of official reports sent in by Otis, I did know, as every other officer and soldier on the island knew, that his "unofficial" reports, as given to the public through the press,



were grossly false and misleading from long before the inception of hostilities until at least our departure from the island.

I can only say thanks for the compliment you pay the regiment, and that the boys have always appreciated what you have done for them.

Very truly, yours,

Hon. R. F. PETTIGREW,  
Washington, D. C.

C. H. ENGLSEBY.

Mr. TURNER. Mr. President—

Mr. PETTIGREW. I will yield to the Senator in a moment.

Mr. President, the letter which has just been read, I believe, is from a gentleman who was either a captain or a first lieutenant in the same regiment. My opinion is that he was a captain; but his rank is not given. I know he has always been a Republican in politics in the State of South Dakota.

I will now yield to the Senator from Washington for a question, though I am not through.

Mr. TURNER. I merely wanted to make a remark, and will wait until the Senator concludes.

Mr. PETTIGREW. I now ask to have a letter read from one of the first sergeants of the same regiment on this same question.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

RAPID CITY, S. DAK., March 30, 1900.

MY DEAR SENATOR: You can in some way use the little information I may be able to give regarding the mistaken idea of our Chief Executive in relation to the return of the First South Dakota United States Volunteers. Many a time I wished since I came home that I had gone to Aberdeen, where the President welcomed the regiment, to have been present when he made certain statements in connection with the great patriotism of the First South Dakota Regiment, in so far as they were willing to stay on the islands after their time had expired. I would liked to have asked him who the d—d fool was that sent such a lie. I think the Administration would put the old granny of General Otis in a bad hole if it should demand an investigation. Now to the point. Not long after General Order 40 or 41 (I can't say which) was out, there was some talk that anyone who demanded his discharge could obtain the same by applying at the proper place and have his request put forward through the proper military channels.

The talk got so common that the officers got scared for fear they would lose their jobs, and the order was kept from us for a long time. Finally Lieut. Col. Lee Stover wanted to go home, and made the boys believe that he could obtain their discharge if they so desired. Nearly the whole of the First Battalion put in their application, and all were rejected. I heard afterwards that they never went further than the colonel (Colonel Frost). I had talked with Regulars who enlisted during the war, and were considered the same as we were, and they told me that their applications were all suppressed in the same manner. I made an application to the captain of our company, and told him I could not afford to do garrison duty in the Philippine Islands at the soldiers' pay, but he would not consent, and the matter dropped. This was some time in December, 1898, I think. Major Howard, commander of the Second Battalion, came around to our quarters one day and called out the four companies, D, M, F, and E, and told us a lot of bosh, which we were not allowed to contradict, as we were soldiers. He told us that we should not get such ideas into our heads that we could get home before our two years were up, and we should not show any cold feet at this stage of the game. Fine talk to men willing to work at home, and getting \$15 per month, and in the Tropics, living off rations intended for the Klondike or some other place. Well, we were soldiers, and could not do otherwise than obey; and after that time we never had an opportunity to hear about our chances of going home until about the 4th of August, 1899.

The South Dakota regiment was held over their time of enlistment against the consent of the enlisted men; and when I heard about McKinley making the remark at Aberdeen that the regiment was held over their time of enlistment against all law and rulings, he opened the eyes of many South Dakota Volunteers. I always contended that our time was up when the treaty of peace with Spain was made, and so did all the men in the First South Dakota Regiment, and all were eager to return. Why should they not be anxious to leave the country when they did not sympathize with the work they were doing?

The boys of the First South Dakota Infantry must have felt pretty cheap on hearing the President tell them such stuff, when he knew all the time why the regiment stayed on the islands.

We could scarcely get the news from the United States, because they would censor our mail and take out all political news. I had some San Francisco papers sent to me, and all I got was the advertisements. The boys wanted to know how things would turn, and I always told them to watch the demands of the trust in the United States and they could outline the policy of the Administration; but when we could get no more news, we just guessed. I received a letter from you in the Philippine Islands, and told the boys what you said in regard to our time, and all were pleased to hear that they had some one who tried to have them sent home when their time was up.

You can safely deny the falsehood of the President and count on the First South Dakota Volunteers to substantiate you in your remarks.

Yours, truly,

HENRY F. SPETHMAN,

Formerly First Sergeant Company M, First South Dakota Volunteers.

Hon. R. F. PETTIGREW.

Mr. PETTIGREW. That soldier stayed through until the regiment was discharged, and he was one of the bravest men in the regiment. I now submit a letter, and ask to have it read, from another soldier of this regiment.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SIoux FALLS, S. DAK., March 25, 1900.

SIR: Yours of the 22d instant at hand. Am very much obliged at your efforts in my behalf. In regards to the President's address here, I will give the part referred to as near as possible.

During his address he referred to the regiment:

"I am glad to be in the State which sent such gallant men to the front, the men who so gallantly refused to return home after their term of enlistment had expired."

Or words to that effect.

How ridiculous it sounded to us, you can realize, as man after man applied for his discharge and never heard from it. Petitions were framed and signed, and it did no good; and not until one regiment were worn out, unfitted for any service whatsoever, were they sent home, and then it was owing to Governor Lee's and yourself's earnest efforts.

Hoping this statement may be what you desire, I am, yours, respectfully,  
EDWIN E. HAWKINS.

P. S.—Any time I can be of any service to the cause, would gladly do so.

Hon. R. F. PETTIGREW, Washington, D. C.

Mr. PLATT of Connecticut. What cause?

Mr. PETTIGREW. This soldier was sent home and not discharged, and therefore was denied travel pay, even the travel pay which the regiment got from San Francisco. He was denied the two months' extra pay also. As he is still weak, and an invalid to a certain extent, and unable to do manual labor, he took the civil-service examination in order to go into the civil service, and he failed because of physical disability. His case would be reached by the passage of this amendment, and yet it is denied.

I now ask to have another letter from another one of these soldiers read.

Mr. FAIRBANKS. Will the Senator from South Dakota permit me to interrupt him?

Mr. PETTIGREW. Certainly.

Mr. FAIRBANKS. I should like to have the concluding sentence of the last letter reread. I do not know that I caught it accurately.

Mr. PETTIGREW. I am perfectly willing that it shall be reread.

The Secretary read as follows:

Hoping this statement may be what you desire, I am,  
Yours, respectfully,

EDWIN E. HAWKINS.

P. S.—Any time I can be of any service to the cause, would gladly do so.

Mr. PETTIGREW. Since the Senator seems to be anxious about that statement, I will state the facts in regard to it.

Mr. SPOONER. What cause does he refer to?

Mr. PETTIGREW. I think he refers to the cause of turning out the present Administration and putting in an honest one, and I am of that opinion because he was a Republican before he went to the Philippines, and he has become a Populist since he came home or while he was there.

Mr. SPOONER. Was his head affected in Manila?

Mr. PETTIGREW. I do not think his head was. His body was. But there have been influences that have affected the heads of a good many people who went to the Philippine Islands, and there are several hundred of them, I understand, in the asylum at St. Elizabeth as the result of that service. More men have gone insane in that service—

Mr. SPOONER. Have any of them become Populists?

