

Also, a bill (H. R. 11733) granting a pension to Daniel W. Weida—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11734) granting a pension to John H. Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11735) granting an increase of pension to J. V. Dickinson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Dubuque Typographical Union, No. 22, of Dubuque, Iowa, favoring the passage of Senate bill No. 2814, in the interest of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Maine: Petitions of C. E. Ward and 21 other citizens of Cumberland and L. W. Dyer and 17 others, of Falmouth, Me., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of A. H. Coussens, druggist, and 10 citizens of St. Louis, Mo., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of Pattern Makers' Association of St. Louis, Mo., for the building of one or more new war ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. BELLAMY: Petition of William Niestle, of Wilmington, N. C., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Petition of A. J. Fulton and other druggists of Blaine, Me., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BULL: Papers to accompany House bill No. 7580, granting a pension to Samuel N. Haskins—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Sister Louise, in charge of Providence Hospital, Washington, D. C., asking for an appropriation to build and equip an addition to the hospital—to the Committee on Appropriations.

By Mr. LORIMER: Petitions of 2,300 citizens of Chicago, Ill., favoring the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany House bill to increase the pension of Fannie A. Sullivan—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Resolutions of Robinson Post, No. 261, Department of Nebraska, 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.

Also, affidavit to accompany House bill No. 11560, to increase the pension of Ralph D. Parsons—to the Committee on Invalid Pensions.

By Mr. NORTON of South Carolina: Resolutions of the Southern Industrial Convention, Huntsville, Ala., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. T. Douglas & Bro., of Bennettsville, S. C., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

SENATE.

MONDAY, May 21, 1900.

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

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

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

AFFAIRS IN THE PHILIPPINE ISLANDS.

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

To the Senate:

In response to the following resolution of the Senate of April 28, 1900: "Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to inform the Senate whether General Torres, one of the officers of the Philippine army, came to General Otis with a flag of truce on February 5, 1899, the day after the fighting commenced between our forces and those of the Filipinos, and stated to General Otis that General Aguinaldo declared that fighting had begun accidentally and was not authorized by him, and that Aguinaldo wished to have it stopped, and that to bring about a conclusion of hostilities he proposed the establishment of a neutral zone between the two armies of a width that would be agreeable to General Otis, so that during the peace negotiations there might be no further danger of conflict between the two armies, and whether Gen-

eral Otis replied that fighting having once begun must go on to the grim end. Was General Otis directed by the Secretary of War to make such an answer? Did General Otis telegraph the Secretary of War on February 9, 1899, as follows: 'Aguinaldo now applies for a cessation of hostilities and conference. Have declined to answer?' And did General Otis afterwards reply? Was he directed by the Secretary of War to reply, and what answer, if any, did he or the Secretary of War make to the application to cease fighting?"

"The President is also requested to inform the Senate whether the flag of the Philippine republic was ever saluted by Admiral Dewey or any of the vessels of his fleet at any time since May 1, 1898. Did Admiral Dewey, at the request of Aguinaldo or any officer under him, send the vessels *Concord* and *Raleigh* to Subig Bay to assist Aguinaldo's forces in the capture of the Spanish garrison at that place? Did said vessels assist in the capture of the Spanish garrison, and after the surrender did they turn the prisoners thus taken over to the Philippine forces?"

I herewith transmit a copy of a cable dispatch to General Otis dated April 30, 1900, and of his reply, dated May 1, 1900.

General Otis was not directed by the Secretary of War to make such an answer as is set forth in the resolution, nor were any answers to communications upon the subject of the cessation of hostilities prescribed by the Secretary of War to General Otis, but he was left to exercise, in respect thereof, his own judgment, based upon his superior knowledge of the conditions surrounding the troops under his command.

I also transmit a copy of a cable dispatch from General Otis, sent from Manila February 8, 1899, received in Washington February 9, 1899, being the same dispatch to which he refers in his reply of May 1, 1900, as misleading. So far as I am informed, General Otis did not afterwards reply, except as set forth in his said dispatch of May 1, 1900. He was not directed by the Secretary of War to reply, and no answer was made by him or the Secretary of War to an application to cease fighting. There appears to have been no such application.

I further transmit a copy of a letter from the Secretary of the Navy to Admiral George Dewey, dated May 14, 1900, and a copy of the Admiral's reply, dated May 17, 1900.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, May 19, 1900.

MILK AND CREAM IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 19th ultimo, a letter from the health officer of the District of Columbia, accompanied by a detailed report from J. P. Turner, V. M. D., inspector of live stock and dairy farms, and also a detailed report from J. D. Hird, M. A., inspector of dairy products and chemist, relative to the quality and condition of milk and cream sold in the District of Columbia; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

HOUSE BILLS REFERRED.

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

A bill (H. R. 321) for the relief of the legal representatives of Samuel Tewksbury, deceased;

A bill (H. R. 427) for the relief of heirs of Mrs. Tellisse W. Wilson;

A bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.;

A bill (H. R. 1860) for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.;

A bill (H. R. 1871) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee;

A bill (H. R. 1889) for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.;

A bill (H. R. 1959) for the relief of the heirs of George W. Saulpaw;

A bill (H. R. 2357) for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of Lavaca Wharf Company;

A bill (H. R. 2619) for the relief of Agnes and Maria De Leon;

A bill (H. R. 3020) for the relief of Rev. William T. McElroy;

A bill (H. R. 3599) for the relief of Lewis M. Millard;

A bill (H. R. 3799) for the relief of Stanley Snodgrass, of Jefferson County, Miss.;

A bill (H. R. 5264) for the relief of the estate of Maj. Guy Howard, deceased;

A bill (H. R. 5355) for the relief of John D. Hale, of Tilford, Meade County, S. Dak.;

A bill (H. R. 5755) for the relief of William Wolfe;

A bill (H. R. 6230) for the relief of Robert Smalls; and

A bill (H. R. 7483) for the relief of James T. Ellis, of Rankin County, Miss.

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

A bill (H. R. 231) for the relief of John Dailey;

A bill (H. R. 628) for the relief of Hamilton M. Sailors; and

A bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased; and

A bill (H. R. 5874) to pay H. P. Dyer for carrying mail.

The bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which

letters patent were ordered to issue to him March 25, 1852, was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 3204) to refer certain claims for Indian depredations to the Court of Claims was read twice by its title, and referred to the Committee on Indian Depredations.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. LODGE. Mr. President, the Senator from Wisconsin [Mr. SPOONER] gave a notice, which stands on the Calendar, that he would address the Senate to-day at 2 o'clock upon the unfinished business. The Senator from Wisconsin has asked me to state that although he fully intended to speak to-day at that hour, and was prepared to do so, he is unavoidably and imperatively detained from the Senate to-day, but that he wishes to renew the notice for the same hour to-morrow. He will address the Senate on the unfinished business at 2 o'clock to-morrow.

PETITIONS AND MEMORIALS.

Mr. PRITCHARD presented a petition of the North Carolina Dental Association, praying for the passage of Senate bill No. 269, to amend the statutes relating to patents; which was referred to the Committee on Patents.

Mr. CHANDLER presented sundry petitions of citizens of New Jersey, praying for the passage of Senate bill No. 4252, for the prevention of the denial or abridgement of the right of citizens of the United States to vote, on account of color; which were referred to the Committee on Privileges and Elections.

Mr. McMILLAN presented a petition of sundry citizens of Detroit, Mich., and a petition of the Epworth League and the Woman's Friendly Missionary Society of Paw Paw, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Sullivan County, N. H., 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.

He also presented a memorial of the National Patriotic Federation, remonstrating against any further appropriation being made for Providence Hospital, and praying for the establishment of a municipal hospital for the District of Columbia; which was referred to the Committee on Appropriations.

Mr. COCKRELL presented a petition of the State League of Local Building and Loan Associations of Missouri, praying that an appropriation of \$5,000,000 be made for the holding of the World's Fair in 1903 at the city of St. Louis, in that State; which was referred to the Select Committee on Industrial Expositions.

Mr. HOAR presented a petition of the Young People's Christian Union, of Canton, Mass., 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. PENROSE presented a petition of the congregation of the Baptist Church of Towanda, Pa., 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. CARTER presented a petition of the Woman's Club of Deer Lodge, Mont., praying for the enactment of legislation to prohibit the desecration of the national flag; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented resolutions adopted by the Grand Army of the Republic, Department of Connecticut, favoring the passage of the bill (S. 2861) to relieve pensioners and Congress by the establishment of a court of pension appeals, and for other purposes; which were referred to the Committee on Pensions, to accompany the bill.

He also presented a petition of the United National Association of Post-Office Clerks of New Haven, Conn., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Crockery Board of Trade of New York City, praying for the enactment of legislation providing that the maximum limit of pay of examiners at the port of New York shall be \$4,000 instead of \$2,500; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the congregations of the Baptist, Congregationalist, Methodist, and Methodist Episcopal churches, all of Belchertown, Mass., 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.

He also presented a petition of the National Executive Board of United Mine Workers of America, praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

ADDRESS ON IMPERIALISM.

Mr. CULBERSON. I ask unanimous consent to have printed in the RECORD an extract from an address delivered by Mr. Justice Brewer before the Liberal Club of Buffalo on the subject of imperialism.

Mr. HAWLEY. What is the request?

The PRESIDENT pro tempore. The request of the Senator from Texas is that there be printed in the RECORD an address by Mr. Justice Brewer on imperialism.

Mr. HAWLEY. Mr. President, I used to serve upon the Committee on Printing. I see no end to this printing in the RECORD of stray addresses and newspaper articles. I consider it on the whole an abuse.

The PRESIDENT pro tempore. The Senator from Connecticut objects.

REPORTS OF COMMITTEES.

Mr. BACON, from the Committee on the Judiciary, reported an amendment providing for the distribution to each of the places where terms of circuit or district courts of the United States are held of one complete set of Federal Cases, with digest, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3572) for the relief of Henry C. Rhoades, reported it with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 11th instant, directing the Secretary of War to furnish one complete set of the Official Records of the Union and Confederate armies to each Senator, Representative, and Delegate of the Fifty-sixth Congress, intended to be proposed to the sundry civil appropriation bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report adversely for indefinite postponement three several bills. They are reported adversely because the subject-matters have been taken care of in other bills.

The bills were indefinitely postponed, as follows:

A bill (S. 4511) concerning allotments of pay of enlisted men of the Army;

A bill (S. 20) making an appropriation to enlarge the military post of Fort Meade, near the city of Sturgis, in the State of South Dakota; and

A bill (S. 3285) to provide permanent buildings for the military post at Fort Meade, near Sturgis, S. Dak.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 4259) granting an increase of pension to Alice Worthington Winthrop, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 4781) relating to certain railway corporations owning or operating street railways in the District of Columbia; which was read twice by its title.

Mr. KEAN, from the Committee on Claims, to whom was referred the amendment submitted by Mr. CLARK on the 18th instant, proposing to appropriate \$318 to reimburse William A. Richards, late surveyor-general of Wyoming, for losses incurred by him through a cloud-burst in the Shoshone Indian Reservation, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORGAN. I submit a supplementary report from the Committee on Interoceanic Canals, to accompany the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, and also present certified copies of three acts of the legislature of New Jersey. I move that the report and accompanying papers be printed as a document.

The motion was agreed to.

Mr. MCBRIDE, from the Committee on Coast Defenses, reported an amendment proposing to appropriate \$92,680 for material, power lathes, tools, etc., for repairs to guns and carriages, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Public Lands, reported an

amendment proposing to appropriate \$5,000 to enable the Secretary of the Interior to ascertain what persons made entry to lands within the limits of any wagon-road or railroad land grant in the State of Oregon, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WOLCOTT, from the Committee on Finance, to whom was referred the bill (S. 880) for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co., reported it with an amendment, and submitted a report thereon.

LANDS AT NAVAL ACADEMY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. McCOMAS on the 15th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate. That the papers from the authorities of the city of Annapolis, State of Maryland, which include certain correspondence of the proper United States naval authorities relative to the acquisition of certain lands adjoining the United States Naval Academy grounds, submitted to the Senate January 24, 1900, be printed, without maps or diagrams, as a Senate document.

AGRICULTURAL DEPARTMENT BULLETIN.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring). That there be printed 17,500 copies of Bulletin No. 20 of the Division of Vegetable Physiology and Pathology, United States Department of Agriculture—Peach Leaf Curl: Its Nature and Treatment—the same to be printed from the stereotype plates in the Government Printing Office, 10,000 copies to be distributed by the Department of Agriculture, 2,500 copies to be distributed by the members of the Senate, and 5,000 copies to be distributed by the members of the House of Representatives.

CRUISE OF REVENUE CUTTER BEAR.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution from the House of Representatives for printing copies of the Cruise of the Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean from November 27, 1897, to September 13, 1898, to report it with amendments. 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 House of Representatives (the Senate concurring). That there be printed 8,500 copies of the Cruise of the U. S. Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean from November 27, 1897, to September 13, 1898, being Treasury Department Document No. 2101, Division of Revenue-Cutter Service, 5,000 copies for the use of the House of Representatives, 2,500 copies for the use of the Senate, and 1,000 copies for the use of the Division of Revenue-Cutter Service, Treasury Department.

The amendments of the committee were, in line 3, to strike out "8,500" and to insert "5,000;" in line 11, to strike out "5,000" and insert, "2500;" and in line 12, before "thousand," to strike out "two" and insert "one."

Mr. COCKRELL. Now, let the concurrent resolution be read as proposed to be amended.

The Secretary read the concurrent resolution as proposed to be amended, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed 5,000 copies of the Cruise of the United States Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean, from November 27, 1897, to September 13, 1898, being Treasury Department Document No. 2101, Division of Revenue-Cutter Service, 2,500 copies for the use of the House of Representatives, 1,500 copies for the use of the Senate, and 1,000 copies for the use of the Division of Revenue-Cutter Service, Treasury Department.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

REPORT OF PHILIPPINE COMMISSION.

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 Massachusetts [Mr. LODGE] on the 16th instant, 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 of each of the remaining volumes of the Philippine Commission's report there shall be printed and bound 15,000 copies, 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives;

That, in addition thereto, there be printed 1,500 copies of each for the use of the Philippine Commission;

That, for the special use of the Department of State, there be printed of the full report 200 copies on 70-pound paper and bound in half morocco; and

That of the supplement to the commission's report there be printed, for the use of the Department of State, 1,500 copies in royal octavo and bound in half morocco.

The amendments of the committee were:

On line 4, strike out all after the word "bound" down to and including the word "Representatives," on line 6.

On line 7, strike out the words "that, in addition thereto, there be printed."

On line 12, after the word "and," insert "500 copies of the second and subsequent volumes, to be bound in brown cloth, uniform with the first volume, for distribution by the Department of State."

On line 16, after the word "morocco," add "Provided, That the printing and binding of the report of the Philippine Commission under the concurrent resolution of February 23, 1900, shall not include this supplement."

Mr. COCKRELL. I should like to hear the resolution read as it is proposed to be amended.

The Secretary read the concurrent resolution as proposed to be amended, as follows:

Senate Concurrent Resolution No. 62.

Resolved by the Senate (the House of Representatives concurring). That of each of the remaining volumes of the Philippine Commission's report there shall be printed and bound 1,500 copies of each for the use of the Philippine Commission.

That, for the special use of the Department of State, there be printed of the full report 200 copies on 70-pound paper and bound in half morocco; and 500 copies of the second and subsequent volumes, to be bound in brown cloth, uniform with the first volume, for distribution by the Department of State.

That of the supplement to the commission's report there be printed, for the use of the Department of State, 1,500 copies in royal octavo and bound in half morocco: *Provided,* That the printing and binding of the report of the Philippine Commission under the concurrent resolution of February 23, 1900, shall not include this supplement.

Mr. ALLEN. Let the resolution go over.

The PRESIDENT pro tempore. The concurrent resolution will go to the Calendar.

COURTS IN TEXAS.

Mr. PETTUS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8369) to detach the county of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes, to report it favorably without amendment, and recommend that it be presently considered.

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

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

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ROSS (for Mr. PROCTOR) on the 18th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the stenographer employed to report the hearings before the Committee on Agriculture and Forestry, April 23, 1900, relative to proposed pure-food legislation, be paid from the contingent fund of the Senate.

HEARINGS ON POST-OFFICE APPROPRIATION BILL.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WOLCOTT on the 15th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the stenographer employed to report the hearings before the Committee on Post-Offices and Post-Roads on the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, be paid from the contingent fund of the Senate.

J. M. RICHARDSON, DECEASED.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MALLORY on the 16th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sarah H. Merchant and Irene I. McCreary, sisters of J. M. Richardson, deceased, late a clerk to the Hon. S. R. Mallory, of Florida, a sum equal to six months' salary at the rate paid by law to said clerk, said sum to include funeral expenses and all other allowances.

EMPLOYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CULLOM on the 16th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the stenographer employed to report the hearings held and to be held by the Committee on Interstate Commerce be paid from the contingent fund of the Senate.

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PLATT of New York on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the stenographer employed to report the testimony taken by the Committee on Printing in relation to the Messages and Papers of the Presidents be paid from the contingent fund of the Senate.

STENOGRAPHER FOR COMMITTEE ON TERRITORIES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was submitted the resolution submitted by Mr. SHOUP on the 17th instant,

reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings held and to be held by the Committee on Territories, on bills referred to that committee, be paid from the contingent fund of the Senate.

ISTHMIAN CANAL INVESTIGATION.

Mr. JONES of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Alabama [Mr. MORGAN] on the 18th instant, to report it without amendment, and I ask for its present consideration.

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

Resolutions to investigate the dealings of persons and corporations with the proposed ship canals in the Isthmus of Darien through Panama and through Nicaragua and Costa Rica.

Resolved: SECTION 1. That the Committee on Interoceanic Canals be, and are hereby, instructed to inquire, examine, and report whether any and what combination of persons or of any corporations is formed, or is in process of formation, or is engaged in any plan or enterprise having for its purpose the monopoly or control of any ship canal or railway across the Isthmus of Darien, at Panama, or in the States of Nicaragua and Costa Rica; that said committee will ascertain and report whether such combination or agreement is obstructive of the policy of the United States to own and control a ship canal across the Isthmus of Darien, or whether it is designed or contemplated by such agreement to interfere with or to hinder or obstruct the United States Government in its diplomatic or other intercourse with any foreign government on the subject of a ship canal across such isthmus, or whether such action on the part of such persons would have such effect if it is or shall hereafter be carried into execution.

SEC. 2. Said committee is instructed to inquire and report whether such plan or purpose as is mentioned or described in section 1 of these resolutions has the sanction of the laws of the State of New Jersey or any other State of this Union, and whether under such laws such corporation, or other association of persons, claims the authority to interfere with the laws, or to control the rights of the people of France, or any other foreign country, in respect of any isthmian canal, or to exercise any corporate or other powers, rightfully or otherwise, in every such country; and whether the toleration of such pretensions and efforts by the Government of the United States is calculated to embarrass the friendly intercourse of the United States with France, or any other foreign country.

SEC. 3. That said committee is further directed to inquire and report whether every such plan or effort as is mentioned or described in section 1 of these resolutions is being promoted or has been promoted by the use of money in the United States, or elsewhere, or by issues, or promises to issue the bonds, or stocks, or scrip, or debentures of any corporation in the United States, or in France, or in any other country; and, generally, to investigate such transactions, so as to reach the real merits of the same and the conduct and purposes of the persons or corporations engaged in the same, to ascertain whether the same are honest or dishonest, or are lawful or unlawful.

SEC. 4. In executing the orders contained in these resolutions said committee may hold its sessions during the sessions of Senate, or in the vacation or recess of Congress; and such sessions may be held, on the call of the chairman of the committee, at any place in the United States.

SEC. 5. The committee is empowered to send for persons and papers, and to examine witnesses under oath, to be administered by the chairman, or by any member of the committee; and for the purpose of conducting the examination of witnesses, and by order of the committee, three members thereof shall constitute a quorum.

SEC. 6. The committee may employ stenographers to take down and report the testimony of the witnesses, and may cause the same to be printed, from time to time, and in confidence, for the use of the committee, at the Government Printing Office, in Washington, D. C.

SEC. 7. The necessary expenses of travel of the committee, its clerk, and stenographer, and for stationery, and for the attendance and travel of witnesses shall be paid out of the contingent fund of the Senate, on the certificate of the chairman of the committee.

Mr. TELLER. What is the purpose of the proposed examination?

The PRESIDENT pro tempore. It is an examination to be made by the Committee on Interoceanic Canals.

Mr. TELLER. I think the resolution had better be read again. I do not think anyone heard it.

The Secretary again read the resolution.

Mr. HOAR. I suggest to my honorable friend from Alabama that instead of saying, "Three members of the committee shall constitute a quorum," the phrase be, "Any subcommittee of their number shall have the power of the full committee." That is the fashion now, and it has the advantage that two subcommittees may sometimes be in session at the same time. It is very convenient in these investigations to have that done; and it also makes it really a committee, and not a subcommittee of the committee.

Mr. MORGAN. We have nine members of this committee, and we could have three subcommittees if we wanted to have subcommittees conduct the examination.

Mr. HOAR. I understand; but if the Senator says that three shall constitute a quorum you can only have—

Mr. MORGAN. A quorum to conduct the examination.

Mr. HOAR. You can not have three quorums of the same committee going on at the same time.

Mr. MORGAN. I think we could.

Mr. HOAR. I do not think so.

Mr. MORGAN. I have no objection to the amendment.

Mr. HOAR. I move to amend by striking out, in lines 13 and 14 on page 3, the words:

Three members thereof shall constitute a quorum.

And inserting the words:

Any subcommittee of said committee shall have the powers of the full committee.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 283) in reference to the civil service and appointments thereunder.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1101) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 6) for the relief of James H. Latham;

A bill (S. 906) to provide an American register for the steamer *Esther*, of New Orleans;

A bill (S. 1066) granting an increase of pension to Margaret B. Shipp;

A bill (S. 1890) granting an increase of pension to Sarah E. Tradewell;

A bill (S. 4129) to detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee;

A bill (S. 4291) to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port;

A bill (H. R. 92) to amend section 864 of the Revised Statutes of the United States, in relation to taking depositions de bene esse;

A bill (H. R. 527) granting a pension to Lucy D. Young;

A bill (H. R. 548) granting a pension to Edward Harris;

A bill (H. R. 969) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888;

A bill (H. R. 1625) granting an increase of pension to Mary B. Douglass;

A bill (H. R. 2621) granting a pension to Ida Wiederhold;

A bill (H. R. 2634) granting an increase of pension to Erasmus Darwin Steen;

A bill (H. R. 2708) granting an increase of pension to Cornelia B. Chauncey;

A bill (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Teckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers;

A bill (H. R. 3490) granting an increase of pension to Freeman H. Farr;

A bill (H. R. 3514) granting an increase of pension to Mary A. C. Kargler;

A bill (H. R. 3778) granting an increase of pension to Ellsey A. Stone;

A bill (H. R. 4086) granting an increase of pension to Jeremiah Lockwood;

A bill (H. R. 4355) granting an increase of pension to Oren E. Barber;

A bill (H. R. 4398) granting a pension to Julius Vogt;

A bill (H. R. 4422) granting an increase of pension to William H. Brookins;

A bill (H. R. 4440) granting an increase of pension to Harriet L. Hughes;

A bill (H. R. 4649) granting a pension to William Bates;

A bill (H. R. 4760) granting an increase of pension to Samuel G. Stein;

A bill (H. R. 5552) for the relief of Northrup & Chick and also of Thomas N. Stinson;

A bill (H. R. 6494) granting an increase of pension to Dorus N. Fox;

A bill (H. R. 7180) granting an increase of pension to Amelia A. Taylor;

A bill (H. R. 7230) granting an increase of pension to Roxie B. Salter;

A bill (H. R. 7740) to amend section 8 of the act of Congress entitled "An act to authorize the Fort Smith and Western Railway Company to construct and operate a railway through the Choctaw and Creek nations in the Indian Territory, and for other purposes;"

A bill (H. R. 7975) granting an increase of pension to William F. Riley;

A bill (H. R. 8107) granting a pension to Nancy W. Hadley;

A bill (H. R. 8389) granting an increase of pension to Martin D. Miller;

A bill (H. R. 8799) granting an increase of pension to William Feek;

A bill (H. R. 8801) granting an increase of pension to William H. H. MacDonald;

A bill (H. R. 9163) granting a pension to Fergusson M. Benton;
A 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.;

A bill (H. R. 9643) granting a pension to Ada E. Whaley; and
A bill (H. R. 9751) granting an increase of pension to David H. Drake.

CIVIL-SERVICE APPOINTMENTS.

Mr. HOAR. I ask unanimous consent that the bill just returned from the House be recommitted to the Committee to Examine the Several Branches of the Civil Service. I am authorized by the committee to make that request.

The PRESIDENT pro tempore laid before the Senate the bill (S. 283) in reference to the civil service and appointments thereunder, returned from the House of Representatives in compliance with the request of the Senate.

Mr. HOAR. I move that the bill be recommitted to the Committee to Examine the Several Branches of the Civil Service. That committee reported the bill originally.

The motion was agreed to.

ESTATE OF THOMAS P. BLAIR, DECEASED.

The PRESIDENT pro tempore. The Chair lays a bill before the Senate from the House of Representatives, and calls the attention of the Senator from Nevada [Mr. STEWART] to it.

The bill (H. R. 2156) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased, was read the first time by its title.

Mr. STEWART. A Senate bill in the same language, reported by the Senate Committee on Claims, is on the Calendar. I ask that the House bill be substituted for the Senate bill, and that the House bill be put upon its passage.

Mr. COCKRELL. Let it be read for information.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Oliver M. Blair, administrator of Thomas P. Blair, deceased, late of Cumberland County, Pa., the sum of \$32,000, being for 25,000 bushels of oats at 80 cents per bushel, and 12,000 bushels of corn at \$1 per bushel, sold and delivered to the United States Government.

Mr. PLATT of Connecticut. I should like to have some explanation of the bill.

Mr. STEWART. I can explain it in a second. Blair was ordered by the War Department, under an arrangement made with the officers, to deliver this oats and corn at a designated warehouse. The Government furnished the bags in which to put it. After it was delivered at the warehouse the Department apprehended that it might be captured by the Confederate forces, and sent word to him to have it shipped to Harrisburg, and before that could be accomplished Lee's army captured the oats and corn. He afterwards applied to the War Department for pay for it, but was told that it would require some action by Congress. The claim appears to be perfectly straight. The oats and corn were delivered in the bags provided by the Government and put in the warehouse designated, and captured before the Government had made use of it.

Mr. COCKRELL. When was this?

Mr. STEWART. I can not give the exact date, but it was in the summer of 1863, just before the battle of Gettysburg. It was when Lee's army moved up there.

Mr. MASON. I should like to ask the Senator if the bill has been considered by the Committee on Claims?

Mr. STEWART. It has been; it was discussed there at length and reported favorably. The report was pretty nearly unanimous.

Mr. MASON. The Senate Committee on Claims?

Mr. STEWART. The Senate Committee on Claims. It was thoroughly discussed there and favorably reported.

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

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

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

COURTS IN CALIFORNIA.

Mr. HOAR. I am directed by the Committee on the Judiciary to report back favorably without amendment House bill 9879. It is a mere change of the districts of California, and I ask unanimous consent for its present consideration.

The Secretary read the bill (H. R. 9879) to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California, to divide said southern district of California into two divisions, and to provide for holding the terms of court at the city of Prescott and the city of Los Angeles.

Mr. CARTER. Mr. President, I should like, with the permission of the chairman of the committee, to make an inquiry regarding the bill, which is prompted by experience. In the case of the United States vs. Rosencrans, which was a prosecution for

the robbery of the mails in the northern division of the district of Montana, the indictment was found in the southern division. The question was as to whether an indictment in the southern division, which was made up of certain stipulated counties, was valid when based upon an offense committed in the northern division. That case was appealed to the Supreme Court of the United States, and owing to the peculiar wording of the Montana statute creating the divisions, the Supreme Court held that the indictment was good in that case, but a perusal of the opinion of the court makes it quite clear that with a slight variation of language the indictment would have been held invalid.

There is another feature connected with this division matter, which arises from the experience of two divisions in one district—that is, the transfer of a cause from one division of a district to another division for the trial; and, second, the inability of the court sitting in one division to pass upon an interlocutory motion for the purpose of bringing causes to issue that are pending in another division of the district. It will be found, I think, that the business of the court will be greatly expedited if, while the court is in session in the southern division, a demurrer or a motion pending in the northern division may be presented to the court sitting in the southern division, and that authority be given to enter the proper order.

Mr. HOAR. I understand the Senator's point; and I think he will find the matter referred to is taken care of in the bill.

Mr. CARTER. I ask for information.

Mr. HOAR. The Constitution of the United States provides in substance—I can not quote the exact language at this moment—that no person shall be tried for any offense except in a district previously ascertained by law. As to all offenses committed after this act goes into effect, of course there will be no difficulty, and as to all offenses committed before the act goes into effect they are to be tried in the district—in one or the other of the divisions of the district—according as the offense was committed, but those divisions are both entirely contained in the old previously ascertained district. So that there would be no constitutional difficulty about the matter.

Mr. CARTER. I understand from the Senator, then, if an offense is committed in the northern division—I believe the designations are the northern and southern divisions of the district—

Mr. HOAR. Then it must be tried there.

Mr. CARTER. The indictment must be found in the northern division and the accused must be tried there; and the further proposition presented is, Can the defendant under this act procure a change of venue to the southern division of the district?

Mr. HOAR. He would have the same right of change of venue as is provided for under the general statutes of the United States. There is nothing in this bill which deals with the question of change of venue at all.

Mr. CARTER. But the point is, I think, that the division of the district ought not to interfere with the right of a defendant or a litigant to secure a jury selected from the district at large. It sometimes becomes quite apparent, particularly in criminal prosecutions, that a transfer from the immediate vicinity where the crime is committed is desirable; and now, if this defendant can not secure a transfer of his cause to the other division of the district, it would work a hardship. Where an offense is committed in Montana a transfer can be secured.

Mr. HOAR. It can be transferred to either district under the general law.

Mr. CARTER. I think we procured, with the approval of the Judiciary Committee, an amendment to the Montana act which provided that causes might be transferred in the interest of justice from one division to the other.

Mr. ALLEN. I rise to a parliamentary inquiry, Mr. President.

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

Mr. ALLEN. Under what order is this debate proceeding?

Mr. HOAR. It is proceeding, as I understand, under an order of the Senate, given by unanimous consent, that the bill be now considered.

Mr. ALLEN. I do not so understand.

Mr. HOAR. But I certainly shall not undertake to abuse that privilege if the bill is to lead to extended debate.

Mr. ALLEN. Has unanimous consent been given for the consideration of the bill?

The PRESIDENT pro tempore. It has not.

Mr. HOAR. I thought it had been. I was, however, going on to say that I should not undertake to abuse such a privilege if the bill should lead to a long debate.

Mr. ALLEN. I call for the regular order.

Mr. HOAR. I wish the Senator would allow me to finish my sentence.

The PRESIDENT pro tempore. The regular order is the request of the Senator from Massachusetts for the present consideration of the bill.

Mr. HOAR. May I be permitted to say that I should not undertake to avail myself of such an order to go on with debate? If it

shall turn out that any Senator wishes to debate the bill at length, I will withdraw the matter at once.

Mr. ALLEN. I think it is rather an abuse to take up the morning hour in the consideration of contested bills when there is other business which should be properly transacted at this time. If, however, the bill does not lead to any further debate, I shall not object.

Mr. HOAR. I will withdraw the request for the consideration of the bill if it leads to further debate.

Mr. CARTER. My inquiry was directed for the purpose of getting information as to what the bill provided.

Mr. HOAR. The bill is in the ordinary form of such bills.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. ALLEN] has demanded the regular order. The regular order is the request made by the Senator from Massachusetts [Mr. HOAR] for unanimous consent for the present consideration of the bill reported by him. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

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

SOUTHERN JUDICIAL DIVISION OF IOWA.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2537) to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein, to report it favorably with amendments. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill reported by him, which will be read in full for the information of the Senate.

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

The first amendment reported by the Committee on the Judiciary was, in section 1, page 1, line 10, after the word "year," to strike out:

Each of said terms to continue so long as necessary to dispose of the business at any time pending in said court: *Provided, however,* That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

So as to make the section read:

That the counties of Lucas, Clarke, Union, Adair, Adams, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, and Appanoose shall constitute the southern division of the southern judicial district of Iowa; and a term of a circuit and district court for said district shall be held in said division hereby created at Creston, in Union County, on the third Monday of May and the fourth Monday of September of each year.

The amendment was agreed to.