Mr. PETTIGREW. I do not know. I presume the Senator will look after them when the election comes around. More men have become insane in the Philippine Islands than in any other service any army of the United States ever engaged in, and nearly a hundred suicides have occurred. There were less insanity, less desertion, less suicides among the volunteers than the regulars. That applies to the officers as well as the men. At least so I am credibly informed.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SINAI, S. DAK., March 25, 1900.

DEAR SIR: In reply to yours of the 20th instant, I will say that while the First Regiment South Dakota Infantry were in the Philippines they were never asked whether they wanted to go home or stay, neither when the Spanish war was concluded nor afterwards; at least I was not, and I was with the regiment until I was wounded the 25th of April, 1899, and was with the regiment awhile in June again. If any such a question was asked of the regiment, it did not get any further than the colonel. I am not prepared to state whether the men would have decided to go home or stay, but I think, in fact I am sure of it, from the expression that I heard, that the majority of the men would have decided to go home, not because they were cowards—their records show they were not—but because they did not believe that the war was a righteous one. We would have stayed and fought the Spaniards till hell froze over, but we did not like to fight the Philippine insurgents, because they fought for the same thing that we professed to fight for, namely, Liberty. Oh, how many crimes are committed in thy name!

I remain, sir, respectfully yours,

C. L. UFYHRE,

Formerly Corporal, Company E, First South Dakota Infantry.

Hon. R. F. PETTIGREW.

Mr. PETTIGREW. I ask to have the Secretary read extracts from different letters of different dates on the same subject written by soldiers while they were in the Philippines.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Extracts from letters addressed to Senator PETTIGREW.]

MANILA, PHILIPPINE ISLANDS, October 25, 1898.

Some weeks ago I wrote you, asking you to look after my interests in case our regiment is transferred to the regular service, I at that time having had a desire to go into that service. Upon further consideration of the matter, I have decided to withdraw this request, as I now understand such action would mean an indefinite stay in the Philippines, and I could not be induced

to remain here longer than is absolutely necessary. The men, too, are very anxious to be returned home, and I am sure that but a very small per cent of them would enter the Regular Army to remain here.

C. H. ENGLESBY,  
Captain, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, November 3, 1898.

I desire to obtain my discharge from the United States Army. I would consider it a very great favor if you would use your influence in obtaining my discharge, that I may be able to avail myself of opportunities that present themselves to me as a physician.

HARRY F. THOMPSON,  
Hospital Corps, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, November 27, 1898.

Over 90 per cent of the boys have but one wish in life now, and that is to go home. I speak advisedly when I give you that percentage, and I really think that not 20 of the enlisted men of the regiment could be induced to stay here if they had a chance to go home.

LEE STOVER,  
Lieutenant-Colonel First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, November 27, 1898.

There is not a man in the regiment who is not anxious to return home, now that there is practically no reason for their remaining, excepting a few officers, and I am sure you would receive the everlasting gratitude and friendship of the First South Dakota if you would use your influence to have them returned home as soon as possible.

A. H. BOWMAN,  
Captain and Surgeon, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, December 14, 1898.

After being in charge of the hospital at Cavite for the past three months, I am now back with the regiment. I find many of the boys homesick and at least 90 per cent of them want to go home. If you can do anything to bring about this result, you will have the lasting thanks of this 90 per cent. I write this because I believe you should know how things stand.

R. C. WARNE,  
Major and Surgeon First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, December 23, 1898.

The sentiment in this regiment, as probably in all volunteer regiments, has undergone no changes. When we were in San Francisco, we were all anxious to get to the Philippines. Now that we are here, we are all thoroughly disillusioned and are as anxious to get home as we ever were to get away. I am perfectly satisfied to remain here, but I know the regiment too well to be ignorant of the fact that every man in it, practically, wants to go home as soon as possible.

JONAS LIEN,  
Adjutant, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, January 25, 1899.

Ninety per cent of this regiment wants to be mustered out. I beg you to use your influence to get us home.

R. J. MOES,  
Company H, First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, January 26, 1899.

We ask your influence and aid in effecting our return to our homes and to the more lucrative avocations which we abandoned at the call of our country's need.

HUGH D. MCCOSHAM,  
Company H, First South Dakota Infantry.

MANILA, February 6, 1899.

I took occasion late the night I saw your letter to tell the boys of the different companies, as I was making my round as field officer of the day, of the welcome news in your letter, and if you could have seen those boys' faces and heard the heartfelt expressions of joy at the immediate prospect of their release from this life, you would say, as I do, that not 90 per cent, but 99 per cent of the enlisted men want to be returned home.

LEE STOVER,  
Lieutenant-Colonel First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, March 16, 1899.

The regiment, almost to a man, will refuse to reenlist under the new Army bill, and I want you to keep things moving to get us out as soon as it can be done.

LEE STOVER,  
Lieutenant-Colonel First South Dakota Infantry.

MANILA, PHILIPPINE ISLANDS, April 9, 1899.

I dare say that it is the desire of every enlisted man in our regiment to go home as soon as possible.

GUY E. KELLY,  
Company H, First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, May 27, 1899.

The boys all want to come home, excepting 6 who wish to enlist in the Regular Army and 15 who wish to be mustered out here for the purpose of prospecting or of going into business. Many of the men have attempted to apply for their return home and discharge through military channels, but Colonel Frost has held them up.

R. C. WARNE,  
Major and Surgeon First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, May 28, 1899.

On the 21st of this month I received 46 applications for discharge from members of Company I, First South Dakota Infantry. These applications were forwarded, approved by me, but the next day Lieutenant McClelland

relieved me of command. Going to Colonel Frost, he gets these applications and locks them up in the company field desk, where they are being held.

HORACE C. BATES,  
Second Lieutenant, First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, May 31, 1899.

I wish to congratulate you myself and in behalf of Company H for the great step you have taken trying to get our regiment returned home. It is the wish of every man in our company, and your heart is in the right place. All join hands in thanking you again.

FRANK MUNGER,  
Sergeant, Company H, First South Dakota Infantry.

WATERTOWN, S. DAK., January 14, 1900.

It has been officially said by the President and others in authority that the volunteers voluntarily remained in the Philippines after the purpose for which they enlisted had been accomplished, and after they were legally entitled to their discharge they patriotically continued in the service of their country until a new army could be sent to replace them. As a matter of fact, 90 per cent of the volunteers would have demanded their discharge if given the opportunity when their term of service had expired, and an informal expression of the men of our regiment was to that effect; but an order came from General Otis informing regimental commanders that applications for discharge because of expiration of service would not be entertained at headquarters, and the order instructed regimental commanders not to forward such applications. As a result of this order 14 applications from the men of my company were returned to me from regimental headquarters with an indorsement setting forth the orders from corps headquarters, and applications from other companies of the regiment were similarly treated. This order of General Otis was in direct violation of orders from the War Department.

C. H. ENGLESBY,  
Late Captain Company H, First South Dakota Infantry.

Mr. PETTIGREW. I also have some extracts from letters written to the governor of South Dakota and extracts from letters published in the papers of South Dakota on the same subject, and I ask that they may be read.

Mr. HAWLEY. Are they of the same tone and character?

Mr. PETTIGREW. Yes.

Mr. HAWLEY. Might they not be profitably omitted?

Mr. PROCTOR. Let them be printed in the RECORD.