The next amendment was, in section 4, page 2, line 22, after the word "county," to strike out:

Each of whom, in the absence of the clerk and marshal, shall exercise all of the powers and perform all of the duties of his principal within the division for which he shall be appointed.

So as to make the section read:

SEC. 4. That the clerk of the circuit and district courts for said southern district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at Creston, in Union County. Appointment of such deputy shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

SENATOR FROM MONTANA.

The PRESIDENT pro tempore (at 1 o'clock p. m.). The Chair lays before the Senate a resolution, which will be read. He calls the attention of the Senator from New Hampshire [Mr. CHANDLER] to it.

The Secretary read the resolution reported by Mr. CHANDLER from the Committee on Privileges and Elections April 23, 1900, as follows:

Resolved, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana.

Mr. CHANDLER. At the suggestion of the other members of the Committee on Privileges and Elections, I move that the resolution be postponed until Thursday next at 1 o'clock.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire, that the resolution be postponed until Thursday next at 1 o'clock.

The motion was agreed to.

BILLS INTRODUCED.

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

A bill (S. 4782) granting an increase of pension of Gorge Ziegler; and

A bill (S. 4783) granting an increase of pension to Charles Stackhouse.

Mr. PENROSE introduced a bill (S. 4784) to correct the military record of George Kappes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

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

A bill (S. 4785) granting an increase of pension to William W. Willis; and

A bill (S. 4786) granting an increase of pension to John Wise.

Mr. FAIRBANKS introduced a bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

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

A bill (S. 4788) granting an increase of pension to George P. Beach; and

A bill (S. 4789) granting an increase of pension to Bernard Wagner (with an accompanying paper).

Mr. MARTIN (for Mr. TURLEY) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4790) for the relief of W. W. Schoolfield, executor of the estate of Louis Hanauer, deceased;

A bill (S. 4791) for the relief of Mrs. Ada G. Bankhead;

A bill (S. 4792) for the relief of B. J. Young (with accompanying papers);

A bill (S. 4793) for the relief of the estate of A. W. Harris, deceased (with accompanying papers);

A bill (S. 4794) for the relief of Joseph B. Johnson (with accompanying papers);

A bill (S. 4795) for the relief of F. A. Jones, administrator of R. S. Jones, deceased (with accompanying papers); and

A bill (S. 4796) for the relief of James Boro, Mary Boro, and the estate of James Boro, deceased (with accompanying papers).

Mr. PLATT of Connecticut (by request) introduced a bill (S. 4797) to refer to the Court of Claims the claims of the Peoria, Kaskaskia, Wea, and Piankeshaw Indians against the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MONEY introduced a bill (S. 4798) for the relief of the estate of Milton S. Shirk, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 4799) relating to the case of Cruz against Fitchie; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FAIRBANKS introduced a bill (S. 4800) to require the President to cause to be surrendered to the governing authorities of Cuba, or any of the possessions of the United States, fugitives from justice, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 4801) to amend an act entitled "An act for the erection of a public building at St. Paul, Minn.," approved February 16, 1891; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a joint resolution (S. R. 126) to authorize the governor of Porto Rico to provide temporary rates of internal-revenue taxation; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

CUBAN EXTRADITION.

Mr. HOAR introduced a bill (S. 4802) to provide for extradition and rendition of fugitives from justice from the island of Cuba; which was read twice by its title.

Mr. HOAR. This is a very short bill, and it relates to a very important subject in regard to which Senators will be obliged to make up their minds at a very early day. I ask, therefore, that it be printed in the RECORD as if it had been read.

The bill was ordered to be printed in the RECORD, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That so long as the island of Cuba shall remain under the authority of the United States any person who shall commit or who shall have committed any offense against laws established by the United States or its officers for the control of the government of said island or against the criminal laws recognized by the United States as in force therein, who shall depart or flee, or who has heretofore departed or fled, from justice therein, shall, if found in the United States, be liable to arrest and detention, and on the written requisition of the governor or other chief officer of Cuba shall be returned to the authorities in control in Cuba for trial under such laws. All the provisions of sections 5270 to 5277 of the Revised Statutes of the United States, inclusive, so far as applicable, shall govern the proceedings, except as herein otherwise provided.

Such accused person shall be taken before a judge or justice of the circuit or district court of the United States in the district in which he is arrested, who shall order his return and surrender on evidence establishing probable cause that he is guilty of the offense charged; and thereupon he shall be returned and surrendered to the authorities in Cuba on the order of the Secretary of State of the United States: *Provided,* That such return and surrender, as hereinbefore provided, shall be made only in the case of persons

charged with the commission of one or more of the following crimes, to wit: Murder, and assault with intent to commit murder; counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit, and the utterance or circulation of the same; forgery or altering, and uttering what is forged or altered; embezzlement or criminal malversation of the public funds, committed by public officers or depositaries; robbery; burglary, defined to be the breaking and entering by night time into the house of another person with intent to commit a felony therein; and the act of breaking and entering the house of another, whether in the day or night time, with the intent to commit a felony therein; the act of entering, or of breaking and entering, the offices of the Government, and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance or other companies, with the intent to commit a felony therein; perjury or the subornation of perjury; rape; arson; piracy by the law of nations; murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship owned by or in control of citizens of Cuba and not under the flag of the United States or of some other government; malicious destruction of, or attempt to destroy, railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life: *And provided*, That no such surrender or return shall be made of persons charged with offenses of a political character: *And provided further*, That before making such order for surrender and return, the judge shall be satisfied that proper provision exists to secure to the defendant a fair trial for such offense before a civil judicial tribunal, where he will be represented by counsel; that the offense with which he is charged will be fairly and distinctly described to him, and that he will have an opportunity to be confronted, at his trial, with the witnesses against him.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate \$3,000 for improving the mouth of Warroad River, Minnesota, 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. PLATT of New York submitted an amendment proposing to appropriate \$3,500 to pay W. R. Austin & Co. for materials furnished to the Interior Department for use in the Eleventh Census, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate \$200,000 to enable the Secretary of the Treasury to purchase the necessary machinery for the United States mint at Denver, Colo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

THE NICARAGUA CANAL.

Mr. GEAR submitted an amendment intended to be proposed by him to the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans; which was referred to the Committee on Interoceanic Canals, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. PLATT of Connecticut submitted an amendment, intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was ordered to lie on the table, and be printed.

PAYMENTS TO VOLUNTEERS.

Mr. SULLIVAN. I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The Secretary read the resolution, as follows:

Resolved by the United States Senate, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate, for its information, a statement showing whether the volunteer officers and soldiers serving in the late Spanish-American war have been paid more than one time for their service between the time of their enrollment and their muster in, or for any other service connected with said war; and if such payments have been made, what officers and soldiers have been so paid, and upon what authority.

Mr. PETTUS. I move to amend the resolution by striking out the word "requested" and inserting the word "directed."

Mr. SULLIVAN. I accept that amendment.

The PRESIDENT pro tempore. The resolution will be so modified. Is there objection to the consideration of the resolution as modified?

Mr. LODGE. Let the resolution be again read.

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

The Secretary read the resolution as modified.

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

Mr. HAWLEY. I make no objection to consideration; but I wish to say that that whole matter has been most thoroughly and exhaustively considered within a week or two by the Committee on Military Affairs, and I think the committee can give the necessary information. I move that the resolution be referred to that committee.

Mr. WOLCOTT. Who is the introducer of the resolution, Mr. President?

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. SULLIVAN].

Mr. SULLIVAN. I want to say in that connection that I applied to the Auditor for the War Department a day or two ago, when I was informed that a number of officers and soldiers had been paid twice for the same service. I was so astounded at the statement, and desiring more authoritative information on the

subject, that I determined to introduce this resolution, so as to ascertain, if the statement be true, how it is and by what authority payments have been twice made.

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

Mr. WOLCOTT. I suggest, under the strict phraseology, the senior Senator from Massachusetts [Mr. HOAR] not being here, that the soldiers were paid twice if they were paid on two different occasions. The Senator from Mississippi does not ask in his resolution whether or not they have been paid twice for the same service, but whether they have been paid more than one time. If the paymaster had been around twice, the Secretary of War would have been bound to report that the soldiers had been paid more than one time. I suggest that the resolution be changed so as to contemplate the inquiry which the Senator desires to make, as to whether they have been paid twice for the same service.

Mr. SULLIVAN. So far as that is concerned, the object is simply to see whether or not they have been paid twice, either directly or indirectly, for the same service.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. HAWLEY] moves that the resolution be referred to the Committee on Military Affairs. The question is on that motion.

The motion was agreed to.

PRIVILEGES OF THE FLOOR.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 18th instant, as follows:

Resolved, That Abraham Fischer, C. H. Wessels, and A. D. W. Wolmarans, commissioners of the Orange Free State and the South African Republic, accredited to the United States, are hereby accorded the privileges of the floor of the Senate during their stay in this country.

Mr. ALLEN. Mr. President, on Saturday last I introduced this resolution and asked for its present consideration. An objection was made by the Senator from Connecticut [Mr. HAWLEY], and, under the rule, the resolution passed over until to-day.

I want to read at this time from the CONGRESSIONAL RECORD of Saturday the proceeding respecting this matter. I read from page 6179 of the RECORD:

Mr. ALLEN. I ask for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That Abraham Fischer, C. H. Wessels, and A. D. W. Wolmarans, commissioners of the Orange Free State and the South African Republic, accredited to the United States, are hereby accorded the privileges of the floor of the Senate during their stay in this country."

Mr. HAWLEY. I object.

The PRESIDENT pro tempore. Objection—

Mr. ALLEN. I wish to submit an observation before—

Mr. HAWLEY. I object.

The PRESIDENT pro tempore. Objection is made. The resolution goes over.

Mr. President, I read that simply for the purpose of accentuating the haste with which an objection was made to the consideration of the resolution. Ordinarily in this body when a Senator desires to submit observations pertinent to a resolution of this character he is permitted to do so without objection. On this occasion an objection was made with lightning-like speed, not only to the consideration of the resolution, but to the submission of observations in its support.

Of course, the relations between the Senator from Connecticut and myself are such as to preclude the idea that there was anything personal in the objection, and the objection must have gone to the fact that the distinguished Senator did not desire to hear the names of these commissioners mentioned in the Senate Chamber or that they should receive the slightest recognition at the hands of this Government.

Mr. HAWLEY. I wish the Senator would allow me a word.

Mr. ALLEN. I will do so with pleasure.

Mr. HAWLEY. I saw instantly when the resolution was presented that it would give rise to discussion, and I thought there ought to be a little time for both sides of that discussion to consider the matter. Therefore I objected to its consideration on that day.

Mr. ALLEN. In view of the fact that the precedents for the resolution are unbroken and without exception in the history of the Senate, I could not understand the objection of the honorable Senator from Connecticut, unless it was based upon the theory that this Government must have nothing whatever to do with the Boer commissioners.

Two years ago Lord Herschell was in this city and died here. A Canadian commission came here for the purpose of determining, as members of the joint commission between Great Britain and the United States, certain disputed questions between the two Governments. They were accorded the privileges of this floor without the slightest objection upon the part of anybody. I remember distinctly meeting them and being introduced to them on the floor of the Senate. A few years ago John Stewart Parnell, a member of the English Parliament, came to this country and was accorded the privileges of the floor of both Houses and was permitted to deliver a public address in the Hall of the House of Representatives,

the House and the Senate attending in number. I am informed by those who have been in this Chamber for a great many years that there is not an instance in our history where distinguished gentlemen coming from a foreign country to this country in an official capacity were not accorded the privileges of the floor of the Senate and the House of Representatives.

I can not understand why these gentlemen should not receive the ordinary courtesies extended to the representatives of all other governments who visit the capital city of the United States. It might be claimed, and possibly will be claimed, that if we should permit these gentlemen to come on the floor of the Senate, it would be an indirect recognition of the political independence of the Orange Free State and the South African Republic. I do not propose to debate that question at all, for I do not regard it as germane. It is perhaps not for us, at this time at least, to enter into the disputed question between Great Britain and these Republics, whether Great Britain retains the relation of lord and master over the Republics or not. We have just ratified a treaty between Great Britain and the United States and some twenty other powers, by which it is declared that it shall not be regarded as an offense for one nation to offer to mediate between two contending nations. I will read Articles II and III of the Hague treaty:

In case of serious disagreement or conflict, before an appeal to arms, the signatory powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

ARTICLE III.

Independently of this recourse, the signatory powers recommend that one or more powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties as an unfriendly act.

The commissioners from the South African Republics now in this city, as is well known, have been accredited by their respective Governments to this Government with full powers to act for the Governments they represent, and they are here, as I understand it, for the purpose of laying the facts of the controversy between their Governments and Great Britain not only before the Administration, but before the American people. Mr. President, the world knows also that the only bone of contention between Great Britain and these Republics is whether the autonomy of the Republics shall be destroyed and Great Britain shall exercise unrestrained sovereignty over the territory now embraced in these small Governments.

We ought not to forget that it was the ancestors of these people who in our Revolutionary struggle gave us material aid and comfort and who determined the question largely in our favor whether we should continue as vassals and colonies of Great Britain or become a powerful nation such as we are. They come here, Mr. President, to lay before this country the facts of the controversy that has resulted in a war between Great Britain and their own Governments. They are not here asking anything except the friendly offices of the greatest Republic upon the face of the earth and that natural sympathy which should be extended by a republican form of government to a people who have been induced by our example to pattern after our institutions and establish Republics in southern Africa.

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

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. ALLEN. I yield for a question.

Mr. PETTUS. Will the Senator please tell me what meaning he attaches to these words?—

He—

The President—

shall receive ambassadors and other public ministers.

Mr. ALLEN. I declared long before the Senator came into the Chamber what I thought about those words. Not deeming it germane to the discussion at all, I decline to answer the Senator's question.

I am not questioning the right of the President to receive public ministers and ambassadors. It is plain to me—it may not be plain to the honorable Senator from Alabama—that that is an executive power with which we have nothing to do, but that is an entirely different question from the question whether these representatives of the South African republics shall be accorded the privileges of the floor of the Senate of the United States; and if the Senator from Alabama sees any synthetic relation between the two propositions he sees more than I am able to see. I do not know that it would make any particular difference to the commissioners whether we admit them to the privileges of the floor of the Senate or not, but in the whole course of our national existence I should dislike to see an exception made for the first time in the case of the representatives of the smallest, if not the youngest, republics upon earth, seeking to be accorded the ordinary privileges granted to monarchical and all foreign powers.

Mr. DAVIS. Mr. President, the resolution in question upon its face purports to and does recognize these gentlemen as the commissioners from another government to this country. Their admission to the floor of the Senate under the phraseology of the resolution would be a recognition of their function, which does not belong to this body at all. As suggested by the very pertinent question of the Senator from Alabama [Mr. PETTUS], that recognition, whether it should be granted or denied, is exclusively confided to the President of the United States. There is not a foreign minister or a diplomatic representative who, under the rules of the Senate, is entitled to admission to the floor of the Senate.

Mr. ALLEN. They do it, however.

Mr. DAVIS. I do not recollect it ever having been done in the case of a foreign ambassador; but under the peculiar circumstances of this case, knowing what we do, considering the mission which has brought these gentlemen here, in the immature condition of the entire question so far as their endeavors are concerned, I move to lay the resolution upon the table.

Mr. ALLEN. I hope the Senator will withdraw that motion until the question can be debated.

Mr. DAVIS. If any Senator desires to debate it, I will withdraw the motion, of course.

Mr. TILLMAN. I wish to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Minnesota moves to lay the resolution on the table, which is not a debatable question.

Mr. ALLEN. I ask the Senator from Minnesota to withdraw the motion.

Mr. DAVIS. I withdraw it.

Mr. TILLMAN. Did we not last year as a body invite the commissioners of the Canadian government here to the floor of the Senate? Did we not meet them here and shake hands? It is a mere courtesy. It is not an official recognition.

Mr. LODGE. They were not the representatives of Great Britain. They were members of a joint commission, on which were our own commissioners.

Mr. DAVIS. Lord Herschell and the others who were invited were not accredited to this Government. They were the representatives of Great Britain for the purpose of adjusting some questions concerning our northeastern boundary. But however that may be, there was no such question between Great Britain and the United States as that which has brought these gentlemen here to state their case to the Executive and to the American people at the same time. I can not understand, it is not at all plain to me why, under the conditions which envelop this entire business, gentlemen coming here from abroad, who have not been recognized by the Executive Department, who have not even, so far as I know, tendered their credentials, the Senate of the United States should make haste to admit them to the floor of the Senate as commissioners, as diplomatic representatives, when such a privilege does not exist as to any ambassador or diplomatic representative accredited to this nation.

Mr. ALLEN. No such request has been made. The resolution does not ask that they be admitted as commissioners.

Mr. DAVIS. This resolution declares and defines these gentlemen as commissioners.

Mr. ALLEN. It says they are commissioners, but it does not ask that they be admitted here as commissioners.

Mr. DAVIS. It is a contradiction in terms.

Mr. ALLEN. No; it is not a contradiction in terms.

Mr. VEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. ALLEN. I do, for a moment.

Mr. VEST. I wish to ask the chairman of the Committee on Foreign Relations, the Senator from Minnesota, a question.

Mr. DAVIS. Certainly.

Mr. VEST. The Senator used the expression that there was no such question pending in regard to the Canadian commissioners as is now pending between England and the United States. What question is now pending between England and the United States? I do not understand that we have any.

Mr. DAVIS. I am sure the Senator must have misunderstood me, or I spoke very carelessly. I did not mean to say that.

Mr. VEST. That was the language used by the Senator. I know nothing about this matter except what is seen in the public prints. It has been stated, and that is all I know, that these gentlemen are here to ask peaceable mediation on the part of this country; and that is no question between us and Great Britain.

Mr. DAVIS. That was not the intention of my remark. I do not think I said it.

Mr. VEST. I did not choose that that sort of statement should go forth without some explanation.

Mr. DAVIS. I am glad the Senator called my attention to it.

Mr. ALLEN. The Senator from Minnesota is entirely mistaken as to the scope and purpose of the resolution. The resolution does not ask that these gentlemen be admitted to the privileges of the floor of the Senate in an official capacity. It does recite their

names and does say that they are commissioners accredited to this country, but that is simply descriptive of the individuals and does not undertake to bind the Senate or the Government to a recognition of their official capacity.

Since I have been a member of this body I have seen the rules suspended, and messengers who brought in the returns from a Presidential election admitted to the floor of the Senate. In 1893 I saw Mr. William Wirt Henry admitted to the floor of the Senate. I have seen a number of instances where distinguished gentlemen have been by the action of the Senate accorded the privileges of the floor of the Senate. Now, whatever may be the merits of the controversy between Great Britain and these African republics, it does not come with very good grace from any gentleman here to say that these men, representing their Governments, or distinguished gentlemen of the country from which they come and in which they live, shall not be accorded the ordinary privileges accorded to private citizens.

I presume the chairman of the Committee on Foreign Relations believes that some complications may arise by this act of the Senate. I have no desire to put my country in a false attitude before the world. I think I am just as much determined to prevent its good name from being sullied and to prevent it from being put in a false attitude as the Senator from Minnesota. I come from an ancestry that settled in this country two or three hundred years ago, and I have as much respect and love for the country as any man can have. Yet, Mr. President, I would think the balance of my life that I had done wrong, after these gentlemen had journeyed across the ocean and had visited many European countries and had visited the United States of America—distinguished gentlemen who hold high rank in their respective countries—if I had not willingly sought to have accorded to them the ordinary decencies and amenities of life.

Mr. MASON and Mr. DAVIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. MASON. I desire to take just a moment on this matter. I am willing to wait until the Senator from Minnesota concludes.

Mr. President, I can never hear the proposition of law made by the distinguished chairman of the Committee on Foreign Relations made without feeling that I must enter my protest against it. I confess it seems somewhat bold to invade the field of international law and dispute with him upon questions which seem to him to have been settled. The recognition or nonrecognition of belligerent rights of other nations or nations in revolt is not purely an Executive act. The writers upon that subject make clear the proposition of international law that the recognition or nonrecognition may be a cause of war, and it is not the settled rule of international law that the Executive and the Executive alone has the power to recognize or fail to recognize any foreign nation or people struggling for recognition.

Mr. Clay took the position when he sought an amendment to an appropriation bill to recognize the Grecian republic. Mr. Webster took the position in his debates and all along, and the writers upon international law agree, that where the executive power may be used for a *casus belli*, that is, as I understand it, for a reason for war, then it is beyond the executive power to recognize or fail to recognize. For instance, when France recognized us in the Revolutionary war it was held to be a cause of war, and a declaration of war immediately followed.

It might be a cause of war to-day between England and the United States if we should recognize the independence of the South African republics. What international lawyer upon this floor will claim that the executive department may exercise without constitutional authority that executive distinction and discrimination which may or may not lead to war, thus placing in the executive branch of the Government the power of declaring war or what amounts to a declaration of war? But, Mr. President, I do not care to discuss the theory or the practice of international law. I simply rose to say that even assuming to be correct the position taken by the distinguished Senator from Minnesota, and assuming to be the law that the President, as the executive power, has the power to recognize these commissioners, yet certainly the President has no power to say who shall have the privileges of this floor.

My proposition is that even though the Executive has the sole power, which I deny, to recognize or not recognize the South African republics, I believe Mr. Clay was right in his proposition that it is not purely an Executive act, and that the time may come when it amounts to a declaration of war, and therefore a Congressional act, and that Congress, even the lower branch of Congress, he contended, had a right to be consulted, because they pass upon the appropriation which pays the minister or the diplomatic representatives from this country to some other.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. MASON. Certainly.

Mr. TELLER. I wish to remind the Senator from Illinois that

we have recognized this African republic in the only way that it could be, probably; that is, by an act, a declaration.

Mr. MASON. Yes.

Mr. TILLMAN. We have a consul there, too.

Mr. TELLER. I should like to add also that Great Britain has treated with it upon the basis of an independent nation, and Mr. Chamberlain declared that it was a foreign power. Great Britain has sent her diplomatic agents there.

Mr. ALLEN. We have.

Mr. TELLER. We have sent ours, and other nations have sent theirs.

Mr. MASON. Yes; and under the treaty of 1884, made by Mr. Gladstone when he was the leader of the Liberal party and when he closed the war at that time with the Transvaal State, the name was changed from the Transvaal State to the South African Republic; the suzerainty that England had was entirely removed, and the only contract under the treaty of 1884 was that the South African Republic should make no treaty or alliance with any other nation excepting the tribes adjoining or other States in South Africa.

I am warned that the mover of the resolution desires a vote upon it. I have nothing further to say, except that we have extended these courtesies to other distinguished people. It is not a recognition in any official way, but is proposed to be tendered to these people, who are representing a struggling and a somewhat discouraged people, with ten men to one against them in the field, as a courtesy. They are not here asking for our interference. They are not asking for anything but a word of sympathy and some consideration for their situation, and I hope they may be tendered some little courtesy to show that the Senate of the United States agrees with the people of the United States, who have met them in New York and who will meet them from one ocean to another, to make them welcome and to wish them God-speed on their mission.

Mr. DAVIS obtained the floor.

Mr. THURSTON. Will the Senator from Minnesota permit me for just a moment?

Mr. DAVIS. Certainly.

Mr. THURSTON. Mr. President, I have no desire to interpose any remarks upon this resolution, but I desire to place in the RECORD an extract from the message of Thomas Jefferson of October 17, 1803, which is as wise and as certain to secure the best interests of the United States at the present time as it was when it was delivered to Congress.

The PRESIDING OFFICER. If there be no objection, the extract will be received and placed in the RECORD.

Mr. ALLISON and Mr. COCKRELL. Let it be read.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Separated by a wide ocean from the nations of Europe and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us, nor ours to disturb them. We should be most unwise indeed were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable, then, must it be in a government like ours to see its citizens adopt individually the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to you will give you an opportunity of providing, and myself that of approving and of carrying into execution with the fidelity I owe to my country.

TH: JEFFERSON.

Mr. DAVIS. Mr. President, I do not know that anybody has ever denied that the Orange Free State and the South African Republic are and have been independent nations. That is not the question. It is a fact that neither of those States has ever before attempted to send diplomatic representatives to the United States. It is not the fact that the United States has ever sent diplomatic representatives to either of them.

Mr. TILLMAN. We have a consul there, though.

Mr. ALLEN. Did we not recognize them by sending a consul there?

Mr. DAVIS. That is just the mistake of the Senator. A consul is not a diplomatic officer at all and never has been.

Mr. ALLEN. Does not—

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

Mr. ALLEN. All right; I will reply at some other time.

Mr. DAVIS. I say a consular officer is not a diplomatic agent and never has been.

Now, what is the situation, and what is this resolution? The situation is this: Those Republics for the first time have sent commissioners, who are diplomatic representatives, to the United

States, seeking to enter into international relations with us, as it is understood, of a certain character, and to ask for certain action on the part of this Government. Before any recognition of that kind can be made by the United States, these gentlemen must be received in the capacity in which they come, and under the Constitution that is purely an executive act for the President of the United States.

I am not speaking about the power or capacity to recognize beligerency or nationality, but of the narrow and special question now before us, which is the recognition of the capacity and diplomatic character of the gentlemen who thus present themselves. It is no part of the function of either body of Congress, it is entirely out of the jurisdiction of either of them, to attempt to decide one way or the other, and especially under circumstances like the present, upon the diplomatic character of such agents, or as to whether they shall be received or not.

Now, what does this resolution propose to do and what is its phraseology?

Resolved. That Abraham Fischer, C. H. Wessels, and A. D. W. Wolmarans, commissioners of the Orange Free State and the South African Republic, accredited to the United States, are hereby accorded the privileges of the floor of the Senate during their stay in this country.

Mr. ALLEN. I should like—

Mr. DAVIS. Not as individuals—

Mr. ALLEN. To make a suggestion to strike out everything descriptive of their title, and then adopt the resolution.

Mr. DAVIS. Not as individuals, but as public characters representing independent governments and accredited to this Government.

Now, Mr. President, these gentlemen have recently arrived here. The people of the United States have been repeatedly and copiously informed by them what their mission is. Without attempting in the least degree to disparage their efforts or to draw away any sympathy from their cause, I feel bound to say that they have proceeded in a manner entirely irregular, entirely premature, entirely improper, under all the circumstances. Before they have ascertained what the disposition of the executive department of this Government is toward them, before they have even done themselves or it the honor of presenting themselves to that department, it has been proclaimed by them in public meetings not only that their mission is to the executive department, but that it is to enlist the American people in their cause, and bring the pressure of public American opinion to bear upon this Government.

Mr. President, to such efforts as that the extract from the message of Thomas Jefferson, just read, was directed, and for less than these gentlemen have done Washington, Jefferson being Secretary of State, I think, at the time, sent Genet out of the country.

Now, Mr. President, I do not intend to bring into question at all the merits of the controversy between those Republics and Great Britain. I do not intend to bring into question any matter of sympathy in this business. I simply content myself with the proposition that here is a resolution which by its very terms and for its very reason proposes to admit these gentlemen to the floor of the Senate as the accredited diplomatic representatives of two other republics.

The Senator from Nebraska [Mr. ALLEN] a moment ago, if I overheard him correctly, asked me if I would be content to have these words of diplomatic signification stricken out of the resolution and then pass it. I say no, because then they become merely private individuals. What is the use, Mr. President; what is the necessity—

Mr. ALLEN. Are there any circumstances under which the resolution can in terms be made acceptable to the Senator?

Mr. DAVIS. Where is the reason in a case like the present, a case of great interest, to signalize the advent of these gentlemen here by a resolution of this character?

I renew my motion to lay the resolution on the table.

The PRESIDING OFFICER. The Senator from Minnesota moves that the resolution be laid on the table.

Mr. TELLER. On that I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. HOAR. I desire to ask the Chair whether this resolution is not a resolution to amend the rules, of which notice must be given? Rule XXXIII is absolute, and the rule in regard to amending the rules is absolute.

Mr. ALLEN. I desire to suggest that the motion to lay on the table is not open to debate.

Mr. HOAR. I am not debating it; I am asking the Chair a parliamentary question.

Mr. ALLEN. It is not even open to that.

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts is raising a question of order upon the consideration of the resolution.

Mr. ALLEN. That leads to debate, of course. It opens the whole subject to discussion.

The PRESIDING OFFICER. That is not debatable.

Mr. BACON. I submit that the question of order possibly now is whether a motion to lay on the table is in order.

Mr. TELLER. Let us take the vote on the motion to lay on the table.

Mr. ALLEN. Let us vote on the question.

Mr. HOAR. I ask the Chair to rule whether it is a motion to amend the rules.

Mr. MASON. Mr. President—

The PRESIDING OFFICER. The Chair thinks the resolution is in order. It certainly is not repugnant to the practice of the Senate on various occasions; and while there may possibly be some ground to say that technically it is not in order, it has been too frequently done in the Senate, I think, to rule that a resolution of this sort is not in order. The Secretary will call the roll on the motion to lay the resolution on the table.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. BERRY (when Mr. FRYE'S name was called). The Senator from Maine [Mr. FRYE] was necessarily called away from the Chamber. I had forgotten at the time when I voted that I am paired with him on all questions of this character. I therefore ask leave to have my vote withdrawn, and I will announce that I am paired with the Senator from Maine [Mr. FRYE]. If I were at liberty to vote, I would vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. If he were present, I should vote "nay."

Mr. QUARLES (when his name was called). I am paired with the junior Senator from Texas [Mr. CULBERSON].

Mr. SCOTT (when his name was called). I am paired with the junior Senator from Florida [Mr. TALIAFERRO]. If he were present, I should vote "yea."

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DAVIS. I transfer my pair with the Senator from Texas [Mr. CHILTON] to the Senator from Rhode Island [Mr. ALDRICH], who is absent unpaired, and I vote "yea."

Mr. BERRY. I will transfer my pair with the Senator from Maine [Mr. FRYE] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. BACON (after having voted in the negative). I inquire if the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BACON. I have a general pair with that Senator, but under our agreement, in matters not political either is authorized to vote. As in this instance my vote would not change the result, I will permit my vote in the negative to stand, although the Senator from Rhode Island is absent.

Mr. BERRY (after having voted in the negative). I am informed that the Senator from Wisconsin [Mr. QUARLES] is paired with the Senator from Texas [Mr. CULBERSON]. If satisfactory to him, we will both vote, and the Senator from Texas [Mr. CULBERSON] will stand paired with the Senator from Maine [Mr. FRYE].

Mr. QUARLES. Very well; I vote "yea."

Mr. SCOTT. I transfer my pair with the junior Senator from Florida [Mr. TALIAFERRO] to my colleague [Mr. ELKINS] and vote. I vote "yea."

The result was announced—yeas 36, nays 21; as follows:

YEAS—36.

Allison,	Gear,	McBride,	Platt, N. Y.
Baker,	Hanna,	McComas,	Quarles,
Bard,	Hansbrough,	McMillan,	Ross,
Burrows,	Hawley,	Morgan,	Scott,
Clark,	Hoar,	Nelson,	Sewell,
Davis,	Kean,	Penrose,	Shoup,
Fairbanks,	Kyle,	Perkins,	Stewart,
Foster,	Lindsay,	Pettus,	Thurston,
Gallinger,	Lodge,	Platt, Conn.	Wolcott.

NAYS—21.

Allen,	Clay,	Kenney,	Tillman,
Bacon,	Cockrell,	Mason,	Vest,
Bate,	Daniel,	Money,	Wellington.
Berry,	Harris,	Pettigrew,	
Butler,	Heitfeld,	Rawlins,	
Caffery,	Jones, Ark.	Teller,	

NOT VOTING—29.

Aldrich,	Depew,	McLaurin,	Tallaferro,
Beveridge,	Elkins,	Mallory,	Turley,
Carter,	Foraker,	Martin,	Turner,
Chandler,	Frye,	Pritchard,	Warren,
Chilton,	Hale,	Proctor,	Wetmore.
Cullerson,	Jones, Nev.	Simon,	
Cullom,	McCumber,	Spooner,	
Deboe,	McEnergy,	Sullivan,	

So Mr. ALLEN's resolution was laid on the table.

THE POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER. 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. WOLCOTT. Mr. President—

Mr. LODGE. I ask that that may be laid temporarily aside, so that the Senator from Colorado may proceed with the Post-Office appropriation bill.

Mr. MORGAN. I object to that. The Senate can vote on it.

Mr. LODGE. Very well, then. I move that the Senate take up the Post-Office appropriation bill; and I give notice that to-morrow at 2 o'clock I shall move to take up the Philippine bill, on which the Senator from Wisconsin [Mr. SPOONER] has given notice that he will speak at that hour. I now move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE], upon which question the yeas and nays have been ordered.

Mr. TILLMAN rose.