Mr. PETTIGREW. There are but few of them. It will take but a few moments.

Mr. TELLER. I shall object to anything being put in the RECORD without being read. We do not know what it is.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SAN FERNANDO, PHILIPPINE ISLANDS, May 22, 1899.

To T. H. AYERS, Private Secretary to Governor Lee.

I have to-day mailed a petition from my company to Governor Lee, upholding the action he has taken in regard to our regiment being held here against its will.

D. E. CALLERAN,  
First South Dakota Infantry.

MANILA, May 8, 1899.

To THE ALEXANDRIA (S. DAK.) HERALD:

To say that we want to go home is putting it far too mild; and to say that we have done our share is not half enough.

JAS. H. LEE,  
First South Dakota Infantry.

[Extracts from letters to Governor Lee, of South Dakota.]

SAN FERNANDO, PHILIPPINE ISLANDS, May 19, 1899.

The boys all want to come home now. The boys are signing applications for their discharge and will send them direct to the United States. They have been misrepresented at corps headquarters here by some one. General Otis says our regiment wants to stay in the service. This is false.

R. C. WARNE,  
Major and Surgeon First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, May 30, 1899.

A daily effort is being made by Colonel Frost to detain our boys here as long as possible. None of the boys have succeeded in getting their applications for discharge to the Adjutant-General yet.

R. C. WARNE,  
Major and Surgeon First South Dakota Infantry.

SAN FERNANDO, PHILIPPINE ISLANDS, June 8, 1899.

Allow me, as a member of the South Dakota regiment, to congratulate, and at the same time thank, you for your earnest efforts to have the regiment returned. We contend that our obligations to the United States ceased with the ratification of peace and that we were then entitled to honorable discharge. Our boys, contrary to reports of General Otis and other officers, as well as certain newspapers, have expressed their desire to retire from the service, and the enlisted men without exception want to be mustered out as soon as possible.

CLYDE W. ALLEN,  
Principal Musician First South Dakota Infantry.

[Extracts from soldiers' letters published in newspapers.]

MALOLOS, April 8.

FLANDREAU HERALD:

I do not believe there is a people anywhere living in a tropical climate who are more intelligent and industrious than the Filipinos, and it almost breaks our hearts that we have to fight them. I was over and had a chat with some Nebraska lads last night. Lots of them say they will not go another step if

they are ordered to advance. They enlisted for a better purpose than to be used as murdering tools.

PRIVATE CLARK,  
*First South Dakota Infantry.*

—  
MANILA, June 8.

HOWARD DEMOCRAT:

I hope they will let us to go home when the regulars get here, but I hardly think we will leave here for some time.

DICK MILLS,  
*First South Dakota Infantry.*

ARMOUR HERALD:

How long it will be before things are quiet it is hard to tell. Maybe not for months yet. We, like the niggers, want to play quits, too.

OTTO ROSS,  
*First South Dakota Infantry.*

IPSWICH DEMOCRAT:

All we want now is our discharges and home. When they will come is a riddle none of us can guess.

FRED MITCHELL,  
*First South Dakota Infantry.*

—  
MALOLOS, May 1.

LAKE PRESTON TIMES:

There is no doubt the volunteers are imposed upon, for there are regulars here who have seen little or no fighting at all. I do not think General Otis can keep the volunteers here much longer.

JNO. B. MAY,  
*First South Dakota Infantry.*

—  
CALUMPIT, May 4.

DE SMET NEWS:

We will all be glad when it's over and we can board the transports for the homeland.

CHAPLAIN DALY,  
*First South Dakota Infantry.*

—  
MANILA, April 9, 1899.

SIoux FALLS PRESS:

It is funny that the boys have to fight after the peace treaty has been signed. We are just laying around in the dirt and hot sun fighting with each other and wishing we were back in the States.

WM. E. FAY,  
*Company H, First South Dakota Infantry.*

—  
MANILA, —, —.

DE SMET INDEPENDENT:

There is no talk here of the South Dakota regiment joining the Regular Army. Most of them are anxious to get back home and go at their regular occupations again.

CAPTAIN LATTIN,  
*First South Dakota Infantry.*

—  
GINQUINTO, April 20.

MINNEAPOLIS TRIBUNE:

We don't know when we will get home, and are getting so we don't care. But don't you believe anyone who says the Thirteenth wants to stay, because they don't.

MYRON W. HINGELEY,  
*Thirteenth Minnesota Infantry.*

—  
MANILA, April 3.

ALEXANDRIA JOURNAL:

Well, I think that we will go home about November or December, if God and Otis are willing.

JAS. H. LEE,  
*First South Dakota Infantry.*

Mr. PETTIGREW. These facts were called to the attention of the President of the United States by the governor of South Dakota, who wrote the President a letter some time in April last, and I ask to have the governor's letter to the President upon this subject read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

His Excellency WILLIAM MCKINLEY,  
*President of the United States, Washington, D. C.*

SIR: In obedience to what I believe to be the most universal wish of the people of my State, I desire to request the return to the United States of the First South Dakota Volunteer Infantry, now engaged under General Otis in a war against the inhabitants of the island of Luzon.

This regiment was mustered into the service of the United States nearly a year ago, when your excellency called upon South Dakota for volunteers to defend the flag of our common country in a war undertaken in the interests of humanity and against the Kingdom of Spain.

The soldiers of the First South Dakota enlisted in the war against Spain which was concluded some time since by the signing of the Paris treaty of peace, and the task for which they entered the service has been completed; the war for humanity has ended; the battle for the liberation of Spain's enthralled subjects has been successfully concluded, and since that war, the one for which the soldiers enlisted, my people feel that the South Dakota volunteers have filled every obligation which they owe to their native land to rejoin their families and friends and to take up the peaceful pursuits which they dropped when the call came to enter upon a campaign for the promotion of the right of self government.

We view their present or future retention in the service as unconstitutional and a violation of the law which called the organization into being, and we feel quite certain that your Excellency will not hold them in the service against their will, against the law which terminated their service with the close of the war, and against the moral sense of the people of our State, without at least offering some sound reason for so doing.

So far as the information of the people of my State goes, they do not know that any war or exigency exists at the present time. The Congress of the

United States has never made a declaration of war against the inhabitants of the island of Luzon. The Constitution does not permit your Excellency or any commission appointed by your Excellency, to make a declaration of war. The fighting which has been done in the island of Luzon is regarded as an enterprise which lacks the consent of the Congress, and in which the people of their Republic have been in no wise counseled or consulted.

The course of the constituted authorities of the United States is regarded as an effort to subjugate an alien race to the authority of the United States, a course which is repugnant to the fundamental principles of this Government, a violation of the Declaration of Independence, a repudiation of the theory upon which we engaged in a war with Spain, and utterly inconsistent with your excellency's splendid announcement respecting the policy to be pursued toward Cuba, viz. that forcible annexation can not be thought of, because under our code of morals that would be criminal aggression.

We are unable to reconcile the slaughter of our soldiers in the Philippines which will be consequent upon a prolonged struggle for the subjugation of a race which has been fighting for three centuries to gain its freedom with any code of political ethics or with the tenor of our Christian religion, and for these and many other manifest reasons we will be pardoned for feeling that our soldiers should no longer be impressed into a service the purpose of which is the direct opposite to the motive which caused them to enlist.

Our people take great pride in their soldiers; they have viewed their brilliant exploits and their gallant devotion to the tasks assigned them with a pride which is both natural and pardonable, but a further display of their ability and willingness to die in obedience to the orders of a superior man will neither add to their glory nor to their country's honor; nor is it likely to change the fatal policy which has plunged them into an unwelcome contest.

This nation expended \$2,000,000,000 less than forty years ago to repudiate the feudal theory that a white man had the right to buy the body and force the service and the undisputed allegiance of the black man without that black man's consent, and the citizens of South Dakota, many of whom engaged in the horrors of that conflict, and others who have read its thrilling incidents, are unable to countenance the present attempt of this Government to enforce a title with bayonets to a nation of brown men purchased from a disgraced and vanquished despot.

The hundreds of relatives and the thousands of friends of this regiment would willingly bear the loss of the best manhood of the State if they felt that our soldiers were fighting to defend our homes and firesides or to save the Union of States and preserve our institutions, or to expel despotism from any quarter of the earth; but they have occasion to regard the further sacrifice of our soldiers in a conflict waged against liberty, and in the interest of exploiting capitalism, as totally incompatible with the spirit of our institutions, and a more grievous hardship than we should be compelled to bear.

I am, with great respect,

ANDREW E. LEE,  
*Governor of South Dakota.*

Mr. PETTIGREW. On the 2d of April I addressed a letter to the President saying the South Dakota troops wished to be discharged; that they had served their full term, and that I had received very many letters from them requesting their return. The facts in the matter are that after the treaty of peace was signed the troops began to demand that they be returned to the United States. I went repeatedly to the Department to ascertain when they would be returned, and I was always encouraged that it would be very soon, so much so that I wrote the soldiers and told them that they would be promptly returned to the United States. Matters ran along until April, and on the 2d of April I wrote the President a letter and asked him to have the soldiers returned. On the 14th of April the governor of my State wrote the letter which has just been read, and I received a reply dated the 14th of April to my letter, which is as follows:

Your letter of the 2d of April to the President, in which you urge the return to the United States of the First South Dakota Volunteers, now serving in the Philippine Islands, has been referred to this Department, and in reply the Secretary of War desires me to say that, while he is unable at this time to indicate, even approximately, the date of the return of the volunteers now in the Philippine Islands, it is the hope of the Department that at least such of them as do not desire to remain in the islands will be returned at an early date, and that orders looking to that purpose are now in preparation.

Thereupon I wrote the President a letter, which I desire to have read from the desk. I demanded the discharge of this regiment as a regiment, not that some individuals should ask to be discharged and returned home, but that the whole regiment, having served their full term, had a right to return, and that those who wished to remain should reenlist.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

COMMITTEE ON INDIAN AFFAIRS,  
UNITED STATES SENATE,  
*Washington, D. C., April 17, 1899.*

DEAR SIR: I again write to insist upon the discharge of the First South Dakota Regiment, now serving in Manila. Their term of enlistment has expired. No act of Congress passed since they entered the service can affect their status, and the private soldiers of that regiment want to come home. Enough of their number have been sacrificed already in your effort to deprive the people of the Philippines of the right to govern themselves—a right which they have won by their success over Spain and their assistance to us as our allies; a right which they show they have the ability to exercise by their willingness to lay down their lives for it.

I feel that the blood of the South Dakota boys sacrificed in that contest must be laid at the door of your Administration, and that impartial history must place you among the most dishonored of rulers in all time. Your effort to subject these people by force, indicated by your declaration of war against them on the 21st of last December, is the international crime of the century—in fact, must be classed as among the greatest of international crimes of all centuries.

I can not remain silent under these circumstances and allow the South Dakota troops to be used in this perfidious work. We granted you \$50,000,000 two months before the Spanish war commenced, and yet you armed the South Dakota troops with Springfield rifles of an ancient pattern, and with those guns of short range our boys have lost their lives, in almost every instance before within shooting distance of the enemy. You should have expended the money which Congress so generously placed in your hands and

obtained modern arms and smokeless powder. I would like to know why you did not do it, and why the lives of those Dakota boys were sacrificed in this manner. I feel that every mother who lost her boy has a right to call upon you for an explanation.

I will not pursue this subject further. I simply write the letter to insist upon the right of these soldiers to return to their homes.

Yours, truly,

R. F. PETTIGREW.

Hon. WILLIAM MCKINLEY,  
President of the United States.

Mr. PETTIGREW. On the 16th of June the governor of my State addressed another letter to the President demanding the return of this regiment, and I desire to have that also read by the Secretary.

The Secretary read as follows:

PIERRE, S. DAK., June 16, 1899.

SIR: On the 10th of April, 1899, I addressed you requesting the return to their homes of the members of the First South Dakota Volunteer Infantry. At that time I stated that their term of enlistment, which was for the Spanish war, had been concluded by the ratification of the treaty of peace between the United States and the Kingdom of Spain, and that the volunteers who enlisted for the war with Spain, having faithfully served their country with distinction to themselves, their State, and honor to the nation, were entitled, under the laws of the country and the rules of justice and equity, to be relieved from their trying and necessarily hazardous life and given an opportunity to return to their homes and friends.

Since that time these soldiers have been ordered into battle on several occasions: some of them have lost their lives, others have been wounded, and still others have broken down under the rigors of the climate and excessive labor. Without stopping to properly characterize the conscription of these soldiers in this manner, I desire to call your further attention to the letter which I received through the Adjutant-General on May 6, 1899, nearly a month after I had written to you concerning the return of the volunteers, in which the distinct promise is made that our troops would be ordered to return to America to be mustered out by the middle of June and not later than the 1st of July.

The fulfillment of this promise was made contingent upon transportation facilities. Am I safe in assuming that this promise will be fulfilled? Since the 10th of April not less than 18 transports have left Manila, some of them carrying but a few men and others carrying no soldiers to speak of at all. Can the volunteers who have served their country under such trying circumstances, who have done their duty when no legal or moral obligation would have dictated that they perform the service, rest in the assurance that they will now be sent home and given the rest which they have so richly earned? Can the parents and friends of these men rest with the same assurance, or are they to be disappointed in the future as they have been in the past?

I am in receipt of a late report from the surgeon of the regiment, in which he states that but 400 men in the organization are fit for duty. This was on the 27th of April, since which time much arduous service has been experienced by the men, and the presumption is that a much less number are now fit for service.

I feel very strongly the injustice which has been practiced upon these men, and I sincerely doubt the propriety of a great Government exercising bad faith with its volunteers, the result of which will be that it may be more difficult in the future to secure volunteer soldiers, who in this war, as in others, have shown that they are superior soldiers, deserving the highest consideration.

It is not a pleasant matter to be compelled to complain of the chief officer of the Government, but the impulse of duty is stronger than the amenities of official life; and while the President is entitled to the confidence and support of the people in all good works, the people will not fail to remember that he is still their servant.

I was in hopes there would be no further necessity of writing regarding the return of the South Dakota volunteers, they having been ordered back to Manila, I supposed, for the purpose of being returned home at once; but after reading the following article, which appears in the press of the 15th, I am again led to believe that the promises recently made are no more to be relied upon than those made in the past.