Mr. WOLCOTT. Before the Senator proceeds, I simply wish to state formally that the Senator from West Virginia [Mr. SCOTT] had intended to address the Senate at this time, but has given way for a motion to take up the Post-Office appropriation bill, and he may perhaps follow at the close of the consideration of the bill.

I understand the pending motion is upon the adoption of the amendment presented by the junior Senator from Massachusetts [Mr. LODGE], and I ask that it may be again read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 9, page 17, insert:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$225,000: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

The PRESIDING OFFICER. The yeas and nays have been ordered on the question. Will the Senate agree to this amendment?

Mr. TILLMAN. Mr. President, owing to the fact that in order to get any vote at all we had to stop the debate a moment ago on the resolution introduced by the Senator from Nebraska [Mr. ALLEN], I shall pursue the course that has been common in the Senate of discussing one subject when another is up.

Mr. WOLCOTT. Mr. President, I rise to a question of order. The unfinished business being before the Senate, I call for the regular order—

Mr. LINDSAY. That does not cut off debate.

Mr. TILLMAN. No; that does not cut off debate.

Mr. WOLCOTT. I simply raise the question of order.

The PRESIDING OFFICER. The regular order is the appropriation bill, and the pending question is the amendment which is before the Senate. There is no motion pending which precludes debate.

Mr. WOLCOTT. When the yeas and nays have been ordered?

The PRESIDING OFFICER. Not until the roll call has been commenced.

Mr. WOLCOTT. Then I will appeal to the Senator from South Carolina. This is an important appropriation bill; there are only two or three little amendments yet to be disposed of; we will get through in a few minutes; and I think it will facilitate the transaction of the business of the Senate if he will allow the bill to be proceeded with.

Mr. TILLMAN. I am going to take but very little time, and I should like to get my remarks as close as possible in the RECORD to the proceedings on the resolution. I do not want any matter that can come between my remarks and the discussion on the resolution to be spun out any further. I want to say a few words.

Mr. WOLCOTT. I can only appeal to the Senator. I think

we can get the bill through in half an hour and get it over to the House and into conference.

Mr. TILLMAN. The exigencies of the situation are not such that this bill must go to conference or be passed in the next twenty, forty, or fifty minutes. I am not going to talk long, but I want to talk now.

Mr. WOLCOTT. I can only appeal to the Senator. If he does not see fit to give way, I can not help it.

Mr. TILLMAN. Usually I have been willing to yield to any Senator in any matter of courtesy; but this is not a matter of courtesy or right. It is merely a question of opinion as to whether the public business is so pressing that a Senator shall yield his right to speak on a subject before the Senate.

Mr. WOLCOTT. But, Mr. President, I understood the Senator to state in advance that he was going to speak on a subject not before the Senate. It was for that reason that I ventured to ask him if he would not let the appropriation bill be first considered; that was all.

Mr. TILLMAN. While the resolution itself has just been voted down, the resolution is before the country; and I simply want to throw a little additional light on conditions which now exist and those which have existed in the past, and in order to show what has been done in England in the past on this question of paying courtesy and honor to distinguished men who have been in rebellion against their governments, and with which governments England at the time was on friendly terms, while this is a much stronger case, because these men are not in rebellion against England. They are defending their homes, their firesides, their government, and their country from invasion and subjugation. They have sent their envoys to this country, and we have just refused to give them any courtesies whatever.

I therefore send to the desk a copy of to-day's New York Sun and ask to have read a communication setting forth facts which I have not had time to verify, but I am sure they are correct, showing what happened when Kossuth, the Hungarian exile, who had risen against Austria and set up a government, a republic, of his own, but was overthrown by Russia, reached that country. I want to let this modern Americanism which is coming in here see how England herself has behaved in similar conditions, except that it is a much stronger case that we have than the one which existed at that time.

The PRESIDING OFFICER. If there be no objection, the article referred to by the Senator from South Carolina will be read at the desk.

The Secretary proceeded to read, and read as follows:

To the editor of the Sun:

In view of the general attack now being made by the British press upon America and Americans—

Mr. WOLCOTT. Mr. President, I desire, without the slightest—

Mr. TILLMAN. I will read the article myself if the Senator insists.

Mr. WOLCOTT. It is not that. I would not make a trifling objection of that kind. In what I say I am animated by not the slightest personal feeling, as the Senator from South Carolina well understands; but what I do desire to raise as a question of order is this: When a question is pending before the Senate and a Senator rises to speak upon that question, when he is upon his feet he may say that which his discretion and his judgment prompt him to say. That is undoubtedly true. No man can regulate that which comes from another man's brain. But in the first instance when he rises to discuss a question it must be avowedly to discuss that question.

Now, Mr. President, the Senator from South Carolina, with that frankness and directness which always characterize him, stated in the very first instance as he rose to his feet that he rose for the purpose of following a practice which he has noticed prevails here in the Senate; and that instead of discussing the Post-Office appropriation bill, which is before the Senate, he proposes to discuss the Boer resolution.

Mr. President, it is laid down in Jefferson's Manual that no one is to speak impertinently or beside the question, superfluously, or tediously. Now, the Senator from South Carolina never speaks impertinently, superfluously, or tediously; but in this instance he has openly avowed his intention to speak beside the question; and I do say, as a question of good order and of the fair conduct of public business, inasmuch as the Senator has stated in advance his intention not to discuss the question before the Senate, that the Chair shall determine the question of order. Then, if afterwards the Senator is willing to say that he rises upon the Post-Office appropriation bill to discuss the question of admitting the Boer delegates on the floor, nobody can question it; but I ask for a ruling on the point of order.

The PRESIDING OFFICER. The Chair understands that it can not limit a Senator as to the matter of which he shall speak upon any question pending before the Senate. It also understands, although the Senator from South Carolina said that his remarks

might be applicable to another subject, that he is addressing the Senate upon the pending amendment; and if that be so, the Chair can not limit the Senator as to what he shall say. It depends only upon a Senator's sense of taste and propriety as to what line of remarks he shall adopt.

Mr. TILLMAN. Mr. President, I expected nothing else from the Chair; and I leave to the Senate and to the country whether what I shall say before I get through is as worthy of its consideration as pneumatic tubes. I hope the Secretary will go on and read what I have sent to the desk to be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

KOSSUTH AND THE BOER ENVOYS—ENGLAND'S FRIENDLY RECEPTION OF A REPRESENTATIVE OF WARFARE AGAINST A FRIENDLY NATION.

To the editor of the Sun:

SIR: In view of the general attack now being made by the British press upon America and Americans, by reason of our treatment of the envoys from our fellow-republicans in South Africa, it may be of interest to cite some British precedents as authority for our behavior.

In the autumn of 1851 the Hungarian insurrection had been crushed by the armies of Russia. The British minister to Turkey, Sir Stratford Canning, was busily engaged in exasperating Russia by persuading the Sultan that "Codlin is the friend, not Short," and the feelings of the English toward Russia were about what they are at present. It was under these circumstances that Louis Kossuth came to England to carry on his propaganda against Austria, a friendly nation so far as England was concerned, and, incidentally, against Austria's ally, Russia.

Kossuth landed at Southampton on October 23, 1851, and was escorted to the residence of the mayor, from the balcony of which he delivered an address.

On October 24 he was the guest of the mayor at his country residence.

On the 25th he was the guest of the corporation of Winchester, when speeches were made by Mr. Cobden and other prominent public men. He then remained in seclusion for a short time, under medical treatment.

On November 10 he was received at Birmingham with almost royal honors.

On November 11 he was the guest of the corporation of Manchester and delivered an address at the town hall.

On November 12 he returned to Birmingham, where he attended two receptions, one at the Musical Fund Hall and the other at the residence of Mr. Henry, M. P.

On all these occasions he delivered the most incendiary orations possible against Austria and Russia, two nations then at peace with Great Britain.

November 13 and 14 he spent in London, where he was lionized by the popular leaders to an extent theretofore unknown.

On November 15 he went to Southampton to embark for the United States. A farewell banquet was given to him by the mayor and corporation, and he made a speech advocating war with Russia. He landed in New York on December 4. On December 5 he was the guest of the city and reviewed a military parade from the steps of the city hall.

On December 12 he was entertained by the corporation of the city of New York at the grandest banquet which this country had witnessed since the visit of Lafayette.

On all possible occasions in this country he made bitter speeches against Austria and Russia, nations friendly to the United States.

On December 15 he was entertained by the press of New York at a banquet presided over by William Cullen Bryant.

On December 18 he was dined by the bar of New York, and on December 20 a reception was given to him in Brooklyn at Henry Ward Beecher's church.

From December 23 to 26 Kossuth was the guest of Philadelphia, where he was entertained at two banquets and had a reception at Independence Hall.

From there he went to Baltimore, where he was received at the hall of the Maryland Institute.

On December 30 he arrived at Washington and was met at the depot by a duly appointed reception committee of United States Senators.

He was honored with a reception by President Fillmore at the White House, was formally invited to visit both Houses of Congress, and was the guest at a Congressional dinner.

He was received with similar honors in almost every large city in the United States.

In all this we were acting under due English precedent, and the English orators and newspapers of the day duly applauded our action. We are now engaged in showing similar attentions to our brother republicans from the Transvaal Republic and the Orange Free State, and I most confidently claim that, under the well-known doctrine of equitable estoppel, our British friends are shut off from finding any fault, and that, under the equally well recognized principle of consistency, we are entitled to their applause.

IRVING WARD.

NEW YORK, May 16.

Mr. TILLMAN. That is a brief outline of the treatment Louis Kossuth received in England and in the United States in 1851. As I said a moment ago, Kossuth had risen against the Austrian Government to throw off its yoke and secure by arms the freedom of Hungary, his native land. He had measurably succeeded in whipping the Austrians, at least he had them by the throat, when the Russians came in, as one despotism always seeks to assist another in maintaining its power, and his army was destroyed. He and some four or five thousand of his dispersed and beaten followers took refuge in Turkey. The demand was made upon the Sublime Porte to surrender these men, and he was threatened with dire consequences by the combined monarchies of Europe if he did not give them up, but with that courage that has always characterized the Turk, the Sultan refused to do it. Notwithstanding the menaces which were thrown at him by his neighbors, Kossuth and his companions remained in safety.

Now, I will send to the desk and have read an extract from Wharton's Digest, which will explain more fully and in better terms than I can what happened here. It is shown in the messages of the President and letters of the Secretary of the State. I ask that this be read, so that we may better get this whole thing down historically. I ask the Secretary to read, beginning on page

203, where I have marked, down to the cross on page 206, which embraces Mr. Clayton's communication, as Secretary of State, to Mr. Marsh, an extract from President Fillmore's message, and a communication from Mr. Webster, Secretary of State, to Mr. Marsh, showing just how the Americans of that day felt about paying courtesies to distinguished strangers from Europe who were seeking their liberties and fighting for them.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

(4) HOSPITALITY TO POLITICAL REFUGEES.

SEC. 48. You are well aware that the deepest interest is felt, among the people of the United States, in the fate of Kossuth and his compatriots of Hungary, who have hitherto escaped the vengeance of Austria and Russia by seeking an asylum within the boundaries of the Ottoman Empire. The accounts respecting them have been so conflicting—sometimes representing them as having escaped, and at others as being captive—that we have not known what to credit, and have, therefore, declined to interfere in their behalf; nor do we now desire to interfere by entangling ourselves in any serious controversy with Russia or Austria. But we can not suppose that a compliance with the dictates of humanity, now that the contest with Hungary is over, would involve our friendly relations with any other power. Should you be of the opinion that our good offices would avail anything to secure their safety and their escape from the hands of those who still pursue them, it is desired by your Government that you should intercede with the Sultan in their behalf. The President would be gratified if they could find a retreat under the American flag, and their safe conveyance to this country, by any one of our national ships which may be about to return home, would be hailed with lively satisfaction by the American people. (Mr. Clayton, Secretary of State, to Mr. Marsh, January 12, 1850. MSS. Inst., Turkey.)

By a dispatch of my predecessor you were instructed to offer to the Sublime Porte to receive Mr. Kossuth and his companions on board of one of the national ships of the United States, to convey them to this country.

It would be extremely gratifying to the Government and people of the United States if this proposition could have been at that time accepted; but it is understood that its not having been complied with by the Sublime Porte did not arise from a wish on his Imperial Majesty's part to detain them, or from any unwillingness that they should proceed to the United States, but was in consequence of the Sultan's offer to Austria to detain these persons for one year, at the expiration of which time, unless further conventions should be entered into to prolong their detention, they should be at liberty to depart.

If this be so, the time is near at hand when their release may be expected, and when they may be permitted to seek an asylum in any part of the world to which they shall be able to procure the means of transportation.

It is confidently hoped that the Sublime Porte has not made and will not make any new stipulation with any power for their further detention, and you are directed to address yourself urgently, though respectfully, to the Sublime Porte on this question.

You will cause it to be strongly represented that while this Government has no desire or intention to interfere in any manner with questions of public policy, or international or municipal relations of other governments, not affecting the rights of its own citizens; and while it has entire confidence in the justice and magnanimity and dignity of the Sublime Porte, yet on a matter of such universal interest it hopes that suggestions proceeding from no other motives than those of friendship and respect for the Porte, a desire for the continuance and perpetuity of its independence and dignified position among the nations of the earth, and a sentiment of commiseration for the Hungarian exiles, may be received by the Porte in the same friendly spirit in which they are offered, and that the growing good feeling and increasing intercourse between the two Governments may be still further fostered and extended by a happy concurrence of opinion and reciprocity of confidence upon this as upon all other subjects. Compliance with the wishes of the Government and people of the United States in this respect will be regarded as a friendly recognition of their intercession, and as a proof of national good will and regard.

The course which the Sublime Porte pursued in refusing to allow the Hungarian exiles to be seized upon its soil by the forces of a foreign state or to arrest and deliver them up itself to their pursuers was hailed with universal approbation, it might be said with gratitude, everywhere throughout the United States, and this sentiment was not the less strong because the demand upon the Sublime Porte was made by governments confident in their great military power, with armies in the field of vast strength, flushed with recent victory, and whose purposes were not to be thwarted or their pursuit stayed by any obstacle less than the interposition of an empire prepared to maintain the inviolability of its territories and its absolute sovereignty over its own soil.

This Government, jealous of its own territorial rights, regarded with great respect and hearty approbation the firm and lofty position assumed by His Imperial Majesty at that time, and so proudly maintained under circumstances well calculated to inspire doubt, and against demands urged with such gravity and supported by so formidable an array. His Imperial Majesty felt that he should be no longer an independent prince if he consented to be anything less than the sovereign of his own dominions.

While thus regarding the political position and conduct of the Sublime Porte in reference to other powers, His Majesty's generosity in providing for the wants of the fugitives, thus unexpectedly and in so great numbers throwing themselves upon his protection, is considered equally worthy of admiration.

For their attempt at independence they have most dearly paid, and now, broken in fortune and in heart, without home or country, a band of exiles, whose only future is a tearful remembrance of the past, whose only request is to spend the remainder of their days in obscure industry, they await the permission of His Imperial Majesty to remove themselves, and all that may remain to them, across the ocean to the uncultivated regions of America, and leave forever a continent which to them has become more gloomy than the wilderness, more lone and dreary than the desert.

The people of the United States expect from the generosity of the Turkish monarch that this permission will be given. They wait to receive these exiles on their shores, where, without giving just cause of uneasiness to any government, they may enjoy whatever of consolation can be afforded by sympathy for their sufferings and that assistance in their necessities which this people have never been late in offering to any, and which they are not now for the first time called upon to render. Accustomed themselves to high ideas of national independence, the people of the United States would regret to see the Government of the vast empire of Turkey constrained, by the force of circumstances, to exercise the duty of keeping prisoners for other powers.

You will further say to the Sublime Porte that if, as this Government hopes

and believes, Mr. Kossuth and his companions are allowed to depart from the dominions of His Imperial Majesty at the expiration of the year commencing in May, 1850, they will find conveyance to the United States in some of its national ships now in the Mediterranean Sea which can be spared for that purpose, and you will, on receiving assurances that these persons will be permitted to embark, ascertain precisely their numbers, and immediately give notice to the commander of the United States squadron on that station, who will receive orders from the proper authorities to be present with such of the ships as may be necessary or can leave the station to furnish conveyance for Kossuth and his companions to the United States. (Mr. Webster, Secretary of State, to Mr. Marsh, February 28, 1851. MSS. Inst., Turkey.)

On the 3d of March last both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

The instruction above referred to was complied with, and, the Turkish Government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam frigate *Mississippi*, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the *Mississippi* at Gibraltar for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe, and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated.

Mr. TILLMAN. Mr. President, it will be seen that this Government not only sympathized with Kossuth, but that it sent its own war vessel, by authority of Congress and of the President, to take him out of Turkey and bring him to an asylum of safety.

The resolution, after he reached this country, extending to him the courtesies of the nation and inviting him to the floor of the Senate, he being met by a special committee of both Houses of Congress and dined by the President at a grand dinner, shows the difference that has come over us as a people in dealing with the liberties of other people.

Who were the leaders in that movement to honor this man? Who is the man who introduced the resolution in Congress looking to his entertainment? William H. Seward. Who was the most eloquent man who defended and advocated it in the face of the mugwumps of that day, who were afraid to give any recognition to a foreigner who had rebelled against his country? Charles Sumner. Now, we have the Republicans of this day and time afraid to offend England by extending the same courtesies to the South African envoys, who are here seeking friendly interposition and mediation on our part to stop England's war of subjugation and the destruction of the two republics in South Africa, while this, the greatest republic of the world, looks on approvingly, refusing to speak through its Executive, and when a vote is taken here looking to simply extending the same courtesies to these envoys—no official recognition, but admission to the floor of the Senate—Republicans get up here, and men who are the official descendants of Sumner and of Seward disgrace themselves, in my judgment and in the judgment of the American people, by cowardly trucking to England's influence.

Mr. HOAR. Mr. President, I do not think there is a man in this country who has a more hearty admiration for the Boer Republic or greater sympathy with it in its gallant fight than have I. I think, as I said once before, it has done the best fighting which has been done on this planet since Thermopylae. I do not think there has been any fighting in a holier cause; and if Oom Paul Kruger and Joubert, if he were alive, should come to this country, and England should undertake to get hold of them for the purpose of imprisoning or slaying them, I should eagerly join in any welcome that the American people, or any branch of the Government, might extend to them. But this is a diplomatic mission of these gentlemen; and under our Constitution and custom the function of recognizing or receiving diplomatic missions, recognizing foreign countries as independent States, belongs primarily to the President. The Senate's relation to the diplomacy of the country comes at another stage and at another time.

If we admit to the floor of the Senate these gentlemen, we are extending to them in their capacity of diplomatic agents of a foreign state, before that state has been recognized by the President, a courtesy which we extend to the representatives of no other power on earth. The representative of Switzerland, the representative of Great Britain, the representative of Prussia, is not admitted to the floor of the Senate under its rules; and we are undertaking to do a particular thing which has a diplomatic significance, which, in my judgment, we have no right to do. Therefore, while I shall express my opinion about this brave resistance, a resistance on all fours with that which the people of the Philippine Islands are making against another attempt to crush them out, I do not think that the particular step of invitation to their diplomatic envoys, which we accord no other power on earth whatever, ought to be taken.

Mr. TILLMAN. If the Senator will kindly answer me one question before he sits down I shall be very glad. Does not the Senator believe it is the hypnotizing influences that brought on our own war of conquest in the Philippines—the disgraceful attitude we occupy in the eyes of the world in regard to those people—that has caused this paralysis of that honest American love of liberty and patriotism wherever a man is striving for it that has brought

about the condition we see to-day? Is that not the reason we are so careful and cautious in this matter?

Mr. HOAR. I am bound to say that I think the attitude of this country in regard to the people of the Philippine Islands has stifled and throttled the expression of sympathy which ought to go out to the Boer Republic.

Mr. TELLER. Mr. President, I do not desire to debate this question, as I want to save the time of the Senate, but I have here certain papers pertaining to affairs in South Africa, among them an article signed by the ministers of the Dutch Reformed Church of South Africa. I want to have these papers printed as a document, and [not published in the RECORD; but if the request to have them printed as a document is denied, I shall feel compelled to read them and have them go into the RECORD. I have looked them over, and there is no reason why they should not go into the RECORD, except I think we had better save the RECORD somewhat, and put them in the shape of a document.

The PRESIDING OFFICER. The Senator from Colorado requests that the papers submitted by him be printed as a document. Is there objection? The Chair hears none, and that order is made.

Mr. HANSBROUGH. Mr. President, I think that it is due at this point to have a little article on this subject, which I clipped from a newspaper the other day, read at the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

AMERICANS IN SOUTH AFRICA—THEIR OPEN LETTER TO AMERICAN NATIONAL CONVENTIONS AND AMERICAN PEOPLE.

CAPE TOWN, May 16, 1900.

A number of Americans residing in South Africa are sending an open letter to the American national political conventions and to the American people. It begins:

"We, though differing upon the merits of the controversy culminating in the present war, entirely agree that the cause of humanity in Africa would be best served by our fellow-citizens in America observing strict neutrality. As Republicans and Democrats we deeply regret the efforts now being made in our country to drag this unhappy matter into politics, recognizing that such a course can benefit neither belligerent, but is calculated to prolong the strife by raising false hopes.

"We appeal to all the political parties in the United States in the name of humanity to refrain from cruelly playing with this matter for political purposes, believing that there is not, has not been, and never will be the slightest chance of our country departing from its traditional policy by intervening in this foreign quarrel. We are convinced that if this truth were fully realized in South Africa, as it must eventually be, the war would soon terminate and thousands of lives would be saved. Hence we earnestly appeal to the men of all parties to eliminate this matter from the coming campaign."

Mr. THURSTON. Mr. President, it may be well to get back to the subject under consideration, which is the pending amendment to the Post-Office appropriation bill. On Saturday last I voted against the committee amendment appropriating \$725,000 for the extension of the pneumatic-tube service. I voted that way upon the same ground that I voted in favor of the establishment of an armor plant by the United States. I believe that we ought, if we are to continue the business of the pneumatic-tube service, to build our own tubes, to own them, and control them. I know of no more reason why we should rent a pneumatic tube, used only for the purpose of conveying our mails, than we should rent post-office boxes in our own post-offices.

But, Mr. President, the question before the Senate now is somewhat different. Three years ago our Postmaster-General entered into a four-years' contract for pneumatic-tube service in four of our principal cities. It is suggested here that that contract was beyond the power of the Postmaster-General to enter into; that it was, as the lawyers say, ultra vires his authority. That perhaps is strictly and technically true. I am of the legal opinion that if we see fit to terminate this contract to-day the parties with whom we have contracted will have no legal claim capable of enforcement in our courts against the United States. But, Mr. President, that evades the real question. We knew that our Postmaster-General entered into a four-years' contract for this service, and after he did it we renewed two annual appropriations to pay for this service under his four-years' contract. It is evident to every thoughtful man that our Postmaster-General, in making such contracts, is enabled to secure a more favorable annual rental or compensation by entering into an arrangement for a term of years than he would be if he entered into an arrangement for one year only, leaving the question of its renewal open for further negotiation.

It is true with every contract entered into with our railroads for the transportation of the mails. If our Postmaster-General were to go to the railroads of this country and insist upon a one-year contract only for the transportation of our mails there is no question in the world but that he would be obliged to pay a larger annual rate than he would if he entered into an arrangement with the same roads for the same service for a period of years. Instrumentalities with large capitalization, having expensive plants to operate, can not afford to take short and limited contracts at the same terms that they can for longer periods of time.

Mr. President, it seems to me that the faith and honor of the United States are pledged, by its acquiescence for two years in

these contracts, to see them faithfully and honorably carried out. While I am opposed to any continuance of the pneumatic-tube service under existing conditions, unless this Government sees fit to construct lines for itself, I do feel that we ought to make this last appropriation to carry out and relieve ourselves from the obligation of the contracts entered into by the Postmaster-General, and I am in favor of the amendment now proposed.

Mr. LINDSAY. Mr. President, I have a copy of the contract on account of which it is claimed the pending amendment ought to be adopted.

Mr. STEWART. I hope the Senator will have it read. I have been trying to find out what it is.

Mr. LINDSAY. I shall read certain excerpts from it, and then I shall ask to put the contract in the RECORD.

This contract relates to the pneumatic-tube service in the city of Philadelphia. It provides, among other things:

The said party of the second part, to wit, the United States of America, acting by its Postmaster-General, under the authority granted to him by the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898," approved March 3, 1897, and in consideration of the premises and the other covenants and undertakings of the party of the first part herein contained, covenants and agrees with the party of the first part as follows:

1. To pay the said party of the first part the sum of \$17,600 per annum in equal quarterly payments for the period hereinbefore mentioned; said pay to be subject, however, to reductions as hereinafter provided, or to be suspended and withheld in case of the delinquency of the said party of the first part.

The act approved March 3, 1897, provided, among other things:

For mail-messenger service, \$1,000,000. And the Postmaster-General may, in his discretion, use not exceeding the sum of \$150,000 of this amount in the transportation of mails by pneumatic tube or other similar devices, by purchase or otherwise.

The authority was itself confined to the time covered by the appropriation for 1898, and the bill for which was approved on the 3d day of March, 1897. Realizing the want of authority in the Postmaster-General to make a contract for four years, this provision was inserted in the contract by that officer:

It is fully understood and agreed that the payments under this contract beyond the period of the current fiscal year shall be contingent upon future appropriations provided by Congress therefor.

So the Government is under no obligation, legal or moral, to carry out this contract beyond the particular time to which this particular appropriation shall apply.

I was in favor of the amendment offered by the Senator from Illinois, as amended by the amendment offered by the Senator from Massachusetts, upon the idea that this pneumatic-tube service had proved a success and that steps were to be gradually taken to introduce it into all the great cities of the United States, but the decided vote by which the amendment was laid on the table, including the amendment offered by the Senator from Massachusetts, indicates a disposition upon the part of the Senate of the United States to abandon this service as soon as it can be abandoned.

Mr. STEWART. I should like to inquire of the Senator if there is any pretense that any part of the services for which this appropriation is made has been performed? None has been performed, as I understand, and will not be until the next fiscal year.

Mr. LINDSAY. None of the services have been performed. It is an appropriation made in anticipation of the performance of these services during a coming and not during the present fiscal year at all.

If the business of transporting the mails by the pneumatic service is to be abandoned, I see no reason why Boston and New York and Philadelphia and Brooklyn shall enjoy an advantage that the Senate has decided no other city in the United States shall enjoy. So if we are to commence de novo the pneumatic service by building, constructing, operating, and owning the pneumatic tubes ourselves, I can see no reason why these cities shall not share the disadvantages of the want of such service with the other cities of the United States. Being under no obligations, moral or legal, to carry out this contract any further, I shall vote against the proposed amendment.

I ask that the contract may be printed as a supplement to my remarks.

The PRESIDING OFFICER. Without objection, that order will be made.

The contract referred to is as follows:

Contract for pneumatic-tube mail service between Philadelphia, Pa., post-office and Station No. 20, Bourse Building.

This article of contract, made and entered into this 10th day of March, in the year of our Lord 1898, by and between the Pneumatic Transit Company, a corporation created and existing under the laws of the State of New Jersey, by William J. Kelly, its president, party of the first part, and the United States of America (acting in this behalf by James A. Gary, its Postmaster-General), party of the second part:

Witnesseth, That the said party of the first part undertakes, covenants, and agrees with the said party of the second part:

First. To maintain and operate a line of pneumatic tubes in the city of Philadelphia, State of Pennsylvania, now constructed and owned by the said party of the first part, connecting the main post-office in the city of Philadelphia with the branch post-office known as Station No. 20, located in the

Bourse Building, Fourth street, in said city of Philadelphia, for the purpose of conveying the United States mails to and from the places above named for the term beginning on the 10th day of March, 1898, to and including the 30th day of June, 1901, at the rate of \$17,600 per annum.

Second. To promptly make all alterations, changes, and repairs that may be necessary in the opinion of the Postmaster-General, either by reason of breakage, defects in the tubes or other apparatus used in the operation of the service, or from any other cause whatever.

Third. To maintain and keep in good order the tubes, air compressors, and all other apparatus and appliances used in the service during the entire term of this contract, and to remove the same if required to do so by the Postmaster-General at the expiration of said term at the expense of the said party of the first part, without damage to said building.

Fourth. To furnish, erect, and maintain all necessary, new, or additional air compressors that may be required in the opinion of the Postmaster-General, at each of said terminal points, capable of supplying the necessary air to operate the said pneumatic tubes, and to transport the carriers containing mail matter.

Fifth. To furnish, erect, and maintain at each of said terminal points all necessary and any new or additional sending and receiving apparatus of all kinds, tanks, pipes, and all other machinery and appliances of every nature and kind, as may be required, in the opinion of the Postmaster-General, to successfully operate the pneumatic tubes, and to transport all mail matter capable of being introduced into the carriers between said points.

Sixth. To provide a sufficient number of steel carriers to perform the service required, their general style and construction to be similar to those now in use.

Seventh. To make all necessary and additional steam connections that may be required, in the opinion of the Postmaster-General, to the boilers or other steam supply on the main post-office building or building occupied by the branch post-office; also to make all connections with the exhaust pipes and drains in said buildings which may be necessary to operate and run the air compressors.

Eighth. That all material used in the construction, alteration, and repair of the tubes or other apparatus used in the operation of said service, and all work thereon, shall be of first class character and quality.

Ninth. To furnish all labor necessary, in the opinion of the Postmaster-General, to properly conduct the service herein provided for, including engineers to attend the compressors, and all necessary employees at each terminal point to load and unload the carriers, handle all mail matter dispatched and received, attend the transmitters and carriers, and their proper dispatch and receipt.

Tenth. To furnish men and regulation wagons to transport the mail between said post-office and branch post-office, and so perform the service that is regularly performed by means of the pneumatic tubes, in default or failure of the tubes to operate at any time from any cause whatever.

Eleventh. Not to commit the care and transportation of the mail to any person under 16 years of age, nor to any person not of good moral character, or who has not taken the oath required by law, or who can not read and write the English language, and to discharge any employee engaged in the operation of the service when required to do so by the Postmaster-General.

Twelfth. To save the party of the second part harmless from all damages because of accident or other cause occasioned in the operation, repair, or construction of any part of, or apparatus or appliance connected with, said pneumatic-tube service.

The said party of the second part, to wit, the United States of America, acting by its Postmaster-General, under the authority granted to him by the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898," approved March 3, 1897, and in consideration of the premises and the other covenants and undertakings of the party of the first part herein contained, covenants and agrees with the party of the first part as follows:

1. To pay the said party of the first part the sum of \$17,600 per annum in equal quarterly payments for the period hereinbefore mentioned; said pay to be subject, however, to reductions as hereinafter provided, or to be suspended and withheld in case of the delinquency of the said party of the first part.

2. To furnish all steam power necessary to operate the air compressors and other apparatus connected with the proper operation of the said pneumatic tube service.

It is fully understood and agreed that the payments under this contract beyond the period of the current fiscal year shall be contingent upon future appropriations provided by Congress therefor.

It is further understood and is hereby agreed between the parties to this contract that the tubes, air compressors, sending and receiving apparatus, carriers, piping, and all appliances used shall be and at all times remain the property of the party of the first part; but during the period of this contract the United States shall have the exclusive use of such tubes for the purposes set forth.

It is further understood and agreed by the said party of the first part that for any failure or delay in the delivery of the mail not beyond its control, or for carrying the mail in a manner different or inferior to that hereinbefore specified; for suffering the mail to be wet, injured, lost, or destroyed, or for any other delinquency or omission of duty under this contract; for all or any of which the said party of the first part shall forfeit, and there may be withheld from its pay, such sum as the Postmaster-General may impose as fine or deduction, according to the nature and frequency of the failure or delinquency.

It is further understood and agreed that the Postmaster-General may annul this contract for repeated failures, for violating the postal laws, or for disobeying the instructions of the Post-Office Department.

In witness whereof the said Pneumatic Transit Company, by its duly authorized officer, has hereunto set its hand and seal of the corporation the day and year first hereinbefore written, and the said Postmaster-General has caused the seal of the Post-Office Department to be hereto affixed, and has attested the same by his signature.

Signed this 10th day of March, 1898.

[SEAL.]
[SEAL.]
PNEUMATIC TRANSIT COMPANY,
By WILLIAM J. KELLY, President,
CHARLES T. HARROP, Secretary.

Signed by the Pneumatic Transit Company in the presence of—

EDWARD FELL LUKENS,
F. L. WILSON.

Signed this 15th day of March, 1898.

[SEAL.]
JAS. A. GARY,
Postmaster-General.

Signed, sealed, and delivered by the Postmaster-General in the presence of—

W. S. SHALLENBERGER.

Approved as to form:

H. J. BARRETT,
Acting Assistant Attorney-General for the Post-Office Department.

BOND.