WASHINGTON, D. C., June 14, 1899.

Hon. R. F. PETTIGREW, *Sioux Falls, S. Dak.:*

Your telegram received. First South Dakota was the twelfth regiment to go to Manila and will return in the order of its going. The question of its further service on the firing line will be determined by General Otis and the exigencies of the service there.

G. D. MEIKLEJOHN,  
Acting Secretary of War.

From this it appears that there is no certainty when the South Dakota regiment will be returned.

I hope to be assured, without the delay of one month, which was required to answer my last letter, that the soldiers of my State are to be returned to America with all possible speed.

Very respectfully, yours,

ANDREW E. LEE,  
Governor of South Dakota.

His Excellency WILLIAM MCKINLEY,  
President of the United States, Washington, D. C.

Mr. PETTIGREW. The governor's letter was read to the companies of the regiment, and thereupon Company A sent the governor the following:

COMPANY A.  
STATION COMPANY A, FIRST SOUTH DAKOTA INFANTRY,  
UNITED STATES VOLUNTEERS,  
San Fernando, Philippine Islands, May 22, 1899.

To his excellency the GOVERNOR OF SOUTH DAKOTA, *Pierre, S. Dak.:*

We, the undersigned members of Company A, First South Dakota Infantry, United States Volunteers, do hereby sanction and uphold you in the action you have taken in regard to our being held after the signing of Paris treaty of peace.

W. C. Notmeyer, Fred C. Cloter, Frank Groseclose, Howard H. Ainsworth, Corpl. William M. Walters, Alfred Heglund, George Reynick, Albert T. Caveness, Sergt. W. O. Oldfield, Jesse W. Owens, Sergt. A. Rathmel, W. M. Bradford, Bert Jones, John H. Goddard, Peter L. Lynott, John Jess, John W. Latta, Milton A. Snider, William H. McNutt, Howard B. Boyles, Daniel F. O'Neil, Charley B. Green, Ray L. Greer, E. A. Beckwith, Charles Kiser, V. H. Green, Christopher Mallick, Corpl. S. E. Snyder, Oliver Fellers, Andrew Stick, Terrence P. Leonard, Fred Gifford, A. S. De Hart, L. F. Ferry J.,

E. Calhoun, Harry R. Johnson, Char. y H. Doane, E. E. Graham, D. O. Kiesborg, John L. Frisk, Charles M. Bray, Fred A. Jewell, Ernest E. Gooding, Corpl. James H. Pratten, First Sergt. George E. Barker, Calvin F. Barber, H. V. Malone, Newton Garner, Arthur J. Bushnell, Oscar J. Williams, Leonard T. Scovel, Melvin A. Perkins, Edward J. McMackin, Roy Atkins, Wilson Hinkley, W. C. Hoover, H. A. Chase.

As will be seen, this letter is signed by 57 of the men of this company. It says here:

There are still other members who are on special duty and sick leave.

Company G also sent the following:

COMPANY G.

SAN FERNANDO, PHILIPPINE ISLANDS, May 22, 1899.

To his excellency GOVERNOR LEE, *Pierre, S. Dak.:*

SIR: We, the following members of Company G, First South Dakota Volunteers, do uphold and sustain the action which you have taken in regard to our being held in the service after the signing of the Paris treaty of peace.

James E. Cauty, George Swanhelm, James Black, P. H. Albert, Swan Anderson, George W. Bower, L. H. Dexter, A. E. Spown, Bert Kellett, Edwin J. Allen, Frank L. Sayles, John P. Birkemo, George S. Bertrand, Oliver R. Burdett, Henry E. Hanson, Nelson Oliver, John G. McFadden, James Ross Kelling, Patrick A. Maney, Fred W. Dricken, E. O. Sloan, Lon F. Wesley, Fred C. Hazelton, Carl W. McConnell, Henry Tunis, Samuel F. S. How, Carl F. Oliver, Lowell F. Chesley, Jerry C. Turman, John A. Knoodel, J. B. Calbert, Clarence A. Srong, C. L. Kelso, R. M. Lanio, Charles A. Fonda, Paul Weiss, Chris Peterson, James E. Doughty, C. F. O'Brien, Orval Tucker, Frank Stewart, Will Alexander, A. H. Eisile, Chas. P. Green.

This is signed by 44 members of this company, and at the foot is this note:

GOVERNOR LEE:

SIR: The above names are of the men who are able to report for duty, and the balance of the company is sick in the hospital and in quarters.

Now, the fact of the matter is that these soldiers were kept until they were absolutely destroyed as a fighting machine. They were in nearly every fight from the beginning clear through the entire summer. Sixty of their number either died of disease or were killed in battle, and many others were wounded and crippled for life. Twelve of their number have died since they returned home. An examination by the surgeon at San Fernando in June or early in July shows that there were not eight men in a company fit for duty or sound and well or who had a normal pulse or a normal temperature.

They had been worked in that deadly climate, while the regulars were kept in Manila and out of the service. Why? Because ultimately they could send the volunteers home, what was left of them, and they determined to use them to the fullest extent, knowing that there would be no loss in the number of troops that they would have, no matter how many of them died or were killed, and so they worked this regiment. No braver men ever went to war, no braver ever lived, and no soldiers ever performed a braver service in spite of the fact that they did not approve of the cause. Yet we are told that those who do not sympathize with this threat of criminal aggression are responsible for the death of these men!

I am going to read a letter now from one of the boys of this regiment who is a resident of Minnesota, W. C. Akers. I read simply an extract:

[Sioux Falls Press, July 21, 1899.]

PIPESTONE, MINN., July 20.

The following extract from a letter from W. C. Akers, of the First South Dakota Volunteers, to his sister, who lives with her parents in this city, is believed here to fairly express the views of all the boys in regard to the situation in the Philippines—

This is the letter:

"The boys are sick of it. There is no glory fighting against a people struggling for independence, and the regiment is being kept here against their will. The boys are loud in their praise of Governor Lee in his determined stand taken with the Administration in our behalf, and when the regiment returns to the States our governor will be vindicated. The papers which are criticising him are doing it solely for political effect; but the regiment will stand by Governor Lee to a man. I do not make the above statement at random, because I know the exact position all the boys take, and time will prove that it is true. Wait until we get back and we will stand by 'Andy' Lee to a man. You may have this letter published if you want to. I want the people back here to know how the volunteers feel about this matter.

"The whole Philippine Islands is not worth one drop of American blood, regular or volunteer."

Now, Mr. President, after this regiment had been destroyed, after all the men were sick, after out of a thousand men there were less than 400 who reported for duty, they were reluctantly returned home. If they had been returned home when the Astor Battery was returned, they would have received the commuted travel pay which the Astor Battery received. If they had been returned home when they demanded to be returned, they would have got four or five hundred dollars, as was given to the Astor Battery; but having remained, having fought through all these fights and lost 60 men, this regiment was told that the Government would give them what it gave the Astor Battery if they would reenlist.