Know all men by these presents, that the Pneumatic Transit Company, of Camden, State of New Jersey, principal; William J. Kelly, of Philadelphia, Pa.; Charles T. Harrop, of Philadelphia, Pa., and John K. Gittens, jr., of Philadelphia, Pa., as sureties, are held firmly bound unto the United States of America in the just and full sum of \$30,000, lawful money of the United States, to be paid to the said United States of America or its duly appointed or authorized officer or officers; to the payment of which, well and truly to be made and done, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, subscribed and dated this 10th day of March, 1898. Whereas the above-bound Pneumatic Transit Company has entered into contract with the United States of America to furnish and maintain pneumatic tubes and to transport the mail by said pneumatic tubes between the main post-office in the city of Philadelphia, and the branch post-office known as Station No. 20, located in the Bourse Building, in said city, for the term beginning March 10, 1898, and ending June 30, 1901, which contract is hereto annexed, bearing date of the 10th day of March, 1898, thereby binding itself to maintain and equip said pneumatic tubes and all necessary apparatus for the operation of the same, and to transport the mails according to the terms, conditions, covenants, agreements, and stipulations in the said contract contained.

Now, the condition of this obligation is such that if the above-bound Pneumatic Transit Company shall well and faithfully perform in all things all and every one of the covenants, agreements, and stipulations of the aforesaid contract on its part to be performed, then, and in that case, this obligation shall be void; but if said Pneumatic Transit Company shall fail or refuse to perform all or any of the said covenants, agreements, and stipulations of said contract, then, and in that case, this obligation shall be of full force and effect, and the said Pneumatic Transit Company and its sureties shall be liable for the amount of this bond as liquidated damages to be recovered in an action of debt on this said bond.

In witness whereof we have hereunto set our hands and seals this 10th day of March, A. D. 1898.

(SEAL.)
(SEAL.)
(SEAL.)
(SEAL.)

PNEUMATIC TRANSIT COMPANY,
By WILLIAM J. KELLY, *President, Contractor.*
WILLIAM J. KELLY, *Surety.*
C. T. HARROP, *Surety.*
JNO. K. GITTENS, JR., *Surety.*

Witnesses:
EDWARD FELL LUKENS,
F. L. WILSON.

OATH OF SURETIES.

STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

On this 11th day of March, A. D. 1898, personally appeared before me, a notary public, William J. Kelly, Charles T. Harrop, and John K. Gittens, jr., sureties on the foregoing bond, to me known to be the persons named in said bond as sureties, and who have executed the said bond as such, who, being by me duly sworn, depose and say, and each for himself deposes and says: He has executed the within bond; that his place of residence is correctly stated therein; that he is the owner of real estate worth the sum hereinafter set opposite his name over and above all debts due and owing by him, and all judgments, mortgages, and executions against him, after allowing all exemptions of every character whatever, the total sum thus assured amounting to \$40,000, being double the amount of the foregoing bond, as follows:

(SEAL.)
(SEAL.)
(SEAL.)

WILLIAM J. KELLY, \$30,000.
CHARLES T. HARROP, \$5,000.
JNO. K. GITTENS, JR., \$5,000.

Subscribed and sworn to before me this 11th day of March, A. D. 1898.
EDWARD FELL LUKENS,
Notary Public.

CERTIFICATE OF POSTMASTER.

I, the undersigned, postmaster at Philadelphia, State of Pennsylvania, after the exercise of due diligence to inform myself of the pecuniary ability and responsibility of the principal and his sureties in the foregoing bond, do hereby approve said bond, and certify that in my belief the said sureties are sufficient to insure the payment of double the amount of said bond; and I do hereby certify that the said bond was duly signed by the contractor and sureties before signing this certificate.

THOMAS L. HICKS, *Postmaster.*

PHILADELPHIA, *March 12, 1898.*

Mr. PENROSE. Mr. President, as regards the maintenance of the existing status of the pneumatic tube in the city of Philadelphia, where I believe its success and economy are admitted, and in fact it is admitted that there it has been more successful than in any other place, and in justice to the gentlemen who have invested their money in the company, I ask that a short communication be read, addressed to the Senator from Montana [Mr. CARTER], who is not present.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE PNEUMATIC TRANSIT COMPANY,
Philadelphia, May 21, 1900.

Hon. THOMAS H. CARTER,
United States Senate, Washington, D. C.

DEAR SIR: As the representative of the Post-Office Committee, I respectfully and urgently ask that you use your influence to protect this company, which operates the pneumatic postal service for the Post-Office Department in Philadelphia, from practical ruin and confiscation, as proposed in the Senate on Saturday. No greater injustice to innocent holders of stock could be imagined than the abrogation of our contract at the present time.

As you are aware ours is the pioneer company to operate large tubes for the transmission of mail. We were the first to acquire the rights to use the Batcheller and other systems. Our stockholders consisted of about 60 reputable citizens, some of them men of moderate means. Our total capitalization was \$500,000.

It is exactly the same to-day. It has never been "watered." Every share that has not been paid for remains to-day in the treasury.

When John Wanamaker was Postmaster-General under President Harrison he caused an advertisement to be published calling for propositions for the construction of a pneumatic postal service. It was open to all competitors. One of the conditions imposed was that the work must all be done at the expense of the company whose bid was accepted and that the system should be operated free of expense for the Post-Office Department so long as the Postmaster-General deemed necessary. It was one of the most drastic

contracts ever entered into by a Government contractor, as you will see by reading its provisions as they appear in the RECORD of Saturday's proceedings. The only company to comply with these provisions was ours—the Pneumatic Transit Company of Philadelphia. It undertook and carried out successfully the construction of a 6-inch line in Philadelphia between the Bourse and the general post-office of that city, and never issued a bond to carry out the work.

When finished the Government insisted upon the use of the line for a year without any cost whatever. This was agreed to by the company. At the end of the year the Post-Office Department insisted upon a four years' trial for the nominal sum of \$3,400 per annum, not enough to pay the operations. At the end of the fifth year the Post-Office renewed the contract for \$17,500 a year, the existing rate.

So much for the iniquitous birth of the enterprise and its sinful conception, so far as we are concerned.

Since the completion of the Bourse line, this company has constructed an 8-inch line, connecting the Pennsylvania Railroad station and the Reading Railroad with the general post-office. We receive for our entire service in Philadelphia \$40,000 annually, out of which we pay the cost of wagons—one of these contracts, by the way, was formerly, I believe, \$14,000—the number of which we have steadily reduced from a dozen or more to a point where the entire untubable mail can be transported in a couple of automobiles, and \$5,300 rents for the room and power space in the two railroad stations mentioned.

We are now taking care of our fixed charges and this year will earn about 1 1/2 per cent on our capital stock.

There has never been a breath of scandal connected with our history or achievements, and to treat us in the way proposed by certain Senators, who are doubtless laboring under misapprehensions, would be a revolting wrong, entirely out of harmony with the traditions of the Senate.

Respectfully submitted.

WM. J. KELLY, *President.*

Mr. THURSTON. Mr. President, speaking for myself alone, I wish to disclaim the fact attributed to my vote on Saturday last. By voting against an increase of the appropriation for the pneumatic-tube service I certainly did not intend to vote against the policy of continuing and enlarging that character of mail service. In a general way I believe in it. I think we are to come to it. I feel certain that in our great cities it can be used to advantage. What I meant by my vote was that I believed in extending this service by the United States of America through the construction of its own plants, thereby insuring, as I think, the greater economy.

Mr. President, I did not intend to vote against continuing beyond this year the service through the existing companies in the four cities named if at the expiration of our present contracts we can renew arrangements with them on reasonable and just and satisfactory terms. Our contracts all expire in a year, and then we will be in a position either to build our own lines or to demand and secure reasonable terms from these companies. We will be in a position then, as suggested by the Senator from Colorado, very advisedly, I think, of saying to other municipalities, "Furnish us with the facilities at a reasonable price under arrangements that will guarantee the utmost economy in service, or we will do one of two things, either put in our own plant or else refuse you the pneumatic service."

But, Mr. President, while I admit that the existing contracts are not legally binding upon the United States of America, while we can make the present contract a three years' instead of a four years' contract if we choose, I do not believe it is consistent with the good faith of this Government, which has known of the existence of this contract with a four years' term and which has appropriated for its payment for three years, to stop it now. See what it will do. It will stop the pneumatic service entirely in the four great cities of our country. I do not believe we can afford to stop it. To continue it for another year will enable us to put ourselves in a position not only to continue the service economically thereafter, but to enlarge it in the best and cheapest possible way. Therefore I am in favor of paying up under our contract and of continuing this service to the end of the four years' term, between now and which time we can safely and properly adopt an economical policy as to the continuation of the pneumatic-tube service.

Mr. CHANDLER. Question.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Is the Senate ready for the question on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE], upon which the yeas and nays have been ordered?

Mr. CHANDLER. Will the Chair have the question stated?

Mr. PETTUS. I ask that the exact amendment which we are to vote upon may be read.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 17, after line 9, it is proposed to insert the following:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$25,000: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

Mr. CULBERSON. Mr. President, I understand that a while ago the Senator from Kentucky [Mr. LINDSAY] read certain portions of the contract pertinent to this inquiry. Not having been in the Chamber at that time, and desiring to hear them, I ask that the extracts from the contract read by the Senator from Kentucky may be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.
The Secretary read as follows:

First. To maintain and operate a line of pneumatic tubes in the city of Philadelphia, State of Pennsylvania, now constructed and owned by the said party of the first part, connecting the main post-office in the city of Philadelphia with the branch post-office known as Station No. 20, located in the Bourse Building, Fourth street, in said city of Philadelphia, for the purpose of conveying the United States mails to and from the places above named for the term beginning on the 10th day of March, 1898, to and including the 30th day of June, 1901, at the rate of \$17,000 per annum—

Mr. PENROSE. The Senator from Texas did not ask that the whole contract be read.

Mr. WOLCOTT. He wants read the clause wherein it is understood and agreed by the parties that it is subject to annual appropriations by Congress.

Mr. LINDSAY. That is it. It is embraced in the pencil marks, I think, on the third page.

The Secretary read as follows:

The said party of the second part, to wit, the United States of America, acting by its Postmaster-General, under the authority granted to him by the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898," approved March 3, 1897, and in consideration of the premises and the other covenants and undertakings of the party of the first part herein contained, covenants and agrees with the party of the first part, as follows:

It is fully understood and agreed that the payments under this contract beyond the period of the current fiscal year shall be contingent upon future appropriations provided by Congress therefor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. If he were here, I should vote "yea." I do not know how he would vote. I should like to know.

Mr. TURLEY (when his name was called). On this question I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

Mr. ALLEN (when Mr. TURNER's name was called). The Senator from Washington [Mr. TURNER] is paired on this question with the Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. BACON. I announce my pair with the junior Senator from Rhode Island [Mr. WETMORE].

Mr. BERRY. On this question I am paired with the Senator from Maine [Mr. FRYE]. I transfer that pair to my colleague [Mr. JONES of Arkansas] and will vote. I vote "nay."

The result was announced—yeas 33, nays 20; as follows:

YEAS—33.

Allison,	Gallinger,	McBride,	Quarles,
Burrows,	Gear,	McComas,	Ross,
Caffery,	Hanna,	McMillan,	Sewell,
Carter,	Hansbrough,	Mason,	Shoup,
Chandler,	Hawley,	Morgan,	Stewart,
Clark,	Hoar,	Penrose,	Thurston,
Deboe,	Jones, Nev.,	Perkins,	Wellington,
Elkins,	Kean,	Pettus,	Wolcott.
Fairbanks,	Kyle,	Platt, Conn.,	
Foster,	Lodge,	Platt, N. Y.,	

NAYS—20.

Allen,	Clay,	Helffeld,	Pettigrew,
Bard,	Cockrell,	Kennedy,	Rawlins,
Bate,	Calhoun,	Lindsay,	Teller,
Berry,	Daniel,	Money,	Tillman,
Butler,	Harris,	Nelson,	Vest.

NOT VOTING—23.

Aldrich,	Depew,	McLaurin,	Spooner,
Bacon,	Foraker,	Mallory,	Sullivan,
Baker,	Frve,	Martin,	Taliaferro,
Beveridge,	Hale,	Pritchard,	Turley,
Chilton,	Jones, Ark.,	Proctor,	Turner,
Cullom,	McCumber,	Scott,	Warren,
Davis,	McEnery,	Simon,	Wetmore.

So Mr. LODGE's amendment was agreed to.

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

Mr. WOLCOTT. Will the Senator kindly yield? There are just two other committee amendments.

Mr. STEWART. I thought the Senator had disposed of the committee amendments.

Mr. WOLCOTT. I thought so, too, but one of them is formal, and the other one I have been instructed by the committee to report. I am instructed by the Committee on Post-Offices and Post-Roads to report an amendment which will come after the amendment which has just been adopted.

The PRESIDING OFFICER. The Senator from Colorado, from the committee, reports an amendment to follow the amendment already adopted, which will be stated.

The SECRETARY. Following the amendment just adopted, it is proposed to insert:

For the investigation by the Postmaster-General of the cost of construction, operation, and utility of pneumatic mail tubes, including full details and maps, as well as the cost of stations and their operation and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government, \$10,000.

Mr. PETTIGREW. Mr. President, I voted against the amendment offered by the Senator from Massachusetts to appropriate \$325,000 for the use of pneumatic tubes now in operation. I did so because, in the first place, these contracts were made by the Second Assistant Postmaster-General without any authority on the part of Congress, and, I believe, at a very excessive price. The average of the rent for the use of the present pneumatic tubes is over \$38,000 a mile per year, which, in my opinion, is fully \$20,000 a mile more than the service is worth, even if the rental covered the cost of operating the tubes.

We have been unable, in every inquiry which we have had, to ascertain what it costs to lay these tubes from the parties who have put in the plants or to get any information whatever with regard to the cost of operating the plants. We have also been unable to get from them any proposition to sell the patents to the Government of the United States, so that we could put in the plants ourselves.

Therefore I believed if the amendment was defeated no injustice would be done, because the people who already own these tubes have received in rentals more money than the entire plants cost, and I believe many times over more money than the entire plants cost.

In the second place, the plants would be there and it would be a subject of negotiation in the future, which I believe would result ultimately in the Government purchasing these plants at a fair and reasonable price, and also with it securing the right to put in plants in other cities if it is found that it is best to do so.

I am not in favor of the pending amendment as I understand it, because it seems to me that it contemplates the extension of the system in the hands of this company. I do not believe we ought to build up in this country another corporation receiving from the Government its principal compensation in the way of rent, and thus enabling it to pay dividends upon a vast amount of stock which has been issued without any consideration whatever.

I think it was a mistake that the Government did not purchase years ago the telegraph system of the country. To-day the people of the United States pay interest and dividends upon \$130,000,000 for a telegraph plant that could be reproduced for \$25,000,000. If the pneumatic tube is a good thing, then let us purchase it and own it, and thus prevent the people of this country from being taxed enormous sums of money to pay dividends upon stock for which no consideration has been paid.

Mr. CHANDLER. I wish to call the attention of the Senator from South Dakota to the fact that this proposition to make an inquiry is in the broadest possible form. It instructs the Postmaster-General to find out whether pneumatic tubes should be owned, leased, extended, or discontinued by the Government. Therefore, if he is right in his views, there will be a report made by the Postmaster-General on that subject.

Mr. MASON. May I ask if the information whether the Government should own it or not will be given?

Mr. CHANDLER. It covers the whole ground. The Senator from South Dakota said that the amendment contemplated the extension of the system. It does not contemplate the extension of the system necessarily. The Senate has voted that no additional contract shall be made, and it is now proposed to provide for an inquiry as to whether the system shall be extended or wholly discontinued and, if extended, whether the Government shall own the tubes or lease them. So I think that the Senator from South Dakota ought to vote for this amendment.

Mr. PETTIGREW. Mr. President, the first appropriation made for pneumatic tubes was a smaller sum than that carried by this bill, and the amendment to the appropriation act read: "For extending the pneumatic-tube service by purchase, lease, or otherwise." When I objected to this and held that the Government should purchase the right and put in its own plant, the argument made in the committee always was that the amendment provided that the Government might purchase it, the language being "by purchase, lease, or otherwise." It was a thin guise under which the increased appropriations were secured to extend the private plants and then rent them at exorbitant prices.

This amendment is of the same character, and no more good will

come of it, if we can judge by our past experience with the Post-Office Department. No effort was ever made by the Department to purchase or otherwise under the provisions of the appropriation acts of the past. We never could secure any information from the Postmaster-General or his subordinates or from anyone else upon the subject of the cost of purchasing the right to put in the plant. No wonder we are paying \$37,500 per mile per year for the use of the plant in New York City. If they could continue the system at that price, it was too profitable to offer any encouragement whatever for the Government to accept it.

This company employing, as it did immediately after he ceased to be Second Assistant Postmaster-General, that officer as an officer of this corporation, it seems to me the course of the company has been such that it is entitled to no consideration at our hands. Do we want to ask the Postmaster-General whether it is a good scheme for us to continue to rent of a private company and turn a portion of the post-offices built by the Government over to their use, or whether it is a better policy for us to purchase the plant and own it ourselves? It seems to me that we need no advice upon that subject. Our experience with building up these corporations in the past ought to be warning enough. For my part, I desire no information, or advice, rather, for it is not information upon that particular subject.

Therefore I believe the amendment ought to be defeated and that this matter ought to be taken up in a proper way. An amendment ought to be put on instructing the Postmaster-General to ascertain at what price he can purchase the right to put in plants and also to purchase the existing plants, and no other question ought to receive consideration.

Mr. MASON. Mr. President, every question and every suggestion made by the Senator who has just taken his seat is covered by this amendment. It is requested by the Post-Office Committee. Every member of the Post-Office Committee joined in the request to make this investigation. We in Chicago who have been anxious for this system found everyone opposing it, saying, "We have no information." "How much does it cost?" "How much does it cost to operate it?" "Is there any other way to do it?" "Can not the Government own it?" After you have decided to go on with the contracts that are already in force, we simply ask to give you the information that every Senator who opposed the system asked for when he took his place on the floor in this Chamber. They said, "We have no estimate."

Now, this amendment is not for the company known as the Batcheller Company. I prepared an amendment practically the same as this, without consulting the company or anyone else. There is not a Senator here who likes fair play but what knows that what we want is information. You have defeated the plan for Chicago to have the service that Boston, New York, and Brooklyn have, and all upon the ground that you do not know anything about it. Now, the Committee on Post-Offices and Post-Roads have asked (and it is a committee amendment unanimously agreed upon, so far as I know) that the Postmaster-General shall report what it does cost, how much the patents will cost, and whether the Government ought to own it.

I will say to you now nothing would suit me better, and I believe nothing could be done so easy and so cheap as to have the Government of the United States own the plant which goes into the city of Chicago. I believe the citizens of Chicago and the board of aldermen would give the right to the Government to lay its pipes there without any question, without any trouble.

So far as I am concerned, I want the Senate to understand that this amendment calls for just that investigation, so that when we come back here at the next term of Congress the Department will state in its report how much it costs a mile and whether it is an advantage to the Government to own it or not, or whether we ought to rent it.

Then we are not bound by that report. It is simply a request that I may stand in my seat at the next session of Congress and furnish the information to you, gentlemen, who say you are the friends of the enterprise if it is wise and expedient. If it is not of utility to the Government the Postmaster-General can so report, and if it is of utility to the Government he can so report. If the Senator does not believe that report, he is not bound by it; but I think as a matter of fair play to the city I represent he should let us have the facts which Senators say they want. Every Senator in this Chamber has asked how much is it worth? How much have we paid these corporations? Have we been paying them too much? If so, let us stop it; but after you have furnished the cities of Boston, New York, Brooklyn, and Philadelphia with a continuance of the contract, do not say that you propose to close the door and not even permit the city of Chicago to have the advantage at least of information upon the subject, so that we may present, possibly, a plan whereby the Government may own the plant there. You may be able to start there on that plan. I shall be satisfied and the people there will be satisfied.

We verily believe that if the Department takes hold of it, as I believe it will, we can establish the plant through Government

ownership. That course may be economical. The chairman of the committee has offered this as a committee amendment, and you ought not to refuse this information, it seems to me, if you believe in fair play. If you intend that we shall not have the information, so that you can stand in your places next session and say, "We do not know anything about it," then of course you can object to the information and use your lack of information at the next session of Congress as a means of defeating this service again.

Mr. PETTIGREW. Mr. President, two years ago we passed a resolution, or amendment, I think, to an appropriation bill, which authorized the appointment of a commission composed of four members of each House to secure this identical and specific information.

Mr. MASON. The Senator, I think, is mistaken about the information being identical and specific.

Mr. PETTIGREW. It covered the whole operation of the Post-Office Department, and it covered this field. It was fully within the power and province of that commission, as two members of it have suggested to me within a few moments, to investigate this whole subject and cover this entire question.

Now, I am hesitating between two opinions, as to whether it is safer to trust the Postmaster-General or this commission; whether in the one case we will not get information that will mislead us, and whether in the other case we will ever get any information at all. I think we ought to have the information. The post-office commission do not seem disposed to furnish it and will not even print the testimony that has been taken before them. I understand that they are making an effort now, or somebody is, to have the testimony doctored and changed that was taken before the commission, because of the fact that it may be in some cases a little damaging to the railroads. I do not charge the commission with being a party to this, but I do charge that it is within the knowledge of some members of the commission that this is the fact.

Mr. WOLCOTT. Let me say to the Senator that I never heard of such a suggestion in the world. There is not a single word of anybody's evidence that has ever been taken down that has ever left the commission or is not at the inspection of everybody. I do not think the Senator would seriously charge that any member of this commission is going to doctor or change any testimony.

Mr. PETTIGREW. I did not charge it, and I do not understand that they knew of it, but some members of the commission knew that there was an effort in that direction.

Mr. WOLCOTT. I never heard of it.

Mr. PETTIGREW. I did not charge that the Senator knew of it, and he is a pretty sharp fellow, too.

Now, I do not know that I blame the Senator from Illinois for wanting to seek some other source for getting information, and I do not know that I particularly object to the amendment if it shall contain a provision that we shall have information also upon what the patents can be purchased for, in order to put in and operate the plants on the part of the Government.

Mr. MASON. I am willing to have that amendment made with the consent of the chairman of the committee.

Mr. WOLCOTT. All right.

Mr. MASON. Insert in the next to the last line "and also the cost for the use of any patents."

Mr. PETTIGREW. Yes; "at what price the Government can purchase the right to put in plants of this kind."

Mr. MASON. "At what rate the Government can purchase the right to use it." I want all the information we can get; then, if we can not get it cheap enough, we can abandon it, but we will not abandon it owing to lack of information.

The PRESIDING OFFICER. Will the Senator from Illinois state what his amendment to the amendment is?

Mr. MASON. The chairman of the committee will insert it.

Mr. WOLCOTT. I suggest that we add "also the cost at which the Government may acquire the existing plants or necessary patents." Will that cover it?

Mr. MASON. Very well.

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

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. Add at the end of the amendment the following:

Also the cost at which the Government may acquire existing plants or necessary patents.

The PRESIDING OFFICER. Without objection, the amendment will be so modified. The question is on agreeing to the amendment of the committee as modified.

The amendment as modified was agreed to.

Mr. WOLCOTT. There is a formal amendment. On page 3, lines 18 and 19, after the words "three at \$2,000," the word "each" should be inserted. That word was omitted by an oversight of the Clerk. After the word "dollar," in lines 18 and 19, I move to insert "each," so as to read "three at \$2,000 each."

The amendment was agreed to.

Mr. WOLCOTT. Now, Mr. President, this disposes of the committee amendments and leaves pending the amendment offered by the Senator from Georgia [Mr. CLAY], a member of the committee, and which has been printed, and an amendment of which the Senator from Nevada gave notice.

Mr. STEWART. I will offer my amendment now.

The PRESIDING OFFICER. The Senator from Nevada offers an amendment, which will be read.

The SECRETARY. Line 22, page 24, after the word "criminals," insert:

And provided further, That all deficiencies in the postal revenue of Cuba resulting from criminal or unlawful appropriation of money by officers appointed by or under the authority of the United States and not recovered from said officers or upon their bond shall be reimbursed by the Postmaster-General, and the amount necessary for the purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. BUTLER. I offer an amendment, to come in after line 11 on page 26, at the end of the bill, as a proviso to the committee amendment.

The SECRETARY. Add as a proviso, following the word "commission," at the end of line 11, page 26, the following:

Provided, however, That all testimony heretofore taken by said commission shall be at once printed, and that all testimony hereafter taken shall also be printed from time to time for the use of Congress.

Mr. WOLCOTT. Mr. President, the commission has taken something more than 2,000 pages of testimony. It has not published the testimony yet, because the testimony is not complete, not only as to subjects, but it is not wholly complete as to witnesses. For instance, the statistician, the expert of the commission, has given testimony on several different branches of the subject. He is now preparing further testimony on another branch. From time to time there may be additions made. There have been statements made by Mr. Acker, for instance, followed by subsequent statements by Mr. Acker, as new developments have taken place.

When there has been a new weighing by the Department it is sure to be followed by expert testimony, or testimony on both sides of the question. We have printed a copy for the use of each member of the committee, and every page, every word taken, has been printed exactly as taken except for the correction of grammatical errors, and it all stands as the testimony of the witnesses. It has not been edited. It has not been indexed. It is not in a position to give out, because it is not complete. It is intelligent as far as it goes, but it is not comprehensively taken yet, and it is not finished.

There is no objection, if the Senate sees fit, to appropriate the money to publish all this testimony. It will all be printed later in a different form with the testimony of witnesses separately arranged and differently arranged and properly indexed and properly headed. There are 2,000 pages of it. The objection to the proviso is not in the slightest degree that anybody objects to the whole world seeing it, but it is only to spending the money of the Government in printing the testimony before it is in proper shape. There has not been an attempt to refer the printing to the proper committee until it was completed; that is all.

Mr. BUTLER. I will ask the Senator if it will cost as much as \$3,000,000 to publish it?

Mr. WOLCOTT. No; but I do not know how much it will cost. The chairman of the Committee on Printing is not here. Some expert can tell. There are something over 2,000 pages, and it is not completed. Everybody getting these 2,000 pages would throw it away when the final testimony is taken, because the other will not be published as supplemental. I only wanted the committee to know the fact. I suppose, under the rules of the Senate, such a resolution should go to the committee, the cost being over \$500.

Mr. BUTLER. I understand the only objection the chairman makes to this amendment is the cost.

Mr. WOLCOTT. The cost and the inutility, that is all. It will be utterly useless when the subsequent testimony shall be printed. But the question is in the hands of the Senate. It is a matter of indifference to every member of the commission, of course, except that we do not like to give you that which is not complete.

Mr. BUTLER. Mr. President, we can examine now what testimony there is, and it will then take less time to examine it when complete. The commission is not to report under this amendment until the 1st of next January. We will have another appropriation bill here right on the heels of that report, before we shall have time to examine the testimony, and we will be asked to pass the next appropriation bill before we shall have time to examine it.

Mr. WOLCOTT. If the Senator will permit me, it is entirely in the hands of the Senate, and it is a matter, as I said, of indifference to every member of the commission; but I suggest that the Senator could frame the amendment so as to specify the number of copies. It is a very vague and indefinite quantity. What

will he have done? Will there be so many thousand printed for the use of the Senate and so many for the use of the House, and be done with it?

Mr. BUTLER. The usual number will be printed and supplied to the document room.

Mr. WOLCOTT. I will say to the Senator that I think there is no usual number under such a provision.

Mr. BUTLER. The law provides that the document room shall be supplied with a certain number.

Mr. WOLCOTT. Is it to be printed as a document, shall we say?

Mr. BUTLER. It is intended to be printed for the use of the two Houses, as a document for the two Houses.

Mr. CHANDLER. I suggest to the Senator that 450 copies, one copy for each Senator and one copy for each Representative, of the incomplete testimony might be sufficient.

Mr. BUTLER. I will modify the amendment by calling for 450 copies.

Mr. PETTIGREW. Let us have a thousand copies at least.

Mr. BUTLER. There is no objection to a thousand copies.

The PRESIDING OFFICER. Will the Senator state where his proposed modification is to come in?

Mr. BUTLER. Let it be for 1,000 copies.

The PRESIDING OFFICER. The amendment will be read as modified.

The Secretary read as follows:

Provided, however, That 1,000 copies of all testimony heretofore taken by said commission shall be at once printed, and that 1,000 copies of all testimony hereafter taken shall be printed from time to time for the use of Congress.

Mr. BUTLER. If we had had that testimony I have no doubt the Senate could have reduced the railway mail pay some, for there is testimony in the hearings, I am informed, that would have been very valuable in the discussion of the question of the reduction of the railway mail pay, and yet we were not able to get it.

Mr. PETTIGREW. I should like to ask the Senator a question, if he will permit me.

Mr. BUTLER. Certainly.

Mr. PETTIGREW. I should like to know whether the Senator has any information in regard to a recommendation by Mr. Adams, the expert of the commission, for a reduction of the railway mail pay, and what that is, if there is any such recommendation?

Mr. BUTLER. I have been informed, and I believe reliably so, that Mr. Adams, the expert employed by this commission, after giving a large mass of facts and data, reported as his conclusion that there should be a reduction of the railway mail pay; that he reported a certain reduction that should be made for all railroads, and then advised that as the amount of railway mail matter increased the reduction should be increased and made larger and larger. I have not seen the testimony and have not been able to get it; but, whatever it is, we ought to have had it when this bill was pending, and I think, even though it is partial, we ought to have had the benefit of it. I have not been able to use it, but I understand there is such testimony, and I think it is correct.

Mr. GALLINGER. If the Senator will permit me, I will venture to suggest to him that a provision on the Post-Office appropriation bill for the printing of testimony is a very unusual thing. I take it, if this testimony is to be printed, if provision is made for it on this bill, that the Post-Office Department would be expected to print it out of the appropriated funds. Does not the Senator think it would be better to offer what is contained in his amendment as a Senate resolution and have it passed through, and in that way get the information?

Mr. WOLCOTT. I will say to the Senator from North Carolina that if he will offer it as a Senate resolution, I shall be glad to facilitate it, and I have no doubt we shall all be glad to facilitate it in every possible way. That is the proper form in which the matter should be presented, not in the appropriation bill, where it will go to the Post-Office Department to print testimony in the hands of a Senate or a House committee. If the Senator will offer it as a Senate resolution, it can be passed at once and there will be no objection to it; but it ought not to be placed on the appropriation bill, as it seems to me.

Mr. BUTLER. We can change it so that it will be printed by the Senate. It is very easy to change the pending amendment so as to have the same effect as a resolution.

Mr. PETTIGREW. The resolution would have to be a joint resolution, because the printing would exceed the limit of cost.

Mr. WOLCOTT. Not if printed as a document.

Mr. PETTIGREW. Yes, it would.

Mr. BUTLER. The printing of the testimony will be secured by having the provision on this bill; and I ask that the question be put on the amendment.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from North Carolina [Mr. BUTLER] as modified.

The amendment as modified was agreed to.

Mr. WOLCOTT. There is a further amendment offered by the Senator from Georgia [Mr. CLAY], which I should be glad to have read.

The PRESIDING OFFICER. The amendment will be stated. The Secretary proceeded to read the amendment submitted by Mr. CLAY on the 18th instant.

Mr. CLAY. Mr. President, I will state that I offered the amendment on Friday evening last, and that it will be found printed in full on pages 6148 and 6149 of the RECORD of the 18th instant. I do not think it is necessary to read it again, unless some Senator particularly desires it. I understand the Senator from Colorado intends to make a point of order against the amendment.

Mr. WOLCOTT. Mr. President, I desire to make a statement which will probably do away with the necessity for reading the amendment.

This is an amendment which has been offered for the reclassification of the railway postal clerks. I simply want to call the attention of the Senate to the facts. This will be of interest to Senators, for I know we have all been approached by some members of this industrious and efficient order.

Under the present status of the bill as it came from another Chamber, and as it is now before the Senate, the provision for the employment of railway postal clerks alone has been increased \$785,370. Of this amount \$541,870 is for annual clerks as the bill came from another Chamber; \$243,500 as an increase of salary for the present clerks, of which the Senate, upon recommendation of its committee, has added \$54,700.

So, Mr. President, by this bill 1,632 postal clerks have been put back from \$1,150 to \$1,200, and 200 at \$900 each per annum have been increased to \$1,000 each per annum.

There are five classes of railway mail clerks, at \$800, \$900, \$1,000, \$1,200, and \$1,400. At a time when the Department was running behind some years ago, under an order, I think, of Postmaster-General Key, the \$1,200 class were dropped back to \$1,150, and the \$1,400 class to \$1,300. This continued for many years. The proposed legislation of Congress upon this bill will put those back, so that all these clerks will receive \$1,200 instead of \$1,150, and \$1,400 instead of \$1,300.