Who exercised the option? Somebody exercised it, and because they would not reenlist they did not give them what they gave the Astor Battery that returned without seeing any fighting, but

after keeping them four or five months against their will they are now cruelly told to "reenlist if you want what we gave those men who went back before the fighting commenced." Then they were impliedly told that if they ask to go home they are cowards, because the President implies that when he makes the statement I shall read. At Sioux Falls, S. Dak., in October, 1899, the President, addressing a company of these boys, said:

Our flag is there. Our boys bore it, bore it heroically, bore it nobly; stayed with it when they could have been mustered out; but they said, "We will stay until our places can be filled with new soldiers rather than see the flag go down in dishonor."

That is the statement which prompted five of those boys who heard it to come to my office and brand it as untrue. It was placed in fine phrases in order to catch a cheer. It failed because these men had been outraged by unfair and unjust treatment.

I received in one mail letters from 119 of those men demanding their discharge, and when I transmitted that request to the Department it was ignored. My letters were not answered in almost every instance; no reply came when, as a Senator from the State of South Dakota, I wrote to the President and the Secretary of War and demanded the return of this regiment. The clamor became so wild throughout the State, and throughout the whole country for that matter, for the return of these troops that that and the fact that they had been destroyed as a fighting machine finally led to their return.

I have hundreds of other letters from these soldiers, all to the same import and not one to the contrary. When I first demanded their discharge in December, or early in January, I wrote to the adjutant of the regiment, Jonas Lee, and I asked him if the soldiers wished to remain; if they wanted to be transferred to the Regular Army. There was some talk of passing a bill to increase the Regular Army and allow those organizations who wished to be transferred bodily into the service. He wrote back and said he hoped I would never mention such a thing; that there were no men in the regiment who wished to remain and fight; that they wished to come home.

He said he was willing enough to remain, because he had no family ties and no one dependent upon him, and that he might gain promotion if the war went on. I asked him how it was with the rank and file; if they insisted upon their return? In fact I cared little about how the officers stood on this question. I wanted to know how the rank and file of that regiment felt about it, for I knew that the brave soldiers in this regiment were from the best families in my State. They were the students from our schools, the young doctors and lawyers and business men, and almost every one of them was able to fill almost any official position in the regiment.

I visited the Department at various times, and I was told repeatedly by the Adjutant-General of the United States that these troops would be returned by the next transports. I was told this early in June; I was told it time and again. I asked for their return, and they said the transports on the way to Manila should bring back the South Dakota troops. Now, what are the facts? Here is a letter to the governor of my State, signed by Mr. Corbin, which I will read:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, July 5, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of June 16, addressed to the President of the United States, in reference to the return from the Philippine Islands of the First South Dakota Volunteer Infantry, and, in reply, your attention is invited to the fact that the First South Dakota Regiment was the thirteenth organization to arrive at Manila, and the commanding general at Manila has instructions to return the volunteer regiments in the order in which they arrived in the Philippines.

When the letter of May 6 was written, this office was then under the impression that by July 1 the South Dakota regiment would have left Manila, but on account of the lack of transports it was found that these expectations could not be met. The only regiments now to return before the South Dakota are the Thirteenth Minnesota and the First Montana, and it is estimated that the regiment from your State will probably leave Manila by the end of this month.

Very respectfully,

H. C. CORBIN,  
Adjutant-General.

HON. ANDREW E. LEE,  
Governor of South Dakota, Pierre, S. Dak.

This is dated July 5. I say the War Department thus makes the sole excuse for the neglect of the return of the First South Dakota regiment, which at that time had been reduced to 275 men on duty, that there was a lack of transports for the return of the regiment. Now, we will see whether there was a lack of transports or not. The following transports had returned from Manila previous to May 14 last:

The *Warner*, March 8; the *Hancock*, March 9; the *Newport*, March 9; the *Morgan City*, March 12; the *Senator*, March 20; the *Ohio*, March 20; the *Grant*, March 25; the *Sherman*, April 3; the *Valencia*, April 18; the *Sheridan*, April 26; *City of Pueblo*, May 7; the *Pennsylvania*, May 10; the *St. Paul*, May 13.

This letter from Mr. Corbin is dated July 5. On these 13 great transports there were brought home a total of 388 soldiers. None came on the last three named. The letter of Adjutant-General Corbin to Governor Lee was written May 6. The next day the

*City of Pueblo* sailed from Manila empty, and three days later the *Pennsylvania* did the same thing, and three days later the *St. Paul* also sailed. Yet July 5 the War Department reports that the sole reason for the failure to send home the troops whose terms had long ago expired was a lack of transports. But other transports have since returned, as follows:

June 14, the *Ohio*, with 760; took to Manila 772.

June 14, the *Newport*, with 500; took to Manila 527.

July 1, the *Hancock*, with 1,250; took to Manila 1,394.

On the way, *Indiana* and *Morgan City*, with 582; *Morgan City* took to Manila 612; *Indiana*, 787.

These six transports, all of which sailed from Manila since the Department promised to start the South Dakota boys, brought back 3,693 soldiers and took over to Manila 4,805. They could have brought back, even if not loaded more than when they went, 1,113 more. All of these facts, promises, and statements were made by the War Department to the governor of my State or made to me.

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

Mr. PETTIGREW. Certainly.

Mr. SCOTT. Have the troops from your State made any complaint that they had not been returned?

Mr. PETTIGREW. If the Senator had been listening he would have found that I have read a number of letters from these troops which speak for themselves, in which they say they demanded their discharge and that it was denied them and refused them. In one instance, and I do not lay my hands on the paper, after I had been informed and the soldiers had been informed through me and also through other sources that they could be discharged upon individual application, a soldier made his application in the regular way and it went on up to the head officer in Manila and there was written on it the indorsement, "No discharges will be granted while hostilities continue." I ask leave to put that letter in the RECORD when I find it. It is among the papers here. There are some other papers which I desire to have printed as an appendix to my remarks, and I shall ask unanimous consent to do so.

Mr. PLATT of Connecticut. I think we ought to know what the papers are before we give consent.

Mr. PETTIGREW. Very well; I will read such of them as I have time to read to-night.

Mr. TILLMAN. Will the Senator from South Dakota yield to me for a moment?

Mr. PETTIGREW. I yield to the Senator from South Carolina.

Mr. TILLMAN. I wish to have a resolution passed in regard to the matter I had up a little while ago, which was ruled out upon a point of order.

The PRESIDENT pro tempore. The Senator from South Dakota yields to the Senator from South Carolina.

CLAIMS FOR PROPERTY USED OR DESTROYED BY TROOPS.

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

Resolved, That the Secretary of War be directed to communicate to the Senate the number, amount, and character of all claims which have come to his knowledge against the United States for damages to private property used or destroyed by troops in the military service within the limits of the United States during the war with Spain, and to ascertain the loss or injury, if any, that may have been sustained by such claimants, and report to the Senate what amounts he finds to be equitably due from the United States to such claimants.

DOCUMENT ON NATIONAL CAPITAL.

Mr. GALLINGER. The Senator from South Dakota yields to me that I may offer a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Committee on the District of Columbia be, and it is hereby, authorized to obtain such photographs as may be necessary to complete Senate Document No. 60, Fifty-sixth Congress, first session, at an expense not to exceed \$300.

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

Mr. HAWLEY. I do not quite understand it. Will the Senator explain it a little? What is the use of those photographs?