The \$800 class is one of form only. As soon as a clerk has been six months in the service he is at once promoted to the higher grade, his service as a substitute clerk has passed, and he is then classed as a regular clerk. So that practically few, if any, railway postal clerks serve at any time for \$800 a year. The present average pay of the railway postal clerks of the country is \$1,056.

We have gone a long way toward meeting the wishes of those representatives of the railway postal clerks who call for the reclassification of the clerks.

The amendment proposed by the Senator from Georgia is a measure that does not belong to an appropriation bill. It has been introduced as a separate measure; and it was not deemed advisable either in another Chamber, where it was first introduced, or here, that it should be dealt with at this Congress. Our appropriations, as I say, have lifted up many of these clerks to higher salaries, and it did not seem best to us in the Senate committee that we should deal further with this subject at this time; certainly that it should not be dealt with on an appropriation measure.

For that reason I feel it my duty to raise the question of order upon the amendment. It is new legislation; it is legislation not estimated for, and it is not reported from a committee.

Mr. CLAY. Mr. President, just a word before the point of order is passed upon.

This amendment was introduced before the Committee on Post-Offices and Post-Roads, and defeated by a tie vote. I will not, however, refer to what happened before the committee.

We have 5 classes as the law now stands: Class 1, who draw a salary not exceeding \$800 a year; class 2, who draw a salary not exceeding \$900 a year; class 3, who draw a salary not exceeding \$1,000 a year; class 4, who draw a salary not exceeding \$1,200 a year; and class 5, who draw a salary not exceeding \$1,400 a year.

The Post-Office Department for a number of years has recommended that there be a reclassification. The amendment which I have offered has been recommended by the Post-Office Department for more than a dozen years. The Second Assistant Postmaster-General has recommended it time and again, and so has Superintendent White; and their letters making the recommendation will be found in the RECORD at the time the amendment was introduced, on Friday last.

I desire to say, while it is true that there has been an increase made by the Committee on Post-Offices and Post-Roads in regard to the railway mail clerks, this increase largely has reference to those already drawing good salaries.

I have before me a list of those who were increased. There are 11 clerks who were drawing \$1,600 per year, who will now get \$1,800; there are 85 clerks who were drawing \$1,400, who will now get \$1,600 under this increase; there are 1,227 clerks who were getting \$1,300, who will get \$1,400 under this increase; there are 1,632 clerks who were getting \$1,150, who will get \$1,200 under this

increase, whilst those clerks who were drawing \$800 and \$900 and \$1,000 per year, who would be provided for under the amendment which I introduced, are not reached at all by the increases which have been made by the bill. In other words, the bill as it came from the House of Representatives selected those who are getting good salaries and left off those who were drawing smaller salaries, but who really do as much work as those drawing the larger salaries.

The Senator makes the point of order on this amendment that it changes the classification law as it now exists. I desire to call attention to the fact that this bill as it came from the House, and as it came from the Senate committee also, changes the classification law. The maximum amount fixed by the law as it now stands was only \$1,600 per year. We have changed it already and made it \$1,800 per year. If the rule which the Senator invokes in this case shall be applied in this instance, I desire to call his attention to the fact that more than two-thirds of the salaries of the officers in the Post-Office Department and the Railway Mail Service have been changed from those fixed by existing law. We have already changed the law and given them \$1,800 per annum each, while they were only entitled under the old law to draw \$1,600 per annum.

Mr. President, to come in here and select three or four classes, and simply say that they shall be changed and draw more salary than the old classification law gives, and then go down to the bottom, and when you undertake to change those who have not the same influence as those who are drawing good salaries and say that the rule shall not apply, is manifestly unjust.

I say the reason why I introduced this reclassification measure as an amendment to this bill is that it has been pending here the entire session, and we have been unable to get it acted upon. So as a matter of justice to this class of employees I offer it as an amendment to this bill.

Mr. CHANDLER. Mr. President, there is no class of postal employees whose salaries I would be any more willing to raise than the postal clerks on the cars. They run great risks of loss of life, and they ought to be an especially favored class of employees of the Government; but the Committee on Post-Offices and Post-Roads not only have before them this bill for reclassifying the postal clerks, but they have also bills for reclassifying the clerks in the post-offices and bills for reclassifying the letter carriers. It is manifest that if we undertake to put one reclassification upon the Post-Office appropriation bill we ought, in justice, to put the others, the second and the third reclassification bills, upon the Post-Office appropriation bill; that is to say, if we believe it is just to make the reclassification.

The committee has not undertaken to do this. No member of the Senate has undertaken to move these other reclassification bills; and if the point of order had not been made by the chairman upon this amendment, of course these other bills would have been offered as amendments, and then this appropriation bill would have been made what an appropriation bill is not intended to be—a bill of general legislation in reference to the subject-matter of the bill.

I think the rule of the Senate is a wise one. Certainly we ought not to signalize the first session at which the appropriation bills have been distributed, and some of them taken away from the Committee on Appropriations and given to the special committees having the particular subjects in charge, by loading the appropriation bills down with general legislation. I say that with all respect to the wishes of the Senator from Georgia [Mr. CLAY], and being, I think, in favor of that bill as a separate measure.

In the Committee on Naval Affairs there were various propositions of legislation, some half dozen of which commended themselves to the judgment of the Committee on Naval Affairs, but that committee by an express vote decided that it would not put legislation of that kind upon the naval appropriation bill; and such, in substance, was the action of the Committee on Post-Offices and Post-Roads on this bill.

Therefore, Mr. President, without regard to the point of order, in great sympathy with the postal clerks, and with a general desire to better the condition of all these employees of the Post-Office Department, I express the wish to the Senator from Georgia that he will withdraw the amendment, instead of asking the Chair to rule upon it.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. The Chair is ready to rule on the point of order.

Mr. TILLMAN. I should like to get a little light from the chairman of the committee [Mr. WOLCOTT] or the Senator from New Hampshire [Mr. CHANDLER], if the Chair will indulge me for a moment, as to the method which was pursued of increasing the salaries in the bill. Was it under a law, or did you just increase them haphazard or without any regard to law?

Mr. WOLCOTT. I will tell the Senator when this measure came to us from another Chamber we accepted as legal and binding whatever provisions we found upon it. The Senate can make

its own rules; it may live up to them and observe them or disobey them; but it can not make rules for another Chamber. Therefore we assumed the bill when it came to us to have been legitimately and legally passed. We then took it and raised, in accordance with law, 694 clerks who were getting the \$1,150 a year each to a class under which they would draw \$1,200 a year and from the drawing of which they were cut down in poorer days by the order of the Postmaster-General. So that we have not changed the classification. We have reinstated them in the class to which they belonged, and that is all we have done. We then took 200 out of the \$900 grade and raised them to \$1,000.

Mr. CLAY. Will the Senator permit me to ask him a question right there?

Mr. WOLCOTT. Yes.

Mr. CLAY. Is it not true that the classification act, as it now stands, fixes the maximum salary of the clerks at \$1,600 per annum and that this bill, if we pass it as it stands, will change the classification law and fix the maximum salary at \$1,800 per annum?

Mr. WOLCOTT. That is not by any act of the Senate.

Mr. CLAY. But the classification law has been changed by this bill?

Mr. WOLCOTT. Yes.

Then we took 200 clerks at \$900 each and increased them to \$1,000 each, all within the classification act. So I can say to the Senator from South Carolina that nearly 40 per cent of the post-office clerks of the United States to-day have got their salaries raised by this bill. There are 8,650 clerks, and of these 8,650 clerks, 3,155 have their salaries raised by this bill.

Mr. TILLMAN. The question I wished to ask the Senator from Colorado and the Senator from New Hampshire, if they were willing to answer it, is why they make fish of one and flesh of the other?

Mr. WOLCOTT. I will say to the Senator that if he will read the testimony he will find that as to some of the higher salaries perhaps it will be interesting to him to know that 11 men under the bill are taken from a salary of \$1,600 and raised to a salary of \$1,800, 85 men are taken from a salary of \$1,400 and raised to \$1,600, 1,227 are raised from \$1,300 to \$1,400, 1,632 are raised from \$1,150 to \$1,200, and 200 from \$900 to \$1,000.

Now, I will say to the Senator from South Carolina that in a few instances, where the larger salaries are voted, it has been for these reasons: The number of important junction points where railroads meet and exchange postal cars, exchange facilities, and distribute the mail, and the termini of postal routes are constantly increasing in the United States. As the postal business increases the commerce increases, and the transmission of the mails and intelligence increases. There are, therefore, more head clerks and superintendents needed—far more than formerly; and from year to year there must be an increase in their number.

Where a man is taken from the high class of the best postal clerks and put in charge of a station, in charge of a route, or in charge of a terminus, his salary is raised by this bill so that he may receive the same pay that his associates received when they were fewer in number than they are now. That is all. There is no making fish of one and flesh of another. It is an honest attempt to deal by the Post-Office Department with entire fairness to its employees.

I desire to call the attention of the Senator to the fact that the average pay of a postal clerk is \$1,056 a year.

Mr. TILLMAN. The Senator has not made it clear to my mind, at least, why some of these men who are going to do the same work do not also have their pay increased.

Mr. WOLCOTT. The reason why a large number of these people get their pay raised \$50 is because their pay never ought to have been reduced. It is merely to put them back where they belong.

Mr. TILLMAN. But this puts up some men \$200 and some \$100.

Mr. WOLCOTT. I have explained twice to the Senator from South Carolina that the only men who have gone up are those put in charge of terminals, those who are in charge of routes, and those who are engaged in most responsible work. There is no making fish of one and flesh of another.

Mr. TILLMAN. The Superintendent of the Railway Mail Service having recommended this reclassification, why not leave it to his discretion to select from among his subordinates those who are entitled to go into certain classes? I do not see why the Senate should arbitrarily make these selections and grant increases to some and not to others. Why not leave it to the Superintendent to determine who should go up and who should not?

Mr. CLAY. Will the Senator allow me?

Mr. TILLMAN. Certainly.

Mr. CLAY. Is it not true that the Post-Office Department for twelve years—under Mr. Cleveland's Administration, under Mr. Harrison's Administration, and during Mr. McKinley's Administration—have recommended the reclassification which I have proposed here in the form of an amendment? I have also produced letters from the Department, which were inserted in the RECORD

last week, from the Second Assistant Postmaster-General and from Superintendent White in favor of the identical classification which I have proposed.

Mr. TILLMAN. The Senator says so, and I take his word for it. I am not on the Post-Office Committee, and I have not examined this matter, and so can not say; but I know the Senator is correct in his statement. Why should these increases not be made under some proper regulations, instead of picking up arbitrarily some employees here and there and increasing them \$100 and \$200 a year? Why not allow the Superintendent of the Railway Mail Service to designate and reclassify and divide out this additional compensation?

Mr. CHANDLER. Mr. President, the Committee on Post-Offices and Post-Roads took up this bill item by item. They made certain changes in it, and they may, for all I know, have changed existing law; but they did not put a whole reclassification bill in one section or two sections upon this bill.

Mr. TILLMAN. Has it reclassified the clerks?

Mr. CHANDLER. The Senator from Georgia [Mr. CLAY] could have moved every one of these specific appropriations, and the committee would have passed upon them.

Mr. President, I should not make the point of order that the existing law could not be changed on the recommendation of a Senate committee, for it can be. I should not make a point of order that there can not be some increases of salary upon an appropriation bill; but I make the point of order that that is the privilege, under the rules, of a committee; that when the committee have done their work as well as they can and the bill is before the Senate, upon motion of a single member, not backed by the authority of a committee, you can not increase an appropriation.

Mr. ALLEN. Mr. President—

Mr. PENROSE. I call for the ruling of the Chair on the point of order.

The PRESIDING OFFICER. The Chair is ready to rule upon the point of order, but he will listen to the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. Mr. President, I desire to submit simply an observation on this question. I only wanted to say that in my judgment the logic of the honorable Senator from New Hampshire [Mr. CHANDLER] will not bear inspection. He objects to the adoption of this amendment of the Senator from Georgia because he says that there are other clerks in the Post-Office and in other Departments who should be reclassified. If that is true, the reclassification of all these different clerks should come upon this bill, not only the reclassification of the clerks mentioned in the amendment of the Senator from Georgia but the reclassification of the clerks in the post-offices proper. Because the adoption of this amendment would lead to the adoption of other amendments which are in the right direction is no reason why a point of order should be raised against this amendment or an objection made to its adoption.

Another thing the Senator from New Hampshire finds which he believes to be an insuperable objection to the adoption of this amendment is that it is general legislation. Mr. President, there are as many rulings in this body on the subject of general legislation as there have been occupants of the chair. Each one of them is contradictory of the other. I dare venture the remark that the ruling that will be made by the Chair to-day will be overruled inside of a week by some other occupant of the chair.

No one has ever yet, since I have been a member of this body, defined the distinction between general and special legislation. That is a mere work of caprice. If the occupant of the chair does not want an amendment adopted, he sustains the point of order; if he is in favor of its adoption, he overrules the point of order, and a vote is taken upon it.

Mr. President, anything that pertains to the subject of post-offices and post-roads is germane to this bill, and is not general legislation. I venture the remark that there has not been an appropriation bill adopted in this Senate for twenty years that has not carried with it general legislation. The Senator from New Hampshire can not point to one of the dozen or more appropriation bills that are passed annually by Congress that does not carry upon it general legislation that is entirely foreign to the title or the purpose of the bill. Of course, the objection is made simply to stifle the accomplishment of this act of justice to this class of clerks.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken. The Secretary will read the clause from the first section of Rule XVI.

The Secretary read as follows:

And no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

The PRESIDING OFFICER. The Chair understands that this item is not estimated for; that it is not moved by direction of a standing or select committee, and that it increases an item of appropriation already contained in the bill.

Mr. WOLCOTT. Mr. President, I desire to say to the Senator from Georgia [Mr. CLAY], who comments upon the unfairness of this appropriation bill, and to the Senator from South Carolina [Mr. TILLMAN], who, as I understand, also comments upon its unfairness, that if they desire to move to strike out the increases which the Senate has put in this bill, I stand ready to meet them.

Mr. TILLMAN. I will do that. Let us put it back as the law is now.

Mr. WOLCOTT. There are changes made in the existing law in the bill as it came from the other Chamber; for instance, there is the provision, on page 18, line 22, for "938 clerks of class 4b, at \$1,200 each; 694 clerks of class 4a, at \$1,150 each." If the rates proposed are thought to be too high, the Senator can go back and move to change them.

Mr. TILLMAN. If the Senator will accept such an amendment, I will move it.

Mr. CLAY. Will the Senator permit me?

Mr. TILLMAN. But I want to get the House back to the law. Let the Senate go back to the law and let the House go back to the law and let the question of the Railway Mail Service and the reclassification of the clerks stand on its own merits, and not let part of them get an increase of one hundred or two hundred dollars and leave the balance out in the cold. Let the fight be made to have the whole service reorganized and reclassified, and let justice be done to all or let none of them get any increase.

I will move to strike out the Senate amendments increasing the number, and then I will move to strike out the House amendment increasing the salaries.

Mr. CLAY. Will the Senator from Colorado yield to me just a moment?

Mr. WOLCOTT. Certainly.

Mr. CLAY. Mr. President, I desire to say, in reply to the interrogatory of the Senator from Colorado, that I am in favor of the reclassification act in its entirety. I believe that the Post-Office Department recommended wisely when it recommended its adoption. This amendment will simply embody in this bill a part of that recommendation. I am in favor of the entire thing. The amendment proposed by the Senate Committee on Post-Offices and Post-Roads goes to the lower grade, and if you simply strike out the amendments of the Senate committee you destroy the only benefit that the lower grade receives at all from this bill. It would be undoubtedly a great injustice to strike out that and to leave in the House provision.

Now, so far as I am concerned, I desire to be perfectly consistent. As I have said before, I am in favor of the reclassification act, and I meant just what I said.

Mr. MASON. Mr. President, it would be a mere waste of time to attempt to reconsider the amendments made by the committee. They were made after due investigation. I am in favor, as a member of the committee, of the new classification, but it seemed at the time that we did not have a majority of the committee to report that bill, and it is new legislation; but there was a way suggested without violating any existing law in which there might be a change, by consolidating the two classes as explained by the chairman of the committee. That was recommended by the Post-Office Department. It would be almost worse than childish to attempt to undo what we have done.

Mr. WOLCOTT. I do not care to discuss the matter further. The amendments of the committee having been adopted, I move that the—

Mr. TILLMAN. I thought the Senator was willing to strike out the Senate amendments and the House amendments to the bill.

Mr. WOLCOTT. I was willing that the Senator should move the amendment.

Mr. TILLMAN. I am willing to move it and let it be voted on; and I do move it.

The PRESIDING OFFICER. What is the Senator's amendment?

Mr. WOLCOTT. Yes; what is the amendment?

Mr. TILLMAN. To strike out the Senate amendments increasing the number and then the House provision which increases the salaries of certain clerks without giving a reclassification. I do not know where to put the phraseology or how to put it, as I have not had time to examine the bill carefully.

The PRESIDING OFFICER. The clerks can not understand the amendment in the way in which it is proposed.

Mr. TILLMAN. This matter sprung up here without my having had a chance to prepare the amendment. I would not be willing to have the Senate amendment reconsidered unless the House provision was stricken out, too.

Mr. MASON. I hope the Senator will withdraw his motion. It would simply reopen the whole bill for discussion.

Mr. TILLMAN. It amounts simply to this: The Committee on Post-Offices and Post-Roads would not report the classification bill and give the Department the chance to do this thing decently and in order. They come in here and report some increases on those that are already high up on the list, and the House has already reported an increase of those high on the list. The reclassification is done arbitrarily and without any regularity, or, as I can see, any orderly supervision by the superintendent who knows who is properly being compensated now.

Mr. MASON. But there is no violation of existing law.

Mr. TILLMAN. There is violation of existing decency and honesty in the business.

Mr. MASON. That is the judgment of the Senator. We do not admit that he is the sole judge.

Mr. TILLMAN. I do not claim to be. I express my opinion, however.

Mr. MASON. You always have that delightful opportunity, and you never fail to express it.

The PRESIDING OFFICER. The Senator from South Carolina must either reduce his motion to writing or inform the Secretary of the particular amendment which he desires to have made.

Mr. TILLMAN. As I have just informed the chairman, I do not know that I can state the amendment unless he will give me some little time to look the matter up and prepare the amendment, by letting the matter go over until to-morrow.

Mr. WOLCOTT. Oh, no.

The PRESIDING OFFICER. The Chair doubts whether a motion to reconsider the amendment is now technically in order, more than two days having elapsed since it was adopted. It is not in order at this stage, but when the bill comes into the Senate the question will be on concurrence in all the amendments adopted as in Committee of the Whole.

Mr. WOLCOTT. I will speak to the Senator from South Carolina as to the form of the amendment.

Mr. KENNEY. Mr. President, I desire to say a word in connection with this discussion. As a member of the Post-Offices and Post-Roads Committee I was present and attended every session of the committee when this bill was under consideration. I made as strong an effort as I could to have the classification proposition, as offered by the Senator from Georgia as an amendment here, adopted. I went further. I endeavored to have adopted as a part of the bill, as an amendment to it by the Post-Offices and Post-Roads Committee, the bill for the reclassification of the Post-Office clerks as well.

I think the members of the Senate who have been discussing this matter are not quite advised as to the exact status of the case. When the bill came from the House and was referred to the Committee on Post-Offices and Post Roads, the committee found increases of salary as stated by the distinguished chairman of the committee. The committee, failing to get a reclassification as provided for by this amendment, did the next best thing they could do, and that was to add to the clerks of the lower class—the class of clerks who are drawing the lower salaries—a certain amount, to which the distinguished Senator from Georgia called the attention of the Senate as the only benefit that came to the lower grade of clerks.

It seems to me it would be a great outrage upon these men to move to strike out that amendment put on by the Senate.

Mr. TILLMAN. Mr. President—

Mr. KENNEY. One minute. We have proceeded to increase the salaries of the clerks on a line of reclassification, and we have accomplished thus much so far. If we leave it stand as it is today, next year we can get the balance of them taken care of, and in that way discharge our duty to everybody.

Mr. TILLMAN. Will the Senator give us assurances that his committee, or by his efforts, he, at least, will next year undertake to do the fair thing by those who are now left out in the cold? I can see some reason why we should not reduce the pay of those who have been taken care of. The only thing I am complaining of is the injustice, unfairness, and inequality here.

Mr. KENNEY. I agree with the Senator in every particular; and I do promise him, so far as I am concerned, that I shall do all I can to bring about a complete reorganization of the classification.

Mr. WOLCOTT. I beg to suggest to the Senator from South Carolina that until this year the railway postal clerks were appropriated for in a lump sum, in this language:

For railway post-office clerks, \$8,765,000.

This year we segregate them into classes, so as to appropriate for a specific number in each. If, therefore, we should strike out the Senate increases, that could be definitely accomplished, because we know how many we increased; but if the Senator followed up his motion, as he necessarily would have to do, by a motion to strike out the House amendment raising, we would have to change the whole character and phraseology of the bill and have experts, and segregate from the lump sum enough to account for the number of clerks included in this bill at the lower salaries.

In view of the statement made by the Senator from Delaware and the Senator from Georgia, in which opinion I share, I suggest to the Senator that, for the purpose of facilitating the passage of this bill at this time, he withdraw the proposed amendment.

Mr. TILLMAN. In view of the fact that the Senator who is in charge of the bill says we can not reach the House amendments because of the phraseology of the provision, and therefore our hands are tied, so far as concerns reducing that without remodeling the bill, I will have to submit and withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

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

The SECRETARY. On page 18, lines 7 and 8, strike out the words "thirty-three million eight hundred and seventy thousand dollars" and insert in lieu thereof "\$30,483,000; and the Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1900, for the transportation of mails on railway routes by reducing the compensation to all railroad companies for the transportation of mails at least 10 per cent per annum from the rate fixed in section 4002 of the Revised Statutes, as amended by act of July 12, 1876, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes,' and as further amended by act of June 17, 1878, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes,' for the transportation of mails on the basis of the average weight; and the above amount appropriated shall cover full compensation for railway mail transportation."

Mr. WOLCOTT. This is the same amendment identically that was offered when the bill was in the Senate as in Committee of the Whole and upon which we voted. I ask the Senator from North Carolina if this is not the same amendment?

Mr. BUTLER. It is exactly the same amendment, but we have some new information since. We did not know that there had been any recommendation made by the statistician of the commission in favor of a reduction. Now, I will ask the chairman of the commission if that is not true?

Mr. WOLCOTT. It is partially true and partially not true. The statistician of the railway mail commission said that, in his opinion, the dense routes were paid too much, with the testimony already produced; that he was of opinion—I am stating it from memory—that there could be a horizontal reduction of 5 per cent.

Mr. BUTLER. On all roads?

Mr. WOLCOTT. On everything. Then he stated that before he could reach a definite conclusion it was essential that more testimony be taken as to the volume of mail that could be carried in postal railway cars and upon other subjects. I am stating it very crudely, but I am stating the substance exactly. In other words, up to this time he thought there might be a reduction of 5 per cent, but he felt that we did not have enough testimony to act upon evidence in making the recommendation.

Mr. BUTLER. There can be a reduction of 5 per cent on all roads and a greater reduction on those which carry large amounts of mail.

Mr. WOLCOTT. No; but he thought there should be a gradation on those carrying from 20,000 pounds up. But it is all tentative, and it was not a final conclusion at all. It was not such that the commission felt at liberty to act upon it, because the expert himself testified that we had not testimony enough to base it upon evidence.

Mr. PETTIGREW. I should like to ask a question. Did he make the statement at the time he made his recommendation or afterwards? Was it on reconsideration?

Mr. WOLCOTT. Oh, no; I mean in the same examination. The subsequent examination I have never read. The subsequent examination modified or changed that somewhat. I did not hear all of it. I have not gone over it myself, but in the same report, I assure the Senator, in which he made the recommendation he also stated that we did not have testimony enough to base any recommendation upon the evidence.

Mr. BUTLER. I should like to ask the Senator if he did not also in his conclusion say it was evident there ought to be a reduction?

Mr. WOLCOTT. No; he said he thought the statistics showed that the dense routes were being overpaid; but whether out of the total or whether at the expense of the light-carrying roads he did not state.

Mr. BUTLER. A reduction of 5 per cent horizontally on all the roads, and then a graduated reduction on roads that carry a large amount of mail would make a greater reduction than this amendment provides. It would make a reduction of more than 10 per cent. That is clear to everybody.

Now, on the sparse-carrying roads, the roads that carry the least mail, he was of opinion that we ought to have 5 per cent reduction, and then scaling up, up, up on the roads that carry a large amount. Take the mail in this country and that will make clearly a reduction of over 10 per cent, and therefore on the recommendation we have and on the information we have it is a greater reduction than this amendment provides for. I am sorry we have not the report of the commission. I have been begging for it each year, trying to get it. But the information we have from the partial report, which is direct and authentic, and which the chairman admits, shows that this amendment is inside of the bounds.

Mr. PETTIGREW. Mr. President, there has been a feeling among a great many people for a long time that there ought to be a reduction of railway-mail pay. Two years ago we appointed a commission to investigate this subject, and it appears that the expert whom they employed recommended that a reduction of 5 per cent be made, that the testimony already received and the information already secured warranted that much of a reduction. As I understand it, he believes a further investigation might lead to a further reduction and a different adjustment; that he was warranted in recommending a 5 per cent reduction on the roads that carry the greatest bulk of mail.

These two items together would make a reduction, in my opinion, of over three million. Five per cent would certainly make a reduction of over a million and a half. It seems to me that this sum is worth saving to the Treasury of the United States; and under these circumstances and in the face of this recommendation—all, it appears, we have been able to get out of this commission—the Senate ought to adopt this amendment and save this sum to the Treasury. I believe that the amount paid to the railroads for carrying the mails of the United States is \$20,000,000 a year in excess of the amount of money it is worth to do the service they perform.

I am thoroughly convinced, after investigating the matter for several years, that I am well within the bounds of reasonable compensation, and I base my conclusion largely upon the fact that they carry express matter on the same trains for about one-tenth per pound what they charge for carrying mail matter, and if they should carry the mail at the same rate they carry express the reduction would be far more than \$20,000,000; it would be somewhere in the neighborhood of \$30,000,000. Now, we ask simply to save a little over three million of this excessive sum to the Treasury, and it seems to me it is reasonable and proper that it should be done, and then let the commission go on and furnish further evidence for the other proper reductions which must follow unless the Government is to pay an excessive sum for this service.

Mr. BUTLER. Mr. President, it has been twenty-two years since there has been a reduction of railway-mail pay. During that twenty-two years the quantity of mail matter has nearly trebled. Therefore the quantity of matter that we furnish the roads would justify a 10 per cent reduction in the amount paid. The great volume that we give them to carry would justify this reduction. But during those twenty-two years passenger rates have been reduced from 20 to 30 per cent, freight rates have been reduced from 30 to 50 per cent. There is no reduction here, while the quantity of mail has nearly trebled. Even if there had been no reduction in freight rates, if there had been no reduction in passenger rates, there ought to be this much reduction on account of the quantity of mail the Government sends over the roads.

Mr. President, this amendment does not propose half the reduction that justice demands. It is inside the mark safely, and every man who favors any reduction at all and who has thought of it must feel that way.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. PETTIGREW].

Mr. BUTLER. On that I ask for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNEY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PENROSE]. I therefore withhold my vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "nay."

Mr. TURLEY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

Mr. ALLEN (when Mr. TURNER's name was called). On this question the Senator from Washington [Mr. TURNER] is paired with the Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. SCOTT. I am paired with the junior Senator from Florida [Mr. TALIAFERRO]. Otherwise I should vote "nay."

Mr. BERRY. On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], and therefore withhold my vote.

Mr. FAIRBANKS. I wish to announce that my colleague [Mr. BEVERIDGE] is unavoidably detained from the Senate. I will not again make the announcement during the day.

Mr. CAFFERY. I wish to inquire whether the Senator from Michigan [Mr. BURROWS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. CAFFERY. Being paired with that Senator, I withhold my vote.

The result was announced—yeas 16, nays 33; as follows:

YEAS—16.			
Allen,	Culberson,	Lindsay,	Teller,
Bate,	Gallinger,	Morgan,	Tillman,
Butler,	Harris,	Pettigrew,	Vest,
Chandler,	Heitfeld,	Pettus,	Wellington.

NAYS—33.			
Allison,	Hanna,	McMillan,	Sewell,
Bard,	Hansbrough,	Mason,	Shoup,
Carter,	Hawley,	Money,	Stewart,
Clay,	Hoar,	Nelson,	Sullivan,
Deboe,	Jones, Nev.	Perkins,	Thurston,
Elkins,	Kean,	Platt, Conn.	Wolcott.
Fairbanks,	Kyle,	Platt, N. Y.	
Foster,	Lodge,	Quarles,	
Gear,	McBride,	Ross,	

NOT VOTING—37.			
Aldrich,	Cullom,	McCumber,	Simon,
Bacon,	Daniel,	McEnery,	Spooner,
Baker,	Davis,	McLaurin,	Taliaferro,
Berry,	Depew,	Mallory,	Turley,
Beveridge,	Foraker,	Martin,	Turner,
Burrows,	Frye,	Penrose,	Warren,
Caffery,	Hale,	Pritchard,	Wetmore.
Chilton,	Jones, Ark.	Proctor,	
Clark,	Kenney,	Rawlins,	
Cockrell,	McComas,	Scott,	

So Mr. PETTIGREW's amendment was rejected. The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

SOLDIERS' HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 9140) providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

The PRESIDING OFFICER. There being no unfinished business before the Senate, it is unnecessary for the Senator from North Dakota to ask unanimous consent. The Senator from North Dakota moves that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That sections 2304 and 2305 of the Revised Statutes be, and the same are hereby, amended to read as follows:

"SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February 13, 1862, and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who has served in the Army of the United States during the Spanish war, or who has served, is serving, or shall have served in the said Army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish war, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding 160 acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

"SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps, shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements."

Mr. HANSBROUGH. I am directed by the Committee on Public Lands to offer an amendment in the form of section 2.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. Insert at the end of the amendment, as section 2, the following:

SEC. 2. That the provisions of section 2306 of the Revised Statutes of the United States shall not apply to persons who served in the Spanish war or in the suppression of the insurrection in the Philippines.

Mr. STEWART. I should like to have an explanation of the amendment just offered.

Mr. HANSBROUGH. The amendment which I have just offered is in lieu of a section under which soldiers' scrip has been issued heretofore. The object of the committee was to provide against the issuance of scrip to the soldiers of the Spanish war.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TELLER. I offer an amendment to come in as section 3. The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add as section 3, at the end of the bill as amended, the following:

SEC. 3. That the title acquired by the town-site occupants and all others under and by virtue of the soldiers' additional homestead entry of lot 1 of section 18, in township 10 south, range 84 west of the sixth principal meridian, adjoining the patented town site of Aspen, in the State of Colorado, is hereby confirmed: *Provided*, That no valid adverse claim existed when the entry was made.

The PRESIDING OFFICER. This amendment is not technically in order. Is there objection to its being received? The Chair understands that it is to be received as an amendment to what has already been adopted.

Mr. TELLER. I have offered it as a separate section.

Mr. HANSBROUGH. It will be a separate section, section 3.

Mr. TELLER. It is in order as a separate section.

The PRESIDING OFFICER. If there be no objection, it will be accepted. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. TELLER. I wish to put in the RECORD, as the bill is to go back to the House, a certificate from the General Land Office and a letter from a prominent gentleman of Aspen, so that the House may be acquainted with the facts.

The PRESIDING OFFICER. If there be no objection, the papers referred to will be received and inserted in the RECORD without reading.

The papers referred to are as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 26, 1900.

I, Binger Hermann, Commissioner of the General Land Office, do hereby certify that the annexed copy of release signed by James M. Dills, mayor of the city of Aspen, Colo., in the matter of soldiers' additional homestead entry No. 85, is a true and literal exemplification of said paper on file in this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]
BINGER HERMANN,
Commissioner of the General Land Office.

Whereas the city of Aspen, in the State of Colorado, by Thomas Latta, mayor pro tempore, filed its protest in the United States Land Office against the soldiers' additional homestead entry made by Edgar W. Ensign, of lot 1, in section 18, township 10 south, range 84 west, at the Glenwood Springs (Colo.) land office, and containing 13.80 acres, more or less; and whereas the title of the said Edgar W. Ensign in and to the surface of all town lots within said tract of land has been conveyed since the date of said entry to the mayor of the said city of Aspen, in trust for the occupants thereof according to their respective interests: Now, therefore,

The said city of Aspen, by its mayor, James M. Dills, in consideration of said conveyance, does hereby release unto the United States all its claim to the said described tract of land and withdraws all opposition to the entry thereof by the said Ensign.

Signed and sealed this 14th day of March, A. D. 1894.
THE CITY OF ASPEN, COLO.
By JAMES M. DILLS, Mayor.

No. 100.

NOTARY'S ACKNOWLEDGMENT.

STATE OF COLORADO, County of Pitkin, ss:

I, Edgar Stallard, a notary public in and for said county, in the State aforesaid, do hereby certify that James M. Dills, mayor of the city of Aspen, Colo., who is personally known to me to be the person whose name is subscribed

to the annexed release, appeared before me this day in person and acknowledged that he signed, sealed, and delivered the said instrument of writing as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 12th day of April, A. D. 1894.
My commission expires February 21, 1897.
[SEAL.] EDGAR STALLARD, Notary Public.

ASPEN, COLO., February 23, 1900.

DEAR SENATOR: In reply to your recent letter requesting my views upon a proposed amendment to Senate bill No. 156, I would say that such legislation is, in my opinion, desirable and necessary in several cases. In this city, adjoining the already patented town site, the town improvements extended over the greater part of a fractional subdivision containing some 10 or 12 acres, which was subsequently entered with soldier's additional homestead scrip, so called, and the title thus acquired was conveyed by the scribee to the mayor, in trust for the town-site occupants, according to their respective interests. The proposed legislation would in effect confirm the title of such occupants, if no valid adverse claim to the tract existed when the entry was made, and I know of none.

Very respectfully,

J. M. DOWNING.

Hon. H. M. TELLER, United States Senate.

Mr. CARTER. I ask the Senator from South Dakota to allow the bill to go over until to-morrow. I have an amendment to present to the bill, which is authorized by the Committee on Public Lands to be attached to the bill, but I have not the amendment here at this moment. The bill has been read and amended, and is ready to be put on its passage. I ask the Senator to let it go over until to-morrow.

Mr. HANSBROUGH. In view of what the Senator from Montana says, I feel obliged to allow the bill to go over. I know that the amendment he proposes will be a very important one.

The PRESIDING OFFICER. The further consideration of the bill will be postponed until to-morrow.

SIoux CITY AND PACIFIC RAILROAD.

Mr. ALLISON. I ask the Senate to proceed to the consideration of a bill (H. R. 2864) to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

Mr. PETTIGREW. I object to the consideration of the bill at this time.

The PRESIDING OFFICER. One objection does not carry the bill over. The Senator from Iowa moves that the Senate proceed to the consideration of the bill.

Mr. ALLISON. I would be glad to have the bill taken up, unless there is some special reason why it should go over.

Mr. PETTIGREW. I do not know that I shall object after to-morrow or the next day. I wish to examine the bill. I think twenty-four hours will be all I shall want. Then I shall not object to the consideration. I do not know that I shall favor the bill.

Mr. ALLISON. Very well; I will not press it now.

The PRESIDING OFFICER. The Senator from Iowa withdraws his motion.

THE NICARAGUA CANAL.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate proceed to the consideration of the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. LODGE. I understand—

The PRESIDING OFFICER. The motion is not debatable.

Mr. LODGE. I understand if that bill is taken up it will become the unfinished business of the Senate.

The PRESIDING OFFICER. It will.

Mr. LODGE. I shall have to ask for the yeas and nays on the motion of the Senator from Alabama.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama to proceed to the consideration of the Nicaraguan Canal bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I am paired with the Senator from Utah [Mr. RAWLINS]. I transfer that pair to the senior Senator from Rhode Island [Mr. ALDRICH], and vote "yea."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. McBRIDE (when Mr. SIMON's name was called). My colleague [Mr. SIMON] is absent from the Chamber. If he were present, he would vote "yea."

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER], and therefore I withhold my vote.

Mr. HEITFELD (when Mr. TURNER's name was called). The

senior Senator from Washington [Mr. TURNER] is paired with the senior Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. BERRY. On this question I am paired with the Senator from Maine [Mr. FRYE]. I transfer that pair to my colleague [Mr. JONES of Arkansas], and vote "yea." If the Senator from Maine were present, he would vote "nay."

Mr. HANSBROUGH. I will transfer my pair with the senior Senator from Virginia [Mr. DANIEL] to the senior Senator from Kansas [Mr. BAKER], and vote. I vote "nay."

Mr. BATE (after having voted in the negative). I wish to know if the senior Senator from Kentucky [Mr. DEBOE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BATE. I withdraw my vote.

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. I desire to suggest to the Senator from West Virginia [Mr. SCOTT], who is paired with the junior Senator from Florida [Mr. TALLAFERRO], that we transfer our pairs so that each may vote.

Mr. SCOTT. Very well.

Mr. BACON. The Senator from West Virginia consents to that arrangement, and therefore my vote will stand.

Mr. SCOTT. I vote "nay."

The result was announced—yeas 21, nays 28; as follows:

YEAS—21.

Allen,	Culberson,	McBride,	Pettus,
Bacon,	Foster,	Mason,	Sullivan,
Bard,	Harris,	Money,	Tillman.
Berry,	Hawley,	Morgan,	
Butler,	Heitfeld,	Nelson,	
Clay,	Kyle,	Perkins,	

NAYS—28.

Allison,	Gear,	McComas,	Scott,
Burrows,	Hanna,	McMillan,	Sewell,
Caffery,	Hansborough,	Pettigrew,	Shoup,
Carter,	Hoar,	Platt, Conn.	Teller,
Chandler,	Kean,	Platt, N. Y.	Thurston,
Fairbanks,	Lindsay,	Quarles,	Vest,
Gallinger,	Lodge,	Ross,	Wolcott.

NOT VOTING—37.

Aldrich,	Deboe,	McEney,	Stewart,
Baker,	Depew,	McLaurin,	Taliaferro,
Bate,	Elkins,	Mallory,	Turley,
Beveridge,	Foraker,	Martin,	Turner,
Chilton,	Frye,	Penrose,	Warren,
Clark,	Hale,	Pritchard,	Wellington,
Cockrell,	Jones, Ark.	Proctor,	Wetmore.
Cullom,	Jones, Nev.	Rawlins,	
Daniel,	Kenney,	Simon,	
Davis,	McCumber,	Spooner,	

So the Senate refused to proceed to the consideration of the bill.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 22, 1900, at 12 m.

NOMINATIONS.

Executive nominations received by the Senate May 21, 1900.

POSTMASTER.

Henry L. Eads, to be postmaster at Pattonsburg, in the county of Daviess and State of Missouri, in the place of John H. Heath, deceased.

ASSISTANT SURGEON IN THE NAVY.

Charles Norman Fiske, a citizen of Massachusetts, to be an assistant surgeon in the Navy, from the 15th day of May, 1900, to fill a vacancy existing in that corps.

SECRETARY OF PORTO RICO.

William H. Hunt, of Montana, to be secretary of Porto Rico, under the provisions of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, to fill an original vacancy.

DISTRICT JUDGE.

John R. Hazel, of New York, to be United States district judge for the western district of New York, an original appointment under the provisions of the act of Congress entitled "An act 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," approved May 12, 1900.

UNITED STATES ATTORNEYS.

Charles H. Brown, of New York, to be attorney of the United States for the western district of New York, an original appointment under the provisions of the act of Congress entitled "An act 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," approved May 12, 1900.

George B. Curtiss, of New York, to be attorney of the United States for the northern district of New York, an original appointment under the provisions of the act of Congress entitled "An act 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," approved May 12, 1900.

UNITED STATES MARSHALS.

William R. Compton, of New York, to be marshal of the United States for the western district of New York, an original appointment under the provisions of the act of Congress entitled "An act 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," approved May 12, 1900.

Theodore L. Poole, of New York, to be marshal of the United States for the northern district of New York, an original appointment under the provisions of the act of Congress entitled "An act 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," approved May 12, 1900.

Frank M. Chandler, of Ohio, to be marshal of the United States for the northern district of Ohio, vice Matthias A. Smalley, whose term expired February 17, 1900.

CONSUL.

Thornwell Haynes, of South Carolina, to be consul of the United States at Rouen, France, vice Thomas T. Prentis, appointed consul at Batavia, Java.

REGISTER OF LAND OFFICE.

Lon E. Foote, of Arriba, Colo., to be register of the land office at Hugo, Colo., vice Frederick C. L. Hachenberger, removed.

RECEIVER OF PUBLIC MONEYS.

William R. Edwards, of Fargo, N. Dak., to be receiver of public moneys at Rampart City, Alaska, vice Nicholas J. Trodo, resigned. (New Rampart City land office.)

WITHDRAWAL.

Executive nomination withdrawn May 21, 1900.

William H. Hunt, of Montana, having been this day nominated as secretary of Porto Rico, his nomination as agent of the United States under the conventions for a claims commission concluded between the United States and Chile, August 7, 1892, and May 27, 1897, which nomination was sent to the Senate on May 3, 1900, is hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 21, 1900.

SECRETARY OF PORTO RICO.

William H. Hunt, of Montana, to be Secretary of Porto Rico.

CONSULS.

Charles S. Winans, of Michigan, to be consul of the United States at Iquique, Chile.

Harry P. Dill, of Maine, to be consul of the United States at Port Hope, Ontario, Canada.

Ernest A. Wakefield, of Maine, to be consul of the United States at Orillia, Ontario, Canada.

POSTMASTERS.

Willis A. Pitre, to be postmaster at Westlake, in the county of Calcasieu and State of Louisiana.

Perry C. Hill, to be postmaster at Virden, in the county of Macoupin and State of Illinois.

HOUSE OF REPRESENTATIVES.

MONDAY, May 21, 1900.

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

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

CIRCUIT AND DISTRICT COURTS AT SUPERIOR, WIS.

The SPEAKER laid before the House the bill (H. R. 11031) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis., with Senate amendments, which were read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

RETURN OF BILL TO SENATE.

The SPEAKER also laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, May 17, 1900.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill of the Senate 283, entitled "An act in reference to the civil service and appointments thereunder."

CHANGE OF REFERENCE.

By unanimous consent, the following change of reference was made from the Committee on the Public Lands to the Committee on Indian Affairs:

A bill (S. 2493) authorizing and directing the Secretary of the Interior to issue patents for land in certain cases.

FINAL ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I offer the following privileged resolution, which I asked to have read and referred to the Committee on Ways and Means.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Wednesday, the 6th day of June, at 3 o'clock p. m.

The SPEAKER. Referred to the Committee on Ways and Means. [Applause.]

EIGHT-HOUR LAW.

Mr. GARDNER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill 6882, with committee amendments.

The SPEAKER. The gentleman from New Jersey, chairman of the Committee on Labor, moves to suspend the rules and pass with amendments the following bill:

The Clerk read as follows:

A bill (H. R. 6882) limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

Be it enacted, etc., That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of \$5 for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon observation or investigation report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire, flood, or danger to life or property. Nothing in this act shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or as an attempt to abridge the pardoning power of the Executive.

Amend the title so as to read: "A bill limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes."

Mr. RICHARDSON. I demand a second.

Mr. GARDNER of New Jersey. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON. Mr. Speaker, I would like to have some explanation of the bill. It is quite a long bill. I did not demand a second with any view to opposing the measure, but with a view to having some explanation of its features.

Mr. GARDNER of New Jersey. As to the features of this bill, Mr. Speaker, it has but a single feature. It is to carry the law of 1892 where it was intended to go. Congress by a series of legislation, as shown in the report, has time after time adopted the theory of the eight-hour day for Government work. Congress has passed a number of statutes all directing the eight-hour day, and yet it has always so fallen out that the main part of the work done for the United States was not reached by the statute.

Now, the feature of this bill is to provide in all contracts by or on behalf of the United States or any Territory or the District of Columbia that the work done under contract shall be done on the system of an eight-hour day, and for the violation of that, instead of directing the people to the criminal courts, the Department is directed to do that which they now do in the case of public buildings, buoys, light-houses, and light structures, simply to retain a moderate penalty from the compensation, to wit, \$5 a day.

Mr. BAILEY of Texas. I desire to ask the gentleman from New Jersey a question. Is this precisely the old law except that it assesses a penalty instead of a fine?

Mr. GARDNER of New Jersey. This is precisely the old law except the penalty of \$5 a day instead of \$500 fine, with one exception. The old law was started with the phraseology, "On any of the public work of the United States," but in the report, and the statute itself reads, as contractors and subcontractors "on any public works of the United States." The "s" being added to the word "work" operates, as the gentleman will see, to that extent to limit its provisions or application to things judicially determined to be public works under legal definitions of public works. This bill is not, therefore, precisely the old law, but it is the old principle of the law extended to work done for the United States.

Mr. BAILEY of Texas. Was there not some ruling of the Department that rendered the old law or the law as it stands to-day practically inoperative?

Mr. GARDNER of New Jersey. On the contrary, the ruling of the Department of Justice infused into the law of 1892 almost all the value that it has ever had; in other words, changed a "gold brick" into a statute.

The act, as stated on the floor by the committee, reads, as the gentleman has often read it, without doubt, "No laborer or mechanic in the employ of the United States or the District of Columbia, or any contractor or subcontractor on any of the public works of the United States," which operated to absolutely limit every provision in the bill to "public works" of the United States and District. But the enrolled bill had no comma after "subcontractor," in consequence of which the Department of Justice did rule that it applied to every workman and mechanic in the employ of the Government, in the employ of the District of Columbia, and the workmen and the mechanics in the employ of contractors and subcontractors on the public works.

Without that ruling of the Department, the bill applied nowhere except on "public works." Thus vitality was given it by the Attorney-General's opinion, and yet the contrary opinion has always been promulgated all these years.

Mr. BAILEY of Texas. Will the gentleman inform the House why they seek to eliminate the fine and substitute a penalty? Has the committee concluded that the old law is too harsh?

Mr. GARDNER of New Jersey. Well, I desire to be as frank with the gentleman as he would be with me. The bill imposes a penalty for the violation of a contract because we believe that if there is any constitutional difficulty it is more easily met in that form.

Mr. BAILEY of Texas. Is there not a serious constitutional difficulty when Congress undertakes to deny an American citizen the right to contract for his personal services?

Mr. GARDNER of New Jersey. As to the power of the United States to give any direction to its officers, who are its agents, that it may see fit, limiting the hours of daily services, there is no longer any doubt, because the Supreme Court has passed upon that. As to the power of Congress to pass a bill authorizing indictment against the contractor and subcontractor who violates the act of 1892 on work being done on ground owned by the United States, that perhaps is now beyond question, however the gentleman and myself may have heretofore viewed it, because the district court of the United States in San Francisco has sustained such an indictment.

Mr. BAILEY of Texas. I think there is no doubt that the Government of the United States can make any rule or regulation which is necessary and proper in erecting its public buildings or

constructing any public work, but I do not believe it is a necessary and proper regulation to deny an American citizen the right to contract as he chooses for his own personal services. I think there is a very serious question about the power of Congress to make it a crime for an American citizen to sell ten hours of his labor a day if he chooses to do it.

Mr. GARDNER of New Jersey. The act that makes it a crime has been on the statute book for several years, and I have never noticed any bill from the gentleman from Texas or others to repeal it.

Mr. BAILEY of Texas. And yet you are trying to modify it by taking out the criminal feature and assessing a penalty.

Mr. GARDNER of New Jersey. On the contrary, the gentleman from Texas is making an assumption on a notion and not on facts.

Mr. BAILEY of Texas. I asked the gentleman if this bill was not the old law except that it substituted a penalty for a fine, and he answered it was.

Mr. GARDNER of New Jersey. With certain exceptions.

Mr. BAILEY of Texas (continuing). With the exception that it omits an "s," and that, he admits, does not vary the principle.

Mr. GARDNER of New Jersey. This act provides specifically that it shall not be construed as repealing the act of 1892.

Mr. BAILEY of Texas. It repeals it pro tanto so far as it conflicts. Does the gentleman mean to tell the House that if this bill becomes a law the fines of the old law will remain instead of the penalties of the new law?

Mr. GARDNER of New Jersey. Well, there is a great deal in the old law which will remain. It will remain in the navy-yard, on the public buildings, in the Printing Office. The old bill applies there. This bill applies to nothing but contracts.

Mr. BAILEY of Texas. I should be glad to hear the gentleman from New Jersey or his committee advance such reasons as moved them to deny an American citizen, if he desires to work for ten hours a day, the right to engage his services for that length of time. This is an abridgment of the right of contract on the part of an American citizen with respect to his personal service.

Mr. GARDNER of New Jersey. Mr. Speaker, if the operation of the act develops a condition that those who object to it are found to be the oppressed laborers who desire to work more than eight hours a day—if the question is raised in that form—the gentleman will get a decision directly on the point which he raises. I wish to suggest to him, however, that he will have to bring that precise case himself, for in all the opposition that will ever come to this bill there will be no laborer who has been deprived of the opportunity to contract under it appearing in court seeking to set it aside. The opposition will not come from that source. If the bill operates in a way to oppress anybody, the laborer is not the man we will find seeking legal redress.

Mr. BAILEY of Texas. The fact remains, however, that this bill does make it unlawful for an American citizen who may desire to do so to contract for more than eight hours' daily service upon any public work of the United States. Though the contractor may be willing to give him one or two dollars extra for an extra hour or two of labor, yet under the provisions of this bill the contractor dare not engage him for such extra work. Is not that true?

Mr. GARDNER of New Jersey. This bill, instead of depriving anybody of any right, gives the precise power to the Government that the gentleman from Texas now has—the right to exercise by an act of the sovereign government the right to have contracts executed under whatever terms it pleases.

Mr. BAILEY of Texas. But that does not answer my question. Does the gentleman from New Jersey think that it does? I asked the gentleman—and in order that there may be no misunderstanding I will repeat the question—does not this bill make it unlawful for an American citizen who desires to do so to engage more than eight hours of his service in any day to any contractor on a public work?

Mr. GARDNER of New Jersey. This act says to all citizens of the country, "The Government hereafter will have its work done on the eight-hour-a-day plan. If you are unwilling to work on the eight-hour-a-day system you do not want our job."

Mr. BAILEY of Texas. Suppose the laborer is inclined to work ten hours a day and the contractor is willing to give him \$3 additional for the extra two hours work, could the employee under this bill enter into such a contract, though both the contractor and the laborer might be anxious to make the agreement?

Mr. GARDNER of New Jersey. Suppose you wanted to violate any contract you had made?

Mr. BAILEY of Texas. The gentleman must surely know that his case is a weak one if he will not make a more direct reply than that.

Mr. GARDNER of New Jersey. On the contrary, I know it is strong, but I wish to reserve a moment of my time. If I have any left over, you shall have it.

Mr. RICHARDSON. I yield five minutes to the gentleman from Texas.

Mr. BAILEY of Texas. Mr. Speaker, I believe no man in this body is more sincerely in sympathy with every effort of organized labor to improve and elevate its condition than I am. I believe—and I think that there is no dissent from that belief—that the institutions, the glory, the progress, and the prosperity of this country rest at last upon its great laboring millions. But I never have given and I never will give my consent to degrade the American laborer to a condition lower than that of a child, and deny him the right to contract for his own personal services as his judgment or his necessities may require.

Under this bill, if an American citizen whose family lie sick needs the extra compensation that may be allowed him for an extra hour or two of work should apply for the privilege of working that extra hour or two, a penalty is imposed upon a contractor who may engage an American laborer for such time as the laborer himself may desire to work. Gentlemen, you may think you flatter the pride of the American laborer by reducing him to a condition of pupillage and denying him the right to make his own contracts for his personal services, but I think you insult him.

I recall with much satisfaction that I was one of the twenty-seven members of this House who voted against the enactment of the present law. After voting I discovered that I was paired; but not willing to see such miserable demagoguery as that pass without recording my protest, I said in withdrawing my vote that I had voted "no." And within the last three months I have been called to account for that vote in a circular widely distributed all over the State of Texas; but instead of apologizing for it, I stood face to face with those who were arraigning me, and declared that not only had I voted against that act, but that I would vote against every such law so long as I might be privileged to cast a vote in Congress.

I will never agree that an American citizen is incompetent to make his own contracts about his own personal services. That is precisely what this bill assumes. It simply reduces an American citizen who happens to be engaged in creating the wealth of the nation to a condition of pupillage. You allow a man who does not have to sell his own labor to sell his professional services without any limitation on his right; but you deny to the American citizen the right to sell his own labor upon his own terms; and when you do so, you insult his intelligence and self-respect. [Applause.]

Mr. RICHARDSON. I yield three minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. Speaker, the tendency of all enlightened legislation is to improve the conditions of labor throughout the country, to limit the hours of labor, to improve the sanitation of the factories in which labor is conducted, to restrain and prevent child labor, and to impose other restrictions upon employers in the interest of laboring classes. The Government of the United States, following out this enlightened line of legislation, has declared by law that in its capacity as an employer it will only work men eight hours a day, and this the laboring classes of the country themselves have requested.

Now, the United States Government, going one step further, declares in the pending bill that when it enters into a contract with an individual for the construction of a public building or for any public work the contractor shall work the men only eight hours a day. In other words, by law the United States instructs its employees, the contractors, that they shall work their laboring men only eight hours a day. Now, I ask, what objection can there be to such a law? Is there any one of us, acting as an employer of labor, who could not exercise the right of determining that his employees should work only eight hours a day?

Mr. BAILEY of Texas. Will the gentleman permit me?

Mr. NEWLANDS. Is there any one of us who in entering into a contract with a man for the construction of a building could not place in that contract a stipulation that the contractor should work his men only eight hours a day? And the Government as an employer of labor and as an employer of contractors has the same right, in the interest of humanity, that any individual has, and that is all that this law means.

The SPEAKER. The time of the gentleman from Nevada has expired.

Mr. BAILEY of Texas. Will the gentleman yield?

Mr. NEWLANDS. I would gladly yield if my time could be extended.

Mr. RICHARDSON. I yield three minutes to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I dislike very much to disagree with my friend from Texas [Mr. BAILEY] on the position he has taken on this bill. I am strongly in favor of the eight-hour day on Government work, whether the work is done by contract or by direct labor.

I have the greatest faith in the doctrine that the individual

should be accorded the greatest amount of individual liberty, but conditions are such to-day as to demand the protection of the Government in some instances if free labor is to secure its proper reward.

There is a great deal of difference between conditions existing a hundred years ago and those of the present time.

An employer who employed a dozen men at that time was a large employer of labor, while at the present time, owing to the marvelous changes in the conduct of business, it is not an uncommon case to find ten and fifteen thousand men employed by the one concern. What protection has the individual laborer competing against such a combination as this, with its millions of capital behind it? The individual employer has passed away and the laborer becomes the prey of concentrated capital and wealth, and only prospers as far as the laws of the Government afford him protection and relief.

I know full well the history of labor legislation in my own State; and although it is, I believe, the most advanced State in the Union in that respect, these laws were never enacted except after the most persistent endeavor and fighting of the workingmen themselves.

We have an eight-hour law now on our statute books governing the direct employment of labor, and I do not hear any complaint that the Government does not get proper return from all branches of work where this law is in operation.

Here at the Washington Navy-Yard, where some of the best guns in the world are manufactured; at the Springfield Armory, where our rifles are made, and at the Charlestown Navy-Yard, where the equipment for the Navy is turned out, the eight-hour law is in force, and splendid results are achieved. No one can dispute the fact, either, that the work is done as economically as it is in private concerns where longer hours prevail.

Too many people have the idea that cheap laborers mean cheap labor. The best and most productive labor is the contented labor, and this is true in all parts of the world. It is the teaching of all political economists that the short-hour laborer is the cheaper laborer in the end, and the history of every industry in the world confirms this view. The cheap wages and the long hours exacted by contractors are the bane of our civilization, and the Government should set the pace in putting an end to this system.

Millions of dollars have been appropriated by this present Congress for public works in various sections of the country, and practically the whole of this work will be done by contract labor.

What does this mean? It means simply that the contractors who are looking for the work will figure upon the cheapest labor to be found, as the lowest bidder is to receive the contract, and it can very easily be seen what show the ordinary American laborer will receive. In my own city to-day thousands of American citizens are walking the streets whose families are almost in a destitute condition, while the employment on our public works is farmed out to the cheapest labor that can be obtained. It is time for this practice to stop. The money to pay for this work comes out of the toil and sweat of the American workman, and it is the American citizen laborer working on an eight-hour basis and a two-dollar-a-day minimum wage that should be chosen to perform the work.

The world stands aghast to-day at the progress of the American people. Our commerce is the greatest in our history and distances all other nations on the face of the globe. Our manufactures and machinery are sold in the most distant points of the earth, and our cereal products feed the starving millions of India and the Far East.

The American flag floats supreme and invincible on our war ships in every part of the known world, and America's glory was never greater than that which she enjoys at the present time. She has removed the shackles that bound the Cuban and Porto Rican to the unjust exactions of the Spanish nation. Let her now relieve the bondage of the American laborer and burst asunder the shackles that bind the brow of the American workman. Let us have eight hours for work, eight hours for sleep, and eight hours for recreation. [Applause.]

Mr. RICHARDSON. I yield five minutes to my colleague [Mr. GAINES].

Mr. GAINES. Mr. Speaker, this law does not compel any man to work on our public works. It compels no man to make a contract to work on our public works. He voluntarily agrees to work on them; and of course he must, as he volunteers, work under the conditions and limitations of the party who employs him—the Government official or its agent. So it takes from no man his liberty. This bill, it is explained, simply says the Government of the United States, which wants the work done, which pays the money for the work when it is done, has and shall have the right to control the undertaking. In effect, it simply says to a man, "If you work on this work, which is being done by the Government of the United States, you shall not work more than eight hours a day." It does not at any place, as I understand, say that a man shall not work at all. Of course such a law would be

ridiculous. But it does say, "If you work on the building which I have ordered, the architecture of which I control, then you must work only eight hours a day. If not, you can not work at all on this public work. If that takes away any man's liberty from him, I can not see it.

Mr. Speaker, the Democratic party was the first party to recognize the union labor working organizations of this country, and this eight-hour legislation is the outgrowth of that plank inserted in the Democratic platform of 1868, which reads as follows:

Resolved, That this convention sympathizes cordially with the workmen of the United States in their efforts to protect the rights and interests of the laboring classes of the country.

We know, Mr. Speaker, that Seymour was defeated in 1868 by General Grant, but this principle lived. [Applause.]

[Here the hammer fell.]

Mr. RICHARDSON. I yield three minutes to the gentleman from Colorado [Mr. BELL].

Mr. SPEAKER: I wish to state in regard to the eight-hour system that we have one State in the Union to-day, the State of Utah, which allows no man to work in a coal mine, in a metalliferous mine, or in a smelter more than eight hours a day.

The Industrial Commission sent a subcommittee, of which I was a member, to Salt Lake to find out what the conditions were and to learn the result of this experiment. We examined the great employers of labor in the coal mines, we examined the great employers in the metalliferous mines, we examined the great employers in the smelters, and they were unanimously agreed that they got more work out of the men where they worked them eight hours than they formerly did in ten hours. They said the men that are working coal mines by the ton produced as much in eight as in ten hours, and you will find it reported in our hearings to the effect that when they changed from ten to eight hours the men who dug the coal put out as much, and the men who ran the cars ran out as many tons in eight hours as they did in ten. And as strange as it may seem, they say they broke as much with machines in eight hours as in ten hours, showing that men may soldier with machines. They pronounced it a complete success. They said that men had so much muscle to expend, and if they worked eight hours they started in with an eight-hour stroke, and if ten hours, with a ten-hour stroke. They went at it with a different heart if the hours were short, and the employers had concluded that this result conclusively showed that ten hours is excessive, and that the short work day had come, and come to stay, and not a man in Utah indicated a desire to return to ten hours.

They said that they could get better work and they could get as much work in eight as in ten hours; that the men were inclined to read in their leisure hours or go to their families and little garden patches and enjoy their leisure; and not only that, but the entire committee that visited Utah pronounced Utah as having the most exalted condition of labor of any State in the Union. They have never had a strike in the State since this law was passed. They have no labor organizations of any consequence in the State. And they attribute this tranquil condition largely to the fact that they have a shorter working day, and this greater legal consideration extended to them pleased the laborers and encouraged them to negotiate and agree with their employers.

The SPEAKER. The time of the gentleman has expired.

Mr. BELL. I have one minute yielded to me by the gentleman from New Jersey [Mr. GARDNER].

Mr. GARDNER of New Jersey. I yield the gentleman one minute.

Mr. BELL. The eight-hour workday is but a verification of the wisdom of the old philosophical division of the day into eight hours for work, eight hours for sleep, and eight hours for recreation. The evolution of the higher civilization is now up to the shorter workday and the more intelligent, happy, and contented workman, and the extension of this boon should not be obstructed. In the mines and in the smelters the employment is exceptionally dangerous to the health of the employees, and the State legislature justly shortened the hours; the Supreme Court of the United States has held that such a law is constitutional.

In the coal and iron mines of the East and in the State of Colorado, where I live, by agreement between the men themselves and the employers, a great abundance of work is done under the eight-hour system; and it has come with us and is coming in every part of the United States to stay. The old division of eight hours for labor is the logical conclusion; and I am sorry that any man upon the minority side may feel that it is necessary to object to this. I most heartily welcome the extension, and hope it may become universal.

Mr. RICHARDSON. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has five minutes remaining.

Mr. RICHARDSON. I yield that or so much as the gentleman desires to the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY of Texas. I yield one minute of that to the gentleman from Illinois [Mr. JETT].

Mr. JETT. Mr. Speaker, I have for some time been familiar

with the provisions of this bill, and have had an opportunity to examine it minutely; and as to this system, I am very familiar. I know, in our State, that since the eight-hour system has been put in vogue, and it was put in operation in the mines of Illinois on the 1st of April, 1898—from that time to this this system has proven exceedingly satisfactory; and from my observation and my experience, I believe the eight-hour system has done more for the laboring people than any other measure that has been in vogue for some time. I am therefore in favor of the passage of this bill, and intend to vote for it.

The SPEAKER. The time of the gentleman has expired.

Mr. BAILEY of Texas. I fully realize the futility of attempting to resist what is supposed to be a very popular demand; yet I have sought the time remaining to say first, to my friend from Nevada [Mr. NEWLANDS], that I would be the last man here or elsewhere to deny any employer of labor the right to say to his employee, "I will not engage you for more than eight hours a day." I would be the last man here or elsewhere to deny to the laborer the right to say to his employer, "I will not engage to work over eight hours in any one day for you." But I protest against a law which denies to both the employer and employee the right to make a contract for over eight hours. The moment you pass a statute like this it destroys the right of labor to make a contract for personal services, and that is paternalism run mad.

I wonder how many of you gentlemen could efficiently serve your constituents by working eight hours a day? I have no doubt that many who support this bill could make excellent representatives by working three hours a day. If a man can make a good living by working four hours a day, and he wants to stop after having worked that long, he should have the right to do so. If the exigencies of his family require that he should work ten hours a day, and he would rather work that length of time than see his wife and children suffer, he should certainly have the right to do so, and no law is a just and proper one that denies that right to him. I ask you gentlemen who represent agricultural districts how many of your constituents could live and pay their taxes to this Government under the provisions of this bill.

Let your wheat growers and corn growers of the West attempt to work only eight hours a day, and how long will they be able to pay the taxes that pays the contractor who pays the wages to the men who work for the Government? How long will the cotton planters of the South be able to respond to the demands of the Government against them, if they so require their help to leave the field at the end of eight hours? Gentlemen, your great corn fields of the West would grow weeds instead of corn, and the cotton patches of the South would yield less than half a crop. If the men who pay to this nation the money that keeps the great wheels of its machinery moving are compelled by the necessities of their families to work more than eight hours a day to get the money to pay their taxes, why shall the Government say that the men who receive those taxes shall only be permitted to work eight?

However anxious the laborer may be to work nine or ten hours, and however willing the contractor may be to pay him for the extra work, this law denies both the right to make a contract, which was never unlawful in the history of the world until made so by the folly of an American Congress. True, they except the railroads, and why?

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARDNER of New Jersey. I now yield two minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I was delighted when I recognized the genius of the gentleman from Tennessee again discovering an act that had been accomplished by the Democratic party. He referred to the platform of 1868, in which the Democratic convention "resolved that this convention sympathizes cordially with the workmen of the United States in their efforts to maintain the rights and interests of the labor classes of the country." And then he said that out from that little seed, that "handful of corn upon the top of the mountain," had grown up to this mighty demand for an eight-hour law. That was thirty-two years ago. Since that time we have had the Democratic party in full possession of both branches of Congress and in the Executive chair, and no sign of an eight-hour law ever came to encourage the laboring men of the country. I submit that if it has taken thirty-two years to bring from seed planted as was that no greater result than the laboring men have had from the Democrats of this country, they ought not to trust the Democratic party.