Mr. GALLINGER. It is an important document that was ordered printed in reference to the national capital, and certain further illustrations are necessary to complete it, in the opinion of the committee.

Mr. HAWLEY. What is the book, please?

Mr. GALLINGER. It relates to the national capital.

Mr. HAWLEY. How does it relate to it?

Mr. GALLINGER. I confess I can not answer that question offhand. I have not thought about it recently.

Mr. HAWLEY. Is it for private use?

Mr. GALLINGER. No, sir; it was ordered printed by the Senate. I will withdraw the resolution if there is objection to it and look the matter up more carefully. I think, however, when a committee asks for a little matter of this kind technicalities ought not to be raised.

Mr. HAWLEY. It may be all right; I do not know.

## SENATOR FROM MONTANA.

Mr. GALLINGER. The Senator from South Dakota [Mr. PETTIGREW] yields to me that I may make a motion that the Senate proceed to the consideration of executive business.

Mr. HOAR. Before that motion is made, I ask leave to give a notice.

The PRESIDENT pro tempore. Does the Senator from New Hampshire withdraw his motion?

Mr. GALLINGER. I will for that purpose.

Mr. HOAR. I give notice that to-morrow morning, at the conclusion of the routine morning business, I shall move to take up the resolution reported from the Committee on Privileges and Elections upon the right of Mr. CLARK to hold a seat as a Senator from the State of Montana.

Mr. GALLINGER. I recall the Senator's attention in that connection to the fact that by unanimous consent the Committee on Pensions has been granted one hour at the conclusion of the routine morning business to-morrow, and I trust the Senator will not antagonize that.

Mr. HOAR. If at the time the motion is made the Senate is ready for a vote, I shall ask for a vote; which will take but a few minutes. If, however, any Senator shall desire further time for debate, undoubtedly an arrangement will be made by the Senate, so that the matter will not be pressed upon any Senator who is not ready for his speech. I think we ought to try to put the matter in order for consideration.

Mr. BATE. I ask the Senator if he means now to ask the action of the Senate upon the question?

Mr. HOAR. I do not. I give a notice.

Mr. BATE. Merely a notice?

Mr. HOAR. I give notice that to-morrow morning at the conclusion of the routine morning business I shall make the motion which I have indicated.

Mr. BACON. What is the motion?

Mr. BATE. I believe the Senator from Massachusetts was not here when this matter was discussed a few days ago. Three large volumes of testimony have been laid before us; and sufficient time should be given Senators to examine them before we enter upon the discussion of the case.

Mr. HOAR. Very well. That consideration may be suggested when the motion is made to proceed with the consideration of the case; and the suggestion will be received, so far as I am personally concerned, and I have no doubt so far as the committee and the Senate are concerned, with proper consideration. If any Senator shall say he desires further time, instead of taking up the resolution immediately I will modify my motion to take it up a little later.

Mr. BATE. Very well.

Mr. HOAR. If it should turn out at that time that the Senate will be ready to deal with the case either by beginning the debate or by voting, the Senate will have that opportunity. If any Senator desires a further reasonable time, it is not at all likely that any other Senator will object.

Mr. BACON. I should like to ask the Senator from Massachusetts a question. The Senator says that he proposes on to-morrow to ask that the Montana case be taken up; and, as I understand it, if no Senator then announces that he desires time in order that he may prepare for a speech, the Senator will ask for a vote.

Mr. HOAR. I did not say "in order that he may prepare for a speech."

Mr. BACON. Then I ask the Senator to please state what he did say, for I misunderstood him.

Mr. HOAR. I said I should make that motion, and that the Senate could then decide it; but if any Senator desires reasonable delay when that motion is made, it will receive the full consideration of the Senate. I think Senators will probably not object to that, but I want to have some understanding.

Mr. BACON. I did not understand the Senator to express himself in that way.

Mr. CHANDLER. Mr. President, in other words, if no other Senators, except the members of the committee and the Senators who may be in favor of the passage of the resolution, as we understand it, want to debate it, there is no desire to debate it; but if Senators do wish to debate it, or wish a little time to ascertain whether or not they want to debate it, it will be very satisfactory to give that time.

Mr. BATE. It is not so much a question of debating the matter as it is that we should have an opportunity to examine these three books of testimony. We have to vote upon the case, and we ought to understand it before we are called upon to vote.

Mr. CHANDLER. That raises the question as to what length of time Senators want in which to read these three books. It is a mere question of what is reasonable delay. Reasonable delay will be given, of course. Unreasonable delay will not be given. I do not think there is any reason for discussing the question now as to what will be reasonable and what will be unreasonable delay.

Mr. BACON. I think the Senator from New Hampshire indi-

cates that he does not recognize as reasonable that which others of us would certainly contend for as reasonable, in view of the fact that there have been presented here three volumes of testimony upon a most serious question; and the Senator evidently desires that we should be rushed into a consideration and a vote upon it without time even to read that testimony.

Mr. CHANDLER. The Senator from Georgia is just as wrong—

Mr. STEWART. I suggest to the Senator from Georgia—

Mr. COCKRELL. One at a time.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. CHANDLER] is entitled to the floor.

Mr. STEWART. I wish to state—

Mr. CHANDLER. I have the floor. I will yield to the Senator in a minute.

The Senator from Georgia is just as wrong when he says I want to rush this thing as he was the other day when he said that I challenged him to introduce a resolution because I suggested to him that he introduce it. I had no such purpose. I had not thought that Senators would want to read 3,000 pages of testimony all through before taking up this case for consideration; but, the question being raised as to what is a reasonable time, I should like to ask the Senator from Georgia or the Senator from Tennessee to state to the Senate what he would think would be a reasonable time for delay in calling up this case?

Mr. BATE. I do not myself know. I will wait until the morning when the motion is made, and we can then discuss the matter.

Mr. CHANDLER. What would be reasonable delay, I ask the Senator from Georgia?

Mr. BACON. The Senator from New Hampshire asks me a question as to what I think would be reasonable delay. It is impossible to state, from the fact that no Senator can tell what time he will have to devote to the examination of this subject. I shall certainly never consent to vote upon the question until I have had an opportunity to examine the testimony.

Mr. CHANDLER. How long will it take the Senator to do that?

Mr. BACON. It depends very much on what time can be spared from other duties in this Chamber. If I had nothing else to do but to read the testimony, I could tell the Senator, within a reasonable approximation, how long it would take to examine it; but it is impossible to tell when a Senator does not know how many days or parts of days he will be able to devote to the subject.

But I do say that there ought not to be here to-day any such Senators as the Senator from New Hampshire speaks of—those who are now ready to vote upon this case—because I am sure there is nobody outside of the members of that committee who has had time to make even the most cursory examination of the testimony; and no Senator ought to be ready to vote upon a question involving the seat of a man in this Chamber upon the gravest of charges without having made a decent—no; I will not use that word—a proper examination.

Mr. CHANDLER. That is a better word.

Mr. BACON. I did not intend even hastily to use the word in any offensive sense; but I do say this to the Senator—

Mr. STEWART. Mr. President—

Mr. BACON. If the Senator from Nevada will allow me a moment, I had intended to say that I myself do not desire, and I do not believe any other Senator on this side of the Chamber or on the other side of the Chamber desires, that there shall be undue delay; but there should be a reasonable time given within which to look at the testimony which it has taken the committee three months to elicit from the witnesses upon the stand.