Thirty-two long years have rolled by, and no Democrat in Congress or anywhere else ever carried to a successful result any eight-hour-law proposition anywhere. He never tried to do it, he never wanted to do it, and yet, when it is likely to be done by the action of the Republican party here, my friend from Tennessee goes back and recognizes the seed that was planted thirty-two years ago and never sprouted. [Laughter.] It was worse than

the worst seed that was ever distributed by the Agricultural Department of this country, as is alleged under the most scathing attack ever made upon the floor of the House of Representatives. [Laughter on the Republican side.]

Mr. GARDNER of New Jersey. I now yield one minute to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, I shall support this bill for two reasons. In the first place, because it accords with the spirit of the legislation of my own State, which, under forty years of unbroken Republican legislative rule, has been the pioneer and is to-day the leader in legislation affecting the hours of labor of those over whose hours of labor the legislature has constitutional control; in the second place, because I believe it is another step in the realization of the aspiration of every intelligent workingman in the country for an eight-hour day for all. And in illustration of that fact I desire to quote two instances. Under our Massachusetts law the legislature regulates in mills the hours of employment of minors and women only. Yet the hours fixed for them compel the same hours for all who work with them.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. GARDNER of New Jersey. I now yield the remaining time to the gentleman from New York [Mr. CUMMINGS].

The SPEAKER. The gentleman has one minute remaining.

Mr. CUMMINGS. Mr. Speaker, here is one Democrat who represents the charge made by the gentleman from Ohio [Mr. GROSVENOR] that the Democrats are opposed to the eight-hour bill. It certainly does not apply to the New York Democracy. I can also say that every Democrat on the Labor Committee voted for this bill. The eight-hour law was passed in 1868 under a Republican Administration. The employees in the arsenal and elsewhere were choused out of their rights by the action of Government officials, and a Republican President, Gen. U. S. Grant, saw fit to issue two proclamations requiring these officials to obey the law. They did it, but the men never received one cent for the work they did under protest by order of these officials. Their claims are still awaiting settlement. We passed another eight-hour law, intended to accomplish what this bill will accomplish. We thought it was constitutional and all right, but under the rulings of Cabinet officers and other officials it was alleged that it would not hold water. The workingmen were robbed of the privileges obtained under the law. We have now brought forward another eight-hour law on the line of the old law—one we believe to be constitutional and one that will hold water. The workingmen ask for it officially, and they are going to have it. [Applause.]

[Here the hammer fell.]
The SPEAKER. The question is on suspending the rules so as to adopt the amendment and pass the bill as amended.

The question was put.

The SPEAKER. In the opinion of the Chair—

Mr. BAILEY of Texas. I demand a division.

The House divided; and there were—ayes 151, noes 24.

Mr. BAILEY of Texas. No quorum.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. The Chair will count the House. [After the count.] Two hundred and seventeen members are present—more than a quorum. The ayes have it; and in the opinion of the Chair, two-thirds having voted in the affirmative, the bill is passed.

PROTECTION OF FREE LABOR FROM PRISON COMPETITION.

Mr. GARDNER of New Jersey. I move to suspend the rules and pass, with the amendments of the Committee on Labor, the bill (H. R. 5450) to protect free labor from prison competition.

The bill was read, as follows:

Be it enacted, etc., That no person shall knowingly transport or cause to be delivered for transportation, for commercial purposes, from any State or Territory in which they are in whole or in part manufactured, any goods, wares, or merchandise in whole or in part the product of convict labor in any penitentiary, prison, or reformatory or other establishment in which convict labor is employed, into any other State or Territory or into the District of Columbia.

Sec. 2. That all goods, wares, and merchandise made or manufactured, in whole or in part, in any State or Territory by convicts, and all goods, wares, and merchandise in whole or in part the product of convict labor in any penitentiary, prison, or reformatory or other establishment in which convict labor is employed, in every State and Territory of the United States, as well the separate pieces of said goods, wares, and merchandise, as also the packages and parcels containing the same, shall be branded or stamped in a legible and permanent manner, where it can be plainly seen and easily read, "Prison made," "Made by convicts at _____," giving the name of the penitentiary, prison, reformatory, or penal institution, and of the city, town, or village, and State or Territory where made.

Sec. 3. That all goods, wares, and merchandise in whole or in part the product of convict labor, and transported or delivered for transportation in violation of section 1 of this act, and all goods, wares, and merchandise in whole or in part the product of convict labor and not branded or stamped as provided for in section 2 of this act, shall be forfeited to the United States; and every person who violates or aids or abets in violating this act, or any part thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$250 nor more than \$500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.

Sec. 4. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act, or of any part thereof, when any

person shall make the complaint under oath, and the same shall be heard before any district or circuit court in the United States or Territorial court holden within the district in which the violation of this act, or any part thereof, has been committed.

Sec. 5. That this act shall take effect at the expiration of three months from and after its passage.

The amendments reported by the committee were read, as follows:

Strike out all after the enacting clause and insert the following: "That all goods, wares, and merchandise, manufactured wholly or in part by convict labor or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise."

Amend the title so as to read: "A bill to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory."

The SPEAKER. The question is on suspending the rules so as to agree to the amendments reported by the committee and pass the bill as amended.

Mr. RICHARDSON. I demand a second.

Mr. GARDNER of New Jersey. I ask unanimous consent that a second be considered as ordered.

Mr. MADDOX. I object.

Mr. GARDNER of New Jersey and Mr. RICHARDSON were appointed tellers.

The House divided; and the tellers reported—ayes 111, noes 9.

So the motion to suspend the rules was seconded.

Mr. GARDNER of New Jersey. Mr. Speaker, I do not care to consume any time unless some gentleman wishes an explanation of the provisions of the bill.

The SPEAKER. Does any gentleman desire to be heard in opposition?

Mr. RICHARDSON. I yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, the gentleman from New Jersey does not feel disposed to take up any part of his time on this bill. I want to say to him—

Mr. GARDNER of New Jersey. What I said was that I did not desire to consume any time unless some one wished some explanation of some provisions of the bill.

Mr. MADDOX. I would like to understand what is in the bill. Bills are brought up in this House frequently with no notice to anybody, although they involve matters of very great importance, and they are rushed through simply upon a motion of this kind. I do not know whether I am for this bill or against it. I would like to know what it is intended to accomplish. It appears to be a very important measure as affecting the State that I represent.

Mr. GARDNER of New Jersey. This bill attempts to accomplish this—

Mr. MADDOX. I have been accorded five minutes. I should be glad if the gentleman from New Jersey would occupy such portion of his time as he may see proper in an explanation to the House of what the bill means and let me resume my time.

Mr. GARDNER of New Jersey. I have no objection to that.

Mr. MADDOX. Very well; I reserve the balance of my time.

Mr. GARDNER of New Jersey. Mr. Speaker, this bill attempts to withdraw from operation as against State power the interstate-commerce power conferred on Congress by the Constitution as to prison-made goods and goods made in reformatories only. This bill copies as nearly as could be with propriety the act known as the Wilson Act, which withdrew the operation of the interstate-commerce power of Congress over alcoholic productions and made them subject to the laws of the States.

Mr. BAILEY of Texas. Will the gentleman permit me a question right there?

Mr. GARDNER of New Jersey. Yes, sir.

Mr. BAILEY of Texas. If this bill is so framed as to accomplish its design in regard to convict-manufactured goods, then why did not the committee include a similar provision with respect to these trusts that are chartered in the State of New Jersey? As a matter of fact, the trust-made goods are inflicting vastly more injury upon the American people than the convict-made goods. Why should not the committee have reported also a provision of that kind?

Mr. GARDNER of New Jersey. Well, Mr. Speaker, I believe the gentleman from Texas was once a candidate for Speaker of the House of Representatives; and as he aspired to that office, I presume he had perfect knowledge of the jurisdiction of the committees of this House. Now, I presume that the present Speaker did just what the gentleman from Texas would have done if occupying the chair—he referred all measures pertaining to trusts to the Committee on the Judiciary.

Mr. BAILEY of Texas. Not necessarily so. The trust-made goods involve the question of labor as much as the convict-made goods. Convicts are not laborers. They are not to be mentioned in the same breath with self-respecting American laborers. It is the labor question—

Mr. GARDNER of New Jersey. I trust the gentleman will not consume time in inquiring why the committee did not do something. If he wants to inquire why the committee did this thing, I will be glad to tell him.

Mr. BAILEY of Texas. I merely wanted to make it apparent to the House that the committee was more in favor of protecting labor against convict-made goods than against trust-made goods.

Mr. GARDNER of New Jersey. Well, there is nothing in the situation to show that that is true.

Mr. ROBINSON of Indiana. I should like to suggest to the gentleman—

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Indiana?

Mr. GARDNER of New Jersey. Yes, I yield for a question.

Mr. ROBINSON of Indiana. I understand the purpose of the measure is to clothe the States with the power to regulate prison-made goods.

Mr. GARDNER of New Jersey. Yes.

Mr. ROBINSON of Indiana. And that is the only purpose of it?

Mr. GARDNER of New Jersey. That is the only purpose.

Mr. ROBINSON of Indiana. And it makes a provision on the subject of prison-made goods which, if applied to trusts, would be operative, as suggested by the gentleman from Texas [Mr. BAILEY]. I will favor the bill upon that theory, so far as it is a regulation in the same line which, if applied to a trust regulated by the same power, would in my judgment be effective. I want to know the gentleman's judgment on that subject, if he will kindly respond to that.

Mr. GARDNER of New Jersey. Well, "the gentleman from New Jersey" will not go into that extensively, for he thinks there is a very different question arising as to the police power of the States.

Mr. ROBINSON of Indiana. I understand that the gentleman's committee have no jurisdiction over trusts.

Mr. GARDNER of New Jersey. There is a very different question as to the police power of the States over prison-made goods and trust-made goods.

Mr. WILLIAMS of Mississippi. I should like to ask the gentleman from New Jersey if he would be willing to give me an opportunity to offer an amendment to insert the words "by trusts or" between the words "part" and "by," in line 10, on page 3 of the bill?

Mr. GARDNER of New Jersey. No, Mr. Speaker; I would not consent to that. First, I do not think it is germane to this bill, and secondly, it is very questionable whether it would not destroy this bill. Such an amendment would assume that the States had the same police power over all goods manufactured by what State legislatures might be pleased to call trusts as it had over the goods manufactured in State prisons. Every lawyer on the floor knows that two very different things are involved, and the two things have no relation to each other and would not be germane to the same bill.

Mr. WILLIAMS of Mississippi. Absolutely germane—absolutely identical.

Mr. WHEELER of Kentucky. Do not the States have to declare who are criminals—

Mr. GARDNER of New Jersey. There is no question of criminality in it necessarily.

Mr. WHEELER of Kentucky. Of course they do. I do not think the gentleman understands my remark. You can not convict a man under the State law unless there is a statute defining the offense and prescribing the penalty which the State imposes.

Mr. GARDNER of New Jersey. I should like to give time to the gentleman from Kentucky to define the distinction between what concerns the police powers of States and what does not.

Mr. WHEELER of Kentucky. The point of my question is this: I was calling attention to the fact that the States must define what constitutes a criminal, and the States have the same rights to define what constitutes a trust. So they have equal power to define convict-made goods and trust-made goods.

Mr. GARDNER of New Jersey. I wish to say to gentlemen that if they will introduce a bill on that subject and refer it to the Committee on Labor it will be reported on Friday.

Mr. LENTZ. Will the gentleman permit an inquiry?

Mr. GARDNER of New Jersey. Yes.

Mr. LENTZ. Will you consent to asking unanimous consent to insert the amendment proposed by the gentleman from Mississippi [Mr. WILLIAMS]? That would obviate the difficulty.

Mr. GARDNER of New Jersey. It would not obviate the difficulty at all. The question in this bill, which the legal talent on the other side do not seem to understand, is that the legislation that the States may enact under this bill must necessarily come within their police powers. You propose to insert something or other that the court might hold was beyond the power of the State under any circumstances, and so weight down and destroy the whole act.

Mr. LENTZ. Will the gentleman tell me in what particular

the manufacture of a dozen brooms by a convict is a question of police power, if the manufacture of a dozen brooms by a trust is not a question of police power also?

Mr. GARDNER of New Jersey. As to the powers of the State, the two are entirely different things. Now, I do not propose to discuss that any further. [Derisive laughter on the Democratic side.]

Mr. LENTZ. I think the gentleman does not want to discuss it. Mr. GARDNER of New Jersey. Oh, I do not want any guffaw about it.

Mr. MADDOX. Will the gentleman yield to me now for a question about the bill?

Mr. GARDNER of New Jersey. Yes.

Mr. MADDOX. This bill, as I understand, provides—

That all goods, wares, and merchandise, manufactured wholly or in part by convict labor—

And so forth. Now, what does that mean? Does that mean raw materials—for instance, coal, cotton, lumber, and such things? Would they be considered manufactured articles, or goods, wares, or merchandise?

Mr. GARDNER of New Jersey. The only thing the gentleman has mentioned that could possibly raise any question would be lumber, and on a pretty full discussion of that question recently it was determined that lumber was not a manufactured article unless made according to specifications.

Mr. MADDOX. Then you do not think it includes coal and agricultural products?

Mr. GARDNER of New Jersey. Not by any possibility; because it only relates to manufactured products.

Mr. MADDOX. And your opinion, then, and the opinion of the committee is, that lumber would not be considered a manufactured article?

Mr. GARDNER of New Jersey. Lumber is not a manufactured article.

Mr. MADDOX. I am asking these questions in good faith, in order to learn about the bill.

Mr. GARDNER of New Jersey. And I am answering in good faith. The State of Georgia was very much interested in this question.

Mr. MADDOX. Yes.

Mr. GARDNER of New Jersey. And I think the gentlemen interested have gone home, satisfied that lumber is not a manufactured article.

Mr. MADDOX. And the bill would not include iron ore, iron mines, or coal mines?

Mr. GARDNER of New Jersey. There is no possible relation to them, because it relates only to manufactured articles.

Mr. THROPP. I should like to ask the gentleman a question on that subject.

Mr. GARDNER of New Jersey. Very well.

Mr. THROPP. Do you not consider any article a manufactured product after labor has been placed upon it, if it is the finished product of the industry directly connected with its preparation? For instance, iron ore, after it has been taken from the mines, where it first existed in the condition in which God created it, and has been mined, washed, sorted, and put on the cars, is not that iron ore the miner's finished product?

Mr. GARDNER of New Jersey. No; I do not admit that definition.

Mr. THROPP. We would have difficulty in maintaining some of our protection doctrines if we do not admit that.

Mr. GARDNER of New Jersey. A finished product need not be a manufactured product. I reserve the balance of my time.

The SPEAKER. The gentleman from New Jersey reserves the balance of his time. The gentleman from Tennessee—if no gentleman desires to take the floor, the Chair will put the question.

Mr. RICHARDSON. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, a few minutes ago, when I happened to be responding to the card of a caller at the door, the distinguished gentleman from Ohio [Mr. GROSVENOR] commented upon what I said with reference to the resolution passed by the Democratic convention in 1868, by which it expressed its sympathy for the workingmen of the country. I therefore did not hear the gentleman's remarks. I want to state, Mr. Speaker, that that was the first recognition that any party in its platform ever gave to the union workingmen of this country. And I want to say, furthermore, that the Republican party had its convention on May 21, 1868, and was appealed to to do the very same thing, but the Republicans turned a cold shoulder to the appeal.

The president of this workingmen's union that was undertaking to sow the seed from which the eight-hour labor laws have sprung up in Federal and State legislation happened to be one of the leading printers down here in the Government Printing Office, or at all events holding some high public office here, and he was called to account by his superior, who happened to be a distinguished Republican, because he had threatened to go to New

York with his committee and appeal to the Democratic party to give recognition to the eight-hour system, the seeds of which were then being sown.

The aforesaid Republican leader, the superior of this printer, went to him and said, "Sir, I understand you are trying to turn your official influence, your party influence, against the Republican party and in favor of the Democratic party, and to fasten upon this country the eight-hour labor law." And he says, "If you keep up that undertaking, sir, you will lose your job under the Government."

Like a patriotic American citizen that he was, he said to him, "I am an American freeman, and shall go," as he did, "with my committee to New York City, and appeal to the Democratic convention" for the relief which is announced in the Seymour platform, that I read in your hearing this morning, to wit:

Resolved, That this convention sympathizes cordially with the working-men of the United States in their efforts to protect the rights and interests of the laboring classes of the country.

The Republican platform of 1868 is silent as the tomb on this subject.

In addition to that, Mr. Speaker, the very first eight-hour labor law that was introduced in the American Congress was introduced by a Democrat from the State of New Jersey, Mr. Rogers, in 1836; and although it was subsequently made law through the vigilance of the Democrats, it met an untimely death at the hands of a Republican committee of this House, in which it was first introduced.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. I yield two minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Speaker, the State of Pennsylvania has always had considerable trouble when this subject came before it, by reason of the fact that it was hard to frame legislation by which the importation of goods from other States would not absolutely nullify any act that that State might agree to. This, I believe, will remove that objection. Many States have now framed laws which they can not enforce without the passage of legislation of this kind. Many of them will enact laws of a similar character as soon as this law, or a law of this nature, is enacted by Congress. This law may not be everything that is asked in that line; but I believe that it will greatly assist the States of this Union that desire to control convict-made goods to secure that control which they desire; and it must be apparent to any man's mind that it will not interfere with the importation of convict-made goods into any State that desires no restriction. Therefore I can not see any good reason that can be assigned for delaying the passage of the measure at this time.

Mr. RICHARDSON. I yield five minutes to the gentleman from Ohio [Mr. LENTZ].

Mr. LENTZ. Mr. Speaker, as I understand the purpose of this bill, it is to prevent injury by reason of shipping convict-made goods from the prison of one State into another State and there doing an injustice to the labor which is shut out of employment by reason of the competition of the cheaper goods produced in the prison of an adjoining State. Now, the reasonableness of this law, it seems to me, is apparent on the face of it. Each State ought to be willing to take care of the product of the labor of its convicts as well as take care of its convicts. The two propositions ought to go together; and the cheap labor of the prisons ought not to destroy the wages of labor out of the prison in any adjoining State.

The gentleman from New Jersey [Mr. GARDNER], resisting the amendment proposing to put in the word "trusts," reminds me of the fact that in the Ways and Means Committee for some reason we have resistance there by the majority of that committee against bringing out from that committee a proposition to limit the evil of the paper trust by putting paper on the free list; and, strange to say, we can not get that before the House to pass it. We could and should remain here until the 24th of July, as we did two years ago, and pass measures against the evils of trusts; and we would if the majority side of this House were not in league with the trusts. Now, that is the way it seems to me, gentlemen; and, so far as I am concerned, I think we ought to take up this bill first and amend it, and pass a bill to prevent trusts from going into the State of Ohio or the State of Michigan and there destroying an institution that is dependent on and employing labor.

We find now that by the cheap production and by the control and monopoly of the trusts of the country they are ruining plant after plant in almost every State of the Union; and the purpose to be served by this bill does not prevent 1 per cent of the injury done to labor and small capitalists when compared with the injury being done by the trusts of the country to-day. Gentlemen on the other side of the House now say that this committee have not the power to put in the word "trusts." But we say on this side that there is no objection on our part to unanimous consent being given to an amendment inserting the words "a trust or," in line

10, page 3, after the word "by." There ought not to be a man here unwilling to allow the States to pass their own laws and to regulate the products and the disposition of the products manufactured by trusts within the boundaries of the State.

It is a very simple proposition. I know that the Committee on the Judiciary comes in with a bill proposing to increase the penalty on trusts. You have penalty enough now under the Sherman law, penalties such as you have never been willing to enforce. It is a mere subterfuge. The whole purpose of it is to deceive the people. Here is an opportunity by the insertion of three words to limit and regulate the power of the trusts of the United States, and I hope that you will not object on your side to give unanimous consent to that proposition. If you are sincere on your side, the way is open and a broad highway is before you, down which you can drive by putting in three words, and in the next twenty minutes you can limit the evil of trusts. Will you do it? Dare you do it? You will say "no," you can not do it, because the trusts, to whom you offer up your daily prayers for a corruption fund to be used in the coming campaign, will not permit you to put in the three words "or a trust." [Loud applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. How much time have I remaining?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. RICHARDSON. I yield four minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. It has been the custom of the various States to legislate regarding goods made by convict labor. Such laws, however, have only been operative as to goods made in the State and have not been operative as to goods made by convict labor outside of the State. The control of the Federal Government over interstate commerce has prevented the States from taking action with reference to the invasion of convict-made goods.

The purpose of the pending act is to enable the States to take the same action with reference to convict-made goods produced in outside States as to goods made within their own limits, and compels each State to take care of its own convicts as well as the goods produced by them, and enables sister States to exclude convict-made goods which are sought to be introduced in competition with the domestic products of free labor. I welcome this bill as a precedent which will apply to the regulation and control of trusts. We all know that these trusts consist of gigantic corporations created by the laws of the various States, and that these States have absolute control over domestic corporations and can destroy or limit or restrain them; but in endeavoring to meet the trust question they are powerless as to trust-made goods introduced within their States from the other States.

Now, the Wilson Act sought to give the States control over packages of liquors introduced from neighboring States and subject them to the same police power as was exercised in regard to domestic liquors, and the Supreme Court of the United States declared that act was constitutional in giving States to that extent control over interstate commerce, with a view to protecting themselves in the exercise of their police powers.

The same principle, if applied to trust-made goods in foreign States, will give the local legislatures in every State the power to legislate as to trust-made goods offered for sale in the domestic markets, whether made in the State or outside of the State, and will make it perhaps unnecessary to appeal to the Federal Government for relief under its powers relating to interstate commerce. I am one of those who believe that power should be kept as near as possible in the hands of the people, in the municipalities, in the county governments, in the State government, and that the General Government should exercise only those powers necessary for the general welfare.

I believe that this great evil can be regulated and controlled by the States if we will give them the same control over the trust-made products of other States offered for sale in domestic markets as is sought to be given to them by this act over convict-made products from other States; and I suggest to the Committee on the Judiciary, inasmuch as they are presenting a bill on this subject which will soon come up for action, that they put in their bill a provision identical with this provision, identical with the provision in the Wilson Act relating to whisky and other liquors, a provision which will enable the States to legislate comprehensively regarding the trusts and their products without subjecting such laws to the risk of being invalidated as an invasion of the interstate-commerce powers of Congress.

[Here the hammer fell.]

Mr. RICHARDSON. Mr. Speaker, I reserve the remainder of my time.

Mr. GARDNER of New Jersey. I now yield three minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, there are only ten lines in this bill, and it seems to me that any gentleman with a minimum modicum of common sense can read the ten lines and understand them. In New York the legislature some years ago passed a bill

regarding prison contract labor. The bill practically abolished the system. The matting and other industries in Brooklyn and in New York City were revived. Adjoining States, however, under prison contract labor, manufactured hundreds of thousands of dollars' worth of mats and other goods every year and sent them into New York, where they were sold at a low price in competition with the work of honest men, destroying the matting industry of both Brooklyn and New York City, and throwing hundreds of artisans and mechanics out of employment.

Now, in this bill it is proposed to confine the selling of these mats to the States in which they are made, and not to send them to New York to destroy our industrial interests there. But the New York bill did not reach far enough. Under the present contract-labor bill prisoners were allowed to work for the State. The result has been that the New York militia are to-day clothed in uniforms made by prison labor, and I believe I voice the unanimous sentiment of the militia when I venture to say that they feel degraded whenever they don them. This bill will forbid the making of goods in prison in California, Georgia, or other States, and sending them to New York for sale in competition with honest labor when our own State prison birds are not allowed to manufacture such goods.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. RICHARDSON. I yield two minutes more to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Now, Mr. Speaker, nobody has broached the matter of politics in regard to this bill. But the remark that I made concerning the action of the Labor Committee regarding the eight-hour bill holds good here. Every Democrat on the committee voted for it.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. CUMMINGS. Certainly.

Mr. BARTHOLDT. Did not every Republican vote for it?

Mr. CUMMINGS. Every Republican who was there, I am glad to say.

I find the following labor plank in the State Democratic platform of 1882:

We reaffirm the policy always maintained by the Democratic party that it is of the first importance that labor should be made free, healthful, and secure of just remuneration. The convict labor should not come in competition with the industry of law-abiding citizens. That the labor of children should be surrounded with such safeguards as their health, their rights of education, and their future as useful members of the community demand. That workshops, whether large or small, should be under such sanitary control as will insure the health and comfort of the employed and will protect all against unwholesome labor and surroundings. That labor shall have the same rights as capital to combine for its own protection, and that all legislation which cramps industry or which enables the powerful to oppress the weak should be repealed; and to promote the interests of labor, we recommend the collection of statistics and information respecting the improvements, needs, and abuses of the various branches of industry.

From that day to the present, Mr. Speaker, the Democracy of New York have always stood staunchly and steadfastly by the rights of labor, and I again refute any statement that may be made to the contrary so far as the New York Democracy is concerned. I do not claim to represent the National Democracy, but I do claim to represent the genuine, simon-pure, rock-ribbed Tammany Hall Democracy of New York City—a Democracy that has stood by the South ever since the war for the Union in its efforts to prevent their being overawed, overslaughed, and overridden by Federal legislation. It is irrevocably committed to the eight-hour bill and the prison-contract labor bill, regardless of political action elsewhere, and it will stand by its pledges. [Applause.]

[Here the hammer fell.]

Mr. GARDNER of New Jersey. I yield twenty minutes to the gentleman from Tennessee [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, the people of Tennessee are very much interested in this question by reason of the fact that the State employs its convicts in the mining of coal. In that way the State has managed to reduce the price of coal mining down to a point that has become very oppressive to the free miners of that State. In consequence of that fact I introduced in this House on the first day of the present session a bill upon this subject, the third section of which is almost identical with the bill reported by the committee, except that in my bill coal mined and marble quarried by convicts are included, while in the committee report the mining of coal and the quarrying of marble are omitted. Whether this bill, in its phraseology, will apply to the mining of coal or not, I can not say. I hope that it will. But be that as it may, it is a step in the right direction. I am in favor of putting a brand upon all goods, wares, and merchandise, and all other outputs of work done by convicts, so that wherever throughout the United States the product of such labor comes into competition with the product of free labor the community shall be able to discriminate between the products of convict labor and those of free men, and may act accordingly. This bill accomplishes that purpose, provided the State will give it effect. There can be no objection to the bill, because it does not operate in any State unless that State is willing to have it operate within its borders.

Mr. RICHARDSON. I believe I have two minutes left. I yield the remainder of my time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, a moment ago I asked the gentleman from New Jersey whether he would yield for me for the purpose of offering an amendment the purport of which I then stated. For fear the House has not understood what that amendment was, I shall take advantage of my present occupation of the floor to ask unanimous consent of the House for the purpose of offering this amendment, namely, to insert after the word "part" and before the word "by," in line 10, page 3, the words "by trusts or;" so that the bill will read:

That all goods, wares, and merchandise, manufactured wholly or in part by trusts or by convict labor or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi.

Mr. GARDNER of New Jersey. I object, and want to tell why. The amendment in that connection would mean absolutely nothing. Its effect would be that the State should have the same jurisdiction over the products of trusts manufactured outside the State as it would have if they were manufactured in the State.

Mr. WILLIAMS of Mississippi. Do I understand the gentleman to object?

Mr. GARDNER of New Jersey. Yes.

The SPEAKER. Objection is made.

Mr. WILLIAMS of Mississippi. The gentleman has stated his objection at such length as to about consume all my time. I did intend to say a few words as to why this amendment ought to be adopted, but I have not now the time.

Mr. GARDNER of New Jersey. I yield two minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I am amazed that there is in the United States of America a State that dares to lease a coal mine and then put its convicts into the mine, and have their convict labor compete with that of the free coal miners of the United States. I would like to see some Democratic State march a body of such laborers into the district I have the honor to represent and try to play Democracy of the Tennessee order and see how long they would stay there. Mining coal in the interest of the State of Tennessee and selling it at a price to drive out all free labor! This is Democracy!

Mr. GIBSON. Mr. Speaker, if the gentleman from Ohio [Mr. GROSVENOR] will allow me to interrupt him right here, I will say that the State of Tennessee does not lease any coal mines. She goes further than that. She owns the coal mines she operates. Tennessee has purchased about 10,000 acres of coal land, and has established a branch of the penitentiary on these lands, and uses hundreds of her convicts in mining the coal. The State of Tennessee, under Democratic rule, has gone into the business of mining coal with convict labor and selling it in competition with coal mined with free labor, to the impoverishment of the free miners and the diminution of their work and wages.

Mr. GROSVENOR. That is far worse. A Democratic State buys the coal mines, puts convict labor into them, and then undertakes to force the price of coal down to the cost of its production under such circumstances, and in that way destroy the wages of free labor. I submit to my friend from Tennessee [Mr. GAINES], who has spoken in regard to the platform of 1868, that he had better commence his missionary efforts in the State that he has the honor in part to represent, and see what reforms he can promote at home.

Mr. GAINES. The Republicans were the first to begin the penitentiary lease system in Tennessee and run the State heels over head in debt. The Democrats made it pay when they took charge.

Mr. GROSVENOR. Yes, and it was filled with convicts, and you have put them in the mines to break down labor. If I were to propose an amendment to this bill, I would add, in line 11, after the word "reformatory," these words:

Or any coal mined therein.

So that a State that would take its convict labor and mine coal with it should find its market within the State where the outrage was committed. How earnestly the Democratic party always works for the interests of free labor!

The SPEAKER. The gentleman from New Jersey [Mr. GARDNER] has two minutes remaining.

Mr. GARDNER of New Jersey. I will consume but a moment, and then ask for a vote. I simply want to call attention to one fact so that it will go into the RECORD: That the proposed amendment, for which gentlemen appear to be so earnest and push with such enthusiasm, not only would mean nothing within itself for the purpose for which they profess to offer it, but might so change

the character of the bill as to endanger the validity of the whole of it.

I see the gentleman from Mississippi [Mr. WILLIAMS] smiles. Will he give me his attention for a moment? This bill provides, as to prison-made goods, that the legislation of the State shall have the same effect in all cases as though the goods had been manufactured within the State legislating. We know that every State now has the power to determine what shall be manufactured in its prisons and reformatories, which are under police control, and as to what shall be done with the product until it has gone beyond State control. But you propose to write above the words "the same effect as though they had been manufactured in the State" a provision about trusts. The State has no power over goods because they have been manufactured by a trust, but it has over prison-made goods. Your amendment is absolutely meaningless.

Mr. WILLIAMS of Mississippi. Will the gentleman permit me?

Mr. GARDNER of New Jersey. Yes.

Mr. WILLIAMS of Mississippi. Take the State of Texas, for example, where a trust is a crime. The State of Texas has as full power over goods manufactured by trusts there as over the goods manufactured in its prisons. Now all she asks—

Mr. GARDNER of New Jersey. Stop right there, because you are making a statement founded in a total misapprehension of the law, and as a lawyer you will not say that the State of Mississippi has jurisdiction over goods manufactured by a trust, inside or outside of that State.

Mr. WILLIAMS of Mississippi. Not beyond the State, nor has it jurisdiction over convict-made goods made in another State, except so far as we give it to them.

The SPEAKER. The question is on suspending the rules, adopting the amendments proposed by the committee, and passing the bill as amended.

The question being taken, the Speaker announced that in the opinion of the Chair, two-thirds having voted in favor of the motion, the rules were suspended, the amendments recommended by the committee agreed to, and the bill as amended passed.

STREET RAILWAYS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Anacostia and Potomac River Railroad Company, the Brightwood Railway Company of the District of Columbia, the Capital Railway Company, the City and Suburban Railway Company, the Columbia Railway Company, the Georgetown and Tennallytown Railway Company, the Metropolitan Railroad Company of the District of Columbia, and the Washington and Great Falls Electric Railway Company may, under the authority of this act, and the Washington and Rockville Railway Company, the Washington, Woodside and Forest Glen Railway and Power Company, and the Washington and Glen Echo Railroad Company may also, if not inconsistent with the laws of Maryland, from time to time, by their respective boards of directors, enter into contracts with each other, or with any of the others, or with any other street railway corporation owning or operating any street railroad or railroad route, wholly or partly within the District of Columbia, for the use of their respective roads or routes, or any part thereof. No such contract shall take effect until the same shall have been approved by the written consent of the owners of record of at least three-fourths of the capital stock of each corporation, or by the vote of the owners of three-fourths of such capital stock represented at a special meeting called and held as prescribed by law: *Provided*, That in case any corporation enters into any such contract it is hereby authorized to change its corporate name to any other corporate name not then lawfully used by any existing corporation incorporated or organized in the said District. Such change may be made by a certificate signed and acknowledged by a majority of the directors of such corporation and filed with the recorder of deeds for the District of Columbia.