Mr. STEWART. I should like to suggest to the Senator from Georgia that he need not be alarmed about any undue rushing of this matter. I observe that there are three large volumes of depositions. Rushing the matter might create a desire to have them read in order to ascertain whether the testimony in those depositions is relevant. I do not suppose anybody will try to rush this case. I suppose there will be a reasonable time given to examine the depositions outside of the Senate. I do not suppose that any Senator will contend that they should be examined in the Senate. There can be no rushing. If that should be attempted, the reading of the testimony would occupy more time in the Senate than out it.

Mr. CHANDLER. Mr. President, the suggestion of the Senator from Nevada [Mr. STEWART] can not be taken as anything but a challenge or a threat, and the Senator means it as a threat. The Senator means to threaten that, if any attempt is made to urge the consideration of this case, he will have the three volumes of testimony read in the Senate. That is what the Senator means. I have not been unreasonable, and the Senator from Massachusetts [Mr. HOAR] certainly has not been.

I have heard that there is outside of this Chamber—not in it, of course—a determination to delay this case in order that the present governor of Montana shall not appoint a Senator to take the place of the sitting member. I have also heard that there is a purpose to delay this case until next winter, in order that the

Senator from Montana, the sitting member, may the more easily and advantageously conduct his canvass for reelection.

Mr. President, I acquit every Senator in this body of having any such intention; but such an intention has been suggested to me as existing outside of this Chamber; and when the Senator from Nevada makes a threat of the kind he does, I think it is proper for me to say to Senators that these ideas are in the air; and when the question comes to be decided whether a delay is reasonable or unreasonable, the question may have to be decided by a yea-and-nay vote of the Senate.

Mr. STEWART. Mr. President—

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Massachusetts [Mr. HOAR] to the fact that unanimous consent was given that unobjected pension cases on the Calendar should receive one hour's consideration to-morrow morning, immediately after the routine business.

Mr. HOAR. Mr. President, if I may be permitted a moment, I supposed when I gave that notice it would result in some suggestion like that of the Senator from Georgia [Mr. BACON] or the Senator from Tennessee [Mr. BATE] to-morrow when the motion was made, or some suggestion on the part of Senators who are not yet ready to proceed, as to the time to proceed with the consideration of the case—say, three days, or a week, or ten days. I would accede to such a suggestion, unless it turned out that Senators would be ready to vote without debate or delay. I supposed that that proceeding would only occupy three or four minutes and would not interfere with the pension bills in charge of the Senator from New Hampshire [Mr. GALLINGER]. Of course if it should turn out that it would lead to a serious and extended debate, I should postpone the motion to the end of the hour.

#### EXECUTIVE SESSION.

Mr. GALLINGER. Some time ago I made a motion that the Senate proceed to the consideration of executive business. I withdrew it simply to enable the Senator from Massachusetts [Mr. HOAR] to give a notice. I now renew the 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 six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 3, 1900, at 12 o'clock meridian.

#### NOMINATIONS.

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

##### SUPERVISOR OF CENSUS.

Mr. Andrew R. Venable, of Farmville, Va., to be a supervisor of the Twelfth Census for the Fourth supervisor's district of Virginia, vice Francis R. Lassiter, resigned.

##### PROMOTION IN THE NAVY.

Lieut. Commander William H. Turner, to be a commander in the Navy, from the 29th day of March, 1900, vice Commander James H. Dayton, promoted.

##### APPOINTMENTS IN THE VOLUNTEER ARMY.

*To be assistant quartermaster with the rank of captain.*

First Lieut. Thomas B. Lamoreux, Second Artillery, United States Army, April 18, 1900, to fill a vacancy in the Volunteer Army created, under the first proviso to section 14 of the act approved March 2, 1899, by the appointment of Littell, assistant quartermaster, United States Army, to be quartermaster, United States Volunteers.

The nomination of First Lieut. Thomas B. Lamoreux, Second Artillery, United States Army, for the above-named office, which was delivered to the Senate April 23, 1900, is hereby withdrawn.

*To be assistant commissary of subsistence with the rank of captain.*

First Lieut. Thomas Franklin, Twenty-third Infantry, United States Army, April 28, 1900, vice Hutchins, honorably discharged.

##### PROMOTIONS IN THE ARMY,

##### *Adjutant-General's Department.*

Lieut. Col. John C. Gilmore, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, April 28, 1900, vice Volkmar, retired from active service.

Maj. Henry O. S. Heistand, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, April 28, 1900, vice Gilmore, promoted.

##### *Medical Department.*

Lieut. Col. Albert Hartsuff, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, April 28, 1900, vice Alden, retired from active service.

Maj. Charles L. Heizmann, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, April 28, 1900, vice Hartsuff, promoted.

Capt. William Stephenson, assistant surgeon, to be surgeon with the rank of major, April 28, 1900, vice Heizmann, promoted.

##### CONSUL.

Thomas T. Prentis, of Massachusetts, now consul at Rouen, to be consul of the United States at Batavia, Java, vice Sidney B. Everett, nominated to be secretary of the legation at Guatemala City, Guatemala.

##### POSTMASTER.

Harry C. Budge, to be postmaster at Miami, in the county of Dade and State of Florida, in the place of J. S. Warner, resigned. (Through error Mr. Budge was nominated to the Senate and confirmed as Henry C. Budge.)

##### WITHDRAWAL.

*Executive nomination withdrawn May 2, 1900.*

George W. Buswell, to be postmaster at Blue Earth (late Blue Earth City), in the State of Minnesota.

##### CONFIRMATIONS.

*Executive nomination confirmed by the Senate April 30, 1900.*

##### INDIAN AGENT.

Oscar A. Mitscher, of Oklahoma, Okla., to be agent for the Indians of the Osage Agency, in Oklahoma Territory.

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

##### ASSISTANT SECRETARY OF THE INTERIOR.

Frank L. Campbell, of the District of Columbia, to be Assistant Secretary of the Interior.

##### COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

John W. Ross, of the District of Columbia, to be a Commissioner of the District of Columbia.

Henry B. F. Macfarland, of the District of Columbia, to be a Commissioner of the District of Columbia.

##### POSTMASTER.

Oliver Howard Tuthill, to be postmaster at Rockville Center, in the county of Nassau and State of New York.

#### HOUSE OF REPRESENTATIVES.

*WEDNESDAY, May 2, 1900.*

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

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

##### SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report the following bill.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, by direction of that committee, makes the following report.

The Clerk read as follows:

A bill making appropriations for sundry civil expenses for the Government for the fiscal year ending June 30, 1901, and for other purposes.

The SPEAKER. Ordered printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. Mr. Speaker, I reserve all points of order. The SPEAKER. The gentleman from Tennessee reserves all points of order.

##### NICARAGUAN CANAL.

Mr. HEPBURN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2538, and pending that motion, I move that general debate on this bill be now closed.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 2538, and pending that motion, he also moves that all general debate on said bill be declared now closed. The question is on the motion to close general debate.

The question was taken: and the motion was agreed to.

The motion to go into Committee of the Whole was then agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. COOPER of Wisconsin in the chair, for the further consideration of the bill H. R. 2538, to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.