SEC. 2. That the Washington and Great Falls Electric Railway Company may acquire and hold stock in any street railway corporation specifically named above with which it is authorized by the terms of this act to enter into a contract for the use of its road or route, and may provide for payment for the same by issuing additional amounts of its own capital stock in such classes and with such preferences as it may determine, or by issuing its bonds, or other obligations, or by issuing both such stock and bonds or other obligations to an amount not exceeding the amounts of the actual consideration paid or payable for the stock so acquired, and may also issue further amounts of its stock or bonds or other obligations not exceeding the amounts of the actual consideration paid, or to be paid, for any equipment or extensions of any such road or route or for electric power therefor. Whenever the said Washington and Great Falls Electric Railway Company shall have acquired a majority of all the stock issued by any such corporation, it shall have power to guarantee the bonds or other obligations of such corporation and to purchase such bonds or other obligations. The Washington and Great Falls Electric Railway Company may also agree with any corporation with which it is authorized by this act to enter into a contract for the use of its road or route for the purchase of the estate, property, rights, and franchises of such other corporation, and for payment for the same in cash or in the stock or bonds or other obligations of said Washington and Great Falls Electric Railway Company, to be issued in the manner and subject to the limitation hereinbefore provided; and each such corporation is hereby empowered, with the consent in writing of the owners of three-fourths of its capital stock, to enter into such contract of purchase and sale through its board of directors.

Upon the execution of such contract of purchase and the payment or delivery of the consideration therein agreed upon the estate, property, rights, and franchises of the corporation selling the same shall vest in and be held and enjoyed by the Washington and Great Falls Electric Railway Company as fully and entirely, without change or diminution, as the same were before held and enjoyed by the company selling the same, and shall be managed

and controlled by the board of directors of the said Washington and Great Falls Electric Railway Company in its corporate name or in such other name as it shall adopt by the filing of a certificate as hereinbefore authorized: *Provided*, That the existing liabilities of the selling corporation and the rights of its creditors shall not be affected thereby: *And further*, That no action or proceeding to which any corporation whose estate, property, rights, and franchises shall be acquired as herein provided is a party shall abate in consequence thereof, but the same may be continued in the name of the party by or against which the same was begun, unless the court shall order the said Washington and Great Falls Electric Railway Company to be substituted in its place.

The approval of stockholders herein provided for may be given by the consent in writing of the owners of record of three-fourths of the capital stock of each company, or by the vote of the owners of three-fourths of the capital stock of each company, represented at a special meeting called and held as prescribed by the by-laws of the respective companies or by law. Whenever a certificate shall be filed with the recorder of deeds for the District of Columbia, signed and acknowledged by a majority of the board of directors of each of the corporations to be affected thereby, showing that a contract of purchase and sale has been made and approved as herein provided, such certificate shall be presumptive evidence of the facts therein set forth. If within thirty days after the filing of such certificate any stockholder of any of the companies affected thereby shall give notice in writing to the said Washington and Great Falls Electric Railway Company that he dissents from such contract, it shall be the duty of the said company, within sixty days after the filing of such certificate, to institute a proceeding for the appraisal of the shares of such dissenting stockholder. If any stockholder shall omit to give such notice of dissent, he shall be deemed to have assented to such contract.

Said proceeding for appraisal may be begun by filing with the supreme court of the said District a petition praying for the appointment of three persons to appraise the value of such stock. The court shall thereupon appoint three such appraisers, and designate the time and place of their first meeting. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and they, or any two of them, after being sworn honestly and faithfully to discharge their duties, shall appraise such stock at its full value, without regard to any appreciation or depreciation thereof in consequence of such contract of purchase and sale; and said award, when confirmed by the court, shall be final and conclusive on all parties. The charges and expenses of the appraisers shall be paid by the said Washington and Great Falls Electric Railway Company. If the person entitled to receive the amount of the award shall refuse to accept the same, or if for any reason it shall not be possible to make payment of the amount of the award to such person entitled to receive the same, without unreasonable delay, the court may direct the same to be deposited in court. When the said company shall have paid or deposited in court the amount fixed by the appraisers as the value of the shares of the dissenting stockholder, such stockholder shall cease to have any interest in said appraised stock or in the property or franchises represented thereby, and the said Washington and Great Falls Electric Railway Company shall receive back from the corporation whose estate, rights, property, and franchises it has acquired, that portion of the consideration for such sale, or of the proceeds thereof, which otherwise would have been distributed to such dissenting stockholder.

If such payment or deposit is not made within thirty days from the confirmation of the appraisal, the amount of the award, with interest from the date of confirmation, shall be a judgment against the said Washington and Great Falls Electric Railway Company, and may be entered, docketed, and collected as other judgments in said court are by law collectible. If the said company shall omit to institute the proceeding hereinbefore required, within the time hereby limited, the stockholder giving such notice may institute such proceeding by a proper petition on his own behalf, or, at the election of such stockholder, the estate, rights, property, and franchises of the selling corporation shall revert in such corporation, and the consideration received therefor shall be repaid to the said Washington and Great Falls Electric Railway Company.

It shall be the duty of all street railway companies in the District of Columbia to station flagmen at such rapid-transit crossings in the city of Washington as may be designated by the Commissioners of the District of Columbia, the same to be in lieu of special policemen now required by law.

All obligations imposed by law upon the Washington and Great Falls Electric Railway Company in respect to the time and mode of constructing its railway, or the motive power to be employed, or the speed or frequency at which cars are to be run, or in respect to any other matter affecting the interests of the United States, or of the general public, or the people of the said District, except as such obligations are expressly modified or repealed by this act, shall continue to be applicable to the road or route now belonging to said corporation, and shall be confined thereto: *Provided*, That the Washington and Great Falls Electric Railway Company, on the purchase of the property or franchises of any or all of said railroad companies as in this bill authorized, shall be empowered to charge over the said route or routes thus acquired the rates of fare now authorized by law to be charged thereon by the respective companies owning or operating the same, and no more: *And provided further*, That the right or privilege granted by section 1 of the act approved July 29, 1892, entitled "An act to incorporate the Washington and Great Falls Electric Railway Company," by which said company is authorized to charge a fare of 10 cents per passenger for transportation over the line of railway authorized and described by said act, be, and the same hereby is, amended so as to limit the rate of fare on said line of railway to 5 cents per passenger, and said Washington and Great Falls Electric Railway Company is hereby required to sell tickets at the rate of six for 25 cents, each good for the transportation of one passenger over the whole or any part of its said line of railway authorized and described by said act within the District of Columbia.

All obligations imposed by law upon any corporation whose road or route is acquired in accordance with the provisions of this act, except as the same may be expressly modified or repealed by this act, shall continue to be applicable to such acquired road or route and shall be confined thereto, and such road or route shall be acquired subject to such obligations and with all the rights and powers possessed by the selling corporation.

SEC. 3. That the Washington and Great Falls Electric Railway Company may acquire and hold shares of the capital stock or other securities of any company supplying or under contract to supply electric power in the operation of its railway to it or to any of the corporations whose shares of stock or whose property and franchises it is authorized to acquire under this act; and as a part of any contract for the supply of said power the said Washington and Great Falls Electric Railway Company may exchange its stock and securities for the stock and securities of any such electric power company, and may guarantee the securities of any such power company, but in no event shall said railway corporation be authorized to receive a transfer of the property or franchises of such electric power company.

SEC. 4. That the Washington and Great Falls Electric Railway Company is hereby authorized from time to time to make such changes in the number of its directors as its by-laws may provide, and also to limit and regulate in

its by-laws the times and conditions of the examination of its books and records by stockholders: *Provided*, That the stock and transfer books shall at all times, during business hours, be open to the inspection of stockholders.

Sec. 5. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 6. That Congress reserves the power to alter, amend, or repeal this act.

The following amendments recommended by the Committee on the District of Columbia were read:

Page 2, lines 3, 4, and 5, strike out the following: "or with any other street railway corporation owning or operating any street railroad or railroad route, wholly or partly within the District of Columbia."

Page 3, line 2, after the word "bonds," add the words "secured by mortgage or deed of trust upon its right of way, property, and franchises."

Page 3, line 10, after the word "for," strike out the period and insert in lieu thereof a colon, and add the following: "*Provided*, That the capital stock of said company shall at no time exceed \$15,000,000."

Page 3, line 16, insert after the word "corporation" the words "specifically named above."

Page 5, line 10, after the word "forth," add the following: "Upon the filing of such certificate a notice shall be mailed to each stockholder of record in such corporations, setting forth the time when and place where such certificate was filed, and."

Also strike out the capital "I" in the word "if" and insert in lieu thereof a small letter "i."

Page 5, line 11, strike out the word "filing" and insert in lieu thereof the word "mailing." Also strike out the word "certificate" and insert the word "notice."

Page 6, lines 3 and 4, strike out the words "they, or any two of them."

Mr. BABCOCK. Mr. Speaker, I desire to submit one more committee amendment, to be pending with the others.

The SPEAKER. The Clerk will report the amendment offered by the chairman of the Committee on the District of Columbia.

The Clerk read as follows:

Strike out all of line 25 on page 7, and all of lines 1, 2, 3, and 4 on page 8.

Mr. MUDD. I ask the Clerk to read what is proposed to be stricken out.

The Clerk read as follows:

Strike out the following words:

"It shall be the duty of all street railway companies in the District of Columbia to station flagmen at such rapid transit crossings in the city of Washington as may be designated by the Commissioners of the District of Columbia, the same to be in lieu of special policemen now required by law."

Mr. ROBINSON of Indiana. I demand a second.

The SPEAKER. This is not a motion to suspend the rules. This is the regular order. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. COWHERD. Mr. Speaker, I desire to offer an amendment aside from the committee amendments.

The SPEAKER. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Add after the word "more," in line 21, page 8, the following:

"And said company shall establish and maintain a system of transfers, to be approved by the Commissioners of the District of Columbia, at all connecting points on said lines, giving a continuous ride over such lines for one fare."

Mr. BABCOCK. I yield to the gentleman from Missouri [Mr. COWHERD] such time as he desires.

The SPEAKER. Does the gentleman from Missouri desire to discuss the amendment?

Mr. COWHERD. Yes; I want to be heard upon it.

The SPEAKER. The gentleman from Missouri.

Mr. COWHERD. Mr. Speaker, the House will at once recognize that this is a bill providing for the consolidation of the lines in the Metropolitan system. This includes, as I remember it, some eleven lines. I have never thought that the best service was to be obtained by consolidation, but under the amendments of the committee this permits a consolidation only of the Metropolitan lines and cuts out any right to consolidate with the Capital Traction Company, thus giving us two competing systems, which I think will secure all the benefits to the public service that can be gotten from competition.

Now, it seems to me that the Metropolitan system can afford to give to the people of the District a ride over that system for one fare, provided the regulation is so hedged about that a man can not double back on them, or, as they call it, ride in a circle. Now, I have attempted to cover that in this amendment. It is a very difficult thing to word properly, because, of course, you can not regulate a transfer system in a little amendment to a bill. For that reason I have put in the provision that this system of transfers must be arranged to give a transfer at all connecting points on all the lines mentioned in the bill, and the system must be submitted to the Commissioners of the District of Columbia for their approval. I do this purposely, attempting to leave a discretion in the Commissioners, in order that the public may receive the best service, and in order that no oppressive transfers may be put upon the company.

Now, I should like to have the attention of gentlemen of the committee. This is a matter of a good deal of interest to the people of the District. The gentlemen now interested in the road claim that they ought not to be compelled to give any arbitrary transfers; that it ought to be left to them to arrange. I submit

to the members of the House that nearly every man here representing a city will be able to state that under the arrangement in his city the people can ride practically from one part of the city limits to another for a single fare. As was stated before our committee, this will compel at the longest a ride of about 11 miles. That is equaled, I know, in St. Louis. I believe it is more than equaled in Chicago, and it is almost equaled in Kansas City; and, as I say, it is practically equaled in every city in the country. I submit that that is little enough to ask this consolidated road to give to the people for the privileges we give them in this bill.

Mr. MUDD. I should like to ask the gentleman a question for information. I notice the language of this amendment says that it shall provide for a continuous ride over the whole system. I should like to know if it is not a fact that each of these roads which are to be consolidated under the provisions of this bill do not now give a transfer over other roads of the system. Would not your amendment provide just what you are endeavoring to prevent, namely, a circuit ride around the whole system? That seems to me to be the objectionable character of your amendment.

Mr. COWHERD. No; I have attempted to limit it. It is a very difficult matter, I admit, to express in general terms. I have attempted to limit it by leaving it to the approval of the Commissioners of the District. Now, they do give transfers at nearly every connecting point; but the gentlemen back of this measure contend that it is a hardship upon them. They say that they ought not to be compelled to do it, and they say that they have gone wild on the transfer system. They propose to make some changes. What, I do not know. I propose by this amendment to regulate it so that whatever changes they do make they can not change it so that a man can not ride continuously as long as he keeps going in one direction—perhaps it would be better to make it one direction—but let it be a continuous ride, to be regulated by the Commissioners.

Mr. MUDD. If the gentleman will so frame his amendment as to leave the matter of what transfers shall be provided to the Commissioners, I think it would be unobjectionable.

Mr. COWHERD. Yes; in the transfer system. I think that would be satisfactory. I do not think it would be objectionable.

Mr. BELLAMY. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Certainly.

Mr. BELLAMY. Is the purpose of this amendment that one fare would give transportation to any part of the city, say to Forest Glen or Cabin John Bridge, or other termini of these roads?

Mr. COWHERD. As I understand the matter, we do not regulate the fares outside of the District. The purpose of the amendment is that a man for one fare shall ride from any one point in the District to any other point in the District, so long as it is a continuous ride and he does not ride in a circle.

Mr. BABCOCK. Mr. Speaker, I regret that I must differ with my distinguished colleague on the committee. I have a very high opinion of his judgment, but on this subject I believe that I have had an opportunity to secure more information than he. In previous years and Congresses, this subject has been taken up by the District Committee on several occasions and fully discussed by the Commissioners and by gentlemen representing the railroad interests of the District, and we found, Mr. Speaker, and it has been the experience here in the District, that the citizens have had more liberal treatment, and more transfers have been given by the roads, through their desire to induce travel, than anything that Congress can do.

Now, Mr. Speaker, under this grand system which we have here in the last year they carried 8,000,000 more passengers than they did in the previous year, and their receipts were less. Now, understand, they carried 8,000,000 more passengers, and the receipts were less than the previous year. Why? Because they have introduced here in what we term "the consolidated lines" a more liberal system of transfers than is known in any other city in the country. Mr. Speaker, I have criticized it as being liberally foolish; and I think to-day that this is a matter that should be left entirely for the present to the gentlemen operating the lines that have shown such a liberal policy. Now, why? It is impossible for my friend's amendment to cover the ground that we want to do. If it becomes necessary to pass a law of this kind, the matter should be taken up by the committee intelligently and put in such a shape as to cover every intersection in the city. This will not do it.

Why, under the present system, Mr. Speaker, on the Capital Traction road I have known of instances where parties have ridden practically all day and have been transferred around and across and back and back again. The president of the road told me he would rather carry those few people who wanted to put in their time riding than attempt to change this transfer system.

Now, Mr. Speaker, it will be a matter of but a few days if Congress should at any time find that the companies are abusing their privileges and rights, and if anything is done it should be taken

up intelligently and brought before Congress practically. And, Mr. Speaker, at this time I will move the previous question on the amendment and the bill to its final passage.

Mr. COWHERD. Will the gentleman allow me two minutes first?

Mr. BABCOCK. I will withhold that demand for two minutes, of course.

Mr. COWHERD. Mr. Speaker and gentlemen of the House, I have no pride in the verbiage of this amendment at all, and if any gentleman has any suggestion to make, as the gentleman from Maryland has done, covering the question, I will be very glad to accept it. I want to say this for myself, that this matter is not brought up hastily, because I suggested it in committee and reserved the right to offer the amendment. It has been talked about in committee, and offered in committee, and objected to there—at least gentlemen declined to accept it.

Now, the gentleman says that in a few days, if we are not satisfied, we can bring it up and change it. I appeal to you, gentlemen, and your experience will bear me out, that when this legislation is arranged satisfactory to the men controlling the railroad it is a very difficult thing to bring it up and change it in the House. We know well enough that in the stages of legislation one man can practically hang up a bill. There is such a thing as courtesy that stops the passage of a measure, and I have heard the distinguished chairman of the committee say—I think on the floor of the House, but certainly in the committee—that the time to get legislation in this kind of a bill was when the company was asking something at the hands of Congress. This is the best time in the world to take care of the people.

Now, if the House shall find that the amendment which I have offered is not properly worded, if it would be more satisfactory to leave it to the Commissioners of the District, I have no objection; but I do say that at this time and place the very fact that the street-car companies are saying that they are giving too many transfers and can not keep up the system is sufficient for us to put something in the bill to compel them to give a good system of transfers.

Mr. BABCOCK. Mr. Speaker, I now renew my motion for the previous question on the amendment and bill to its passage.

Mr. COWHERD. I hope the gentleman will permit me, if the House votes down this amendment, to offer another amendment in the same language, except leaving it to the Commissioners. I want to put both propositions to the House.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. COWHERD].

The question was taken; and on a division (demanded by Mr. COWHERD) there were—ayes 20, noes 49.

So the amendment was disagreed to.

Mr. COWHERD. Now, Mr. Speaker, I will ask permission to offer the amendment striking out the words "giving a continuous ride over said lines."

Mr. BABCOCK. I think the same objection applies to that amendment, and I can not consent to it at this time.

Mr. COWHERD. It seems to me that in giving these advantages to this company we should at least keep some check on the transfers.

The SPEAKER. Does the gentleman from Wisconsin consent that the gentleman from Missouri shall offer the amendment?

Mr. BABCOCK. I can not consent, Mr. Speaker.

Mr. COWHERD. I hope the gentleman will not refuse me this privilege?

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. ROBINSON of Indiana) there were—ayes 55, noes 11.

So the bill was ordered to be engrossed and read a third time.

Mr. BABCOCK. Mr. Speaker, I will ask unanimous consent that at this stage the amendment of the gentleman from Missouri may be considered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the amendment offered by the gentleman from Missouri may be considered. This will also involve unanimous consent for vacating the vote whereby the bill was ordered to be engrossed and read a third time. Is there objection to both propositions? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Add, after the word "move," in line 21 of page 8, the following: "and said company shall establish and maintain a system of transfers to be approved by the Commissioners of the District at all connecting points on said line for one fare."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. COWHERD) there were—ayes 31, noes 50.

Mr. COWHERD. I ask for tellers, Mr. Speaker.

The SPEAKER. As many as are in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Five gentlemen rising—not a sufficient number—tellers are denied, and the amendment is disagreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

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

Mr. BABCOCK. I now yield to the gentleman from New York [Mr. RAY].

Mr. RAY of New York. Mr. Speaker, I desire to submit a request for unanimous consent.

The SPEAKER. The gentleman from New York asks unanimous consent to a request, which the Clerk will read.

The Clerk read as follows:

Mr. Speaker, I ask unanimous consent that H. J. Res. 138, with the amendments thereto reported from the Committee on the Judiciary, be made a special and continuing order for three days, commencing immediately after the disposition of the Alaska bill, not to interfere with conference reports.

Mr. RICHARDSON. What is the bill?

Mr. RAY of New York. It is the House joint resolution proposing an amendment to the Constitution of the United States empowering Congress to pass laws regulating and controlling trusts and monopolies.

Mr. RICHARDSON. Has the minority of the Judiciary Committee consented to this request?

Mr. RAY of New York. I do not know whether they have or not.

Mr. TERRY. Let us hear what the request is.

The SPEAKER. The clerk will again read the request.

The request of Mr. RAY of New York was again read.

The SPEAKER. The Clerk will report the joint resolution by its title.

The Clerk read as follows:

Joint resolution (H. J. Res. 138) proposing an amendment to the Constitution of the United States.

The SPEAKER. Is there objection?

Mr. TERRY. Reserving the right to object, I would like to look at this matter a moment.

Mr. MIERS of Indiana. While the gentleman is doing that I wish to inquire whether this involves the passing by or superseding of Friday for the consideration of pension bills?

The SPEAKER. As it is drawn it might do so.

Mr. MIERS of Indiana. Then I object.

Mr. RAY of New York. I will modify it by excepting pension Friday.

Mr. RICHARDSON. I suggest that on a matter of this kind there ought to have been a conference among the members of the Judiciary Committee, and I shall object for the present.

NATIONAL WHITE CROSS.

Mr. BABCOCK. I ask the consideration of the bill (S. 2581) to incorporate the National White Cross of America, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That Jane B. Creighton, of Oregon; Mrs. Horace Thielson, of Oregon; Mrs. Margaret Lord, of Oregon; Mrs. Pearl Creighton Snyder, of Oregon; Mrs. Cicero N. Idleman, of Oregon; Mrs. Laura Schwichtenberg, of Oregon; Malcolm A. Moody, of Oregon; Mrs. Margaret Dickens, of the District of Columbia; Mrs. Nelson A. Miles, of the District of Columbia; Mr. George C. Thomas, of the District of Columbia; Mrs. H. O. S. Heistand, of the District of Columbia; Mrs. Richardson Clover, of the District of Columbia; Mrs. Annie P. Thomas, of the District of Columbia; Mr. John W. Ross, of the District of Columbia; Mrs. Cornelia Clay, of Washington, District of Columbia; Mrs. Sarah A. Hatch, of Washington, District of Columbia; Miss Isabel Chamberlin, of Washington, District of Columbia; Miss Bell Launer, of Washington, District of Columbia; Mr. Edward E. Patten, of Washington, District of Columbia; Mr. J. C. V. Smith, of Washington, District of Columbia; Mrs. Angie F. Newman, of Nebraska; Miss Ellen T. Gallaher, of Omaha, Nebr.; Mrs. Mary C. Larned, of Omaha, Nebr.; Mrs. John C. Cowin, of Omaha, Nebr.; Mr. Edgar C. Snyder, of Omaha, Nebr.; Mrs. Emily Rose Snyder, of Omaha, Nebr.; Miss Georgie Krug, of Omaha, Nebr.; Mrs. Donald McRae, of Council Bluffs, Iowa; H. O. S. Heistand, of the United States Army; Capt. Frank W. Dickens, of the United States Navy; Mr. John Ireland, of Minnesota; Mrs. Charles E. Pearce, of Missouri, and their associates and successors, are hereby created a body corporate and politic, in the District of Columbia, by the name and style of the National White Cross of America, for charitable purposes, the object and purpose of which organization shall be general emergency and relief work; the raising of funds by general contributions and voluntary gifts, and the engaging in such pursuits incidental to charitable relief work as may be determined upon. Said National White Cross of America shall use the funds arising from contributions and collections made to it, or such part thereof as may be necessary, in the relief of soldiers in the field, in assisting in general field and hospital work, procuring, training, and educating nurses to be used in the care of the sick and wounded, and in doing all things in time of peace or war for the benefit and relief of soldiers, sailors, and their families, and all others that may be deemed worthy of assistance as may be proper and necessary; and in maintaining and operating hospitals, dealing in merchandise for hospital purposes necessary to carry into effect the objects of the organization, and in doing any and all things necessary or expedient to be done in carrying on and maintaining a general relief emergency hospital and charitable work, and in the raising, acquiring, gathering, and accumulating funds therefor and for their disbursement.

SEC. 2. That the said National White Cross of America may adopt a constitution and by-laws not inconsistent with this act, and it may also adopt a seal if deemed expedient. It shall have its headquarters or principal place of business at Washington, in the District of Columbia.

SEC. 3. That said National White Cross of America shall report annually to the Secretary of War concerning its proceedings, together with a detailed statement of all receipts and expenditures, which shall be by him transmitted to Congress and printed. It shall perform such relief work as may from time to time be assigned to it by the Secretary of War or the Secretary of the Navy, if the means therefor are placed at its disposal, and it may perform its work of charity at any place in the United States or in any foreign country or province as it may deem wise and proper.

Mr. BABCOCK. I yield to the gentleman from Maryland [Mr. MUDD].

Mr. GROSVENOR. I should like to hear the report read.

The SPEAKER. If there be no objection the report will be read. There was no objection.

The report (by Mr. MUDD) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 2581) to incorporate the National White Cross of America, and for other purposes, beg leave to submit the following report, and recommend that said bill do pass.

The purpose of this legislation is to incorporate the National White Cross of America, and the objects and purposes of this association are fully explained in the language of the bill.

The Senate passed this bill on April 5, 1900.

Mr. GROSVENOR. How does this come before the House?

The SPEAKER. It is called up as a District of Columbia bill on District of Columbia day.

Mr. GROSVENOR. I should like to know from the gentleman in charge of the bill what its object is?

Mr. MUDD. The bill has passed the Senate—unanimously, as I am informed. The object of the bill is thus stated in section 1:

The object and purpose of which organization shall be general emergency and relief work, the raising of funds by general contributions and voluntary gifts, and the engaging in such pursuits incident to charitable relief work as may be determined upon.

Further on the object is stated to be:

The relief of soldiers in the field, in assisting in general field and hospital work, procuring, training, and educating nurses to be used in the care of the sick and wounded, etc.

This is an entirely charitable organization. I do not see that it can conflict with any other organization in the world. I understand that the distinctive difference between this organization and what is called the Red Cross Society is that the scope of the work of the Red Cross is international, while this is national. There is no conflict between them at all.

Mr. GROSVENOR. Who are the incorporators?

Mr. MUDD. A number of well-known, public-spirited ladies and gentlemen—many of them residing in this city—among them Mrs. Nelson A. Miles, Mrs. Richardson Clover, and many others. The bill was unanimously reported by the committee. We all thought it would be a very good thing if it could be put into successful operation.

Mr. MAHON. I see that under the provisions of the bill the reports of this society are to be made to the Secretary of War and the Government is to print those reports. We have within a few days passed a bill incorporating a society of this same character, with a similar provision in regard to the making and printing of reports. I want to know what this Government has to do with the printing of reports of private corporations?

Mr. MUDD. Speaking for myself, I have no objection to having that provision struck out.

Mr. MAHON. It ought to have been struck out of the other bill.

Mr. GROSVENOR. Mr. Speaker, this is the first time I have been able to get a copy of this bill—

Mr. BABCOCK. Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] controls the floor.

Mr. BABCOCK. If the gentleman desires to examine the bill more thoroughly, I will ask that it be laid aside for a few moments.

Mr. GROSVENOR. I do not want to delay it.

Mr. MUDD. I suggest that the provision in regard to printing, to which the gentleman from Pennsylvania has objected, be stricken out.

Mr. MAHON. And also the requirement as to reports being made to the War Department.

Mr. MUDD. Yes; we might strike out that whole provision from lines 18 to 22 on page 3.

The SPEAKER. An amendment of that kind will be in order when the bill comes up again. The gentleman from Wisconsin [Mr. BABCOCK] asks that the bill be temporarily laid aside. Without objection, that will be done.

There was no objection.

GRADES OF TWENTIETH STREET.

Mr. BABCOCK. I call up for consideration the bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That in order to regulate the grades of the streets in the vicinity of Twentieth street and Woodley road, the Commissioners of the District of Columbia be, and they are hereby, authorized to abandon Hampton place and shift the location of Buckingham place, in T. E. Waggaman's

subdivision of Pretty Prospect, Widow's Mite, and Kalorama, and to change the location of the street line at the southwest corner of Woodley road and Connecticut avenue extended, so as to make said corner round instead of angular, as at present: *Provided*, That the land within the lines of Hampton place which it is proposed to abandon and the land within the proposed circular corner of Woodley road and Connecticut avenue extended shall revert to the original owner or his assignees, and that the land within the lines of the new location of Buckingham place and the land outside the said circular corner of Woodley road and Connecticut avenue extended shall be dedicated to the District of Columbia.

SEC. 2. That in order to facilitate the extension of streets and encourage the donation of land in accordance with the plans for the permanent system of highways, the Commissioners of the District of Columbia be, and they are hereby, authorized, whenever in their judgment it may seem proper, to accept the dedication of streets shown on said plans, and record same, under the following conditions, namely: Streets which are shown as 90 feet in width on said plans may be accepted with a width of not less than 60 feet: *Provided*, That the parties dedicating same agree to establish building restriction lines to agree with the street lines as shown on said plans; and streets shown on said plans as 120 feet or more in width may be accepted with a width of not less than 90 feet: *Provided*, That the parties dedicating same agree to establish building restriction lines to agree with the street lines as shown on said plans: *And provided further*, That the space between the street lines, as established under the terms hereof, and the building restriction lines shall be considered as private property set aside and to be used for parking purposes: *But provided further*, That the parties so dedicating shall agree that said parking shall be subject to the regulations of said Commissioners in regard to the height of parking and the projection of buildings beyond the building line, and that the District of Columbia shall have a right of way through said parking for sewers and water mains free of cost, and to lay thereon sidewalks, if, in the judgment of said Commissioners, the space between street lines is not sufficient to admit the construction of such sidewalks within said lines.

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

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

NATIONAL WHITE CROSS OF AMERICA.

Mr. BABCOCK. Now, Mr. Speaker, I ask for the consideration of Senate bill 2581, which was laid aside.

The SPEAKER. Is that the bill that was just reported to the House?

Mr. BABCOCK. Yes; the bill to incorporate the National White Cross of America.

The SPEAKER. The gentleman from Wisconsin again calls up the bill referred to, which has been read.

Mr. MUDD. I move to strike out section 3.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Maryland.

The Clerk read as follows:

Page 3, strike out all of section 3.

Mr. GROSVENOR. That will leave the bill simply providing for the organization of another cross society, practically a reproduction of the ideas of the Red Cross Society. The section stricken out relieves the bill very largely of its most objectionable feature, which undertook to make it an international affair also, extending its jurisdiction to foreign countries, and made it a part of the war establishment of the Government practically. That has all gone out of it on the amendment; but I still think the bill ought not to pass, although the most objectionable feature is now eliminated.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. MUDD].

Mr. HEPBURN. I wish the gentleman in charge of this bill would give us something of its history, so that the House may know something about it. I have an idea that it grows out of certain jealousies and troubles, certain oppositions to the Red Cross Society, that the newspapers were filled with a year ago. Now, of course, it is desirable that all people should have an opportunity to be charitable. There is no one named in this bill who may not become a member of the Red Cross Society and under its auspices exercise their charitable purposes; but if this is rivalry, if there is a purpose of antagonism in this, I think we ought to know something about it. If it is to do harm rather than good, to divide effort rather than to unite it, I think it is proper that that should be stated here.

Mr. MUDD. I am frank to say—

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Maryland?

Mr. BABCOCK. I understood when I called the bill up that the gentlemen had agreed to it. I will now ask that the bill be withdrawn from present consideration.

Mr. MUDD. Let the amendment first be agreed to.

The SPEAKER. The gentleman has a right to withdraw the bill.

COLLECTION OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 1136) to regulate the collection of taxes in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That hereafter, beginning with the fiscal year commencing July 1, 1900, the whole tax on real and personal property in the District of Columbia shall be due and payable in the month of May of each year; and if said tax upon real and personal property shall not be paid before the first day of June in each year, the same thereupon shall be in arrears and delinquent, and there shall then be added, to be collected with said tax, a penalty

of 1 per cent upon the amount thereof, and a like penalty on the first day of each succeeding month until payment of said tax and penalty; and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner now provided by law: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to advance to the disbursing officer of the District of Columbia, in the manner now prescribed by law, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, and to reimburse the Treasury for the one-half advances payable by said District out of the taxes and revenues collected as herein provided for.

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

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

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia.

The bill was read as amended, as follows:

Be it enacted, etc. That sections 8, 9, and 15 of the act entitled "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," approved May 3, 1876, be, and they are hereby, amended as follows:

Amend section 8 so that it shall read as follows:

"SEC. 8. That whenever any boy under the age of 17 years shall be brought before any court of the District of Columbia, or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment, other than imprisonment for life, such court or judge, in lieu of sentencing him to imprisonment in the county jail or fining him, may commit him to the Reform School, to remain until he shall arrive at the age of 21 years, unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform School, first, any boy under 17 years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second, any boy under 17 years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under 17 years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any boy under 17 years of age who is incorrigible, or habitually disregards the commands of his father or mother, or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to his years and condition, or to attend school. And the president of the board of trustees may also commit to the Reform School such boys as are mentioned in the foregoing third and fourth classes upon application or complaint, in writing, of a parent, or guardian, or relative having charge of such boy, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases, he is hereby empowered to administer oaths."

Amend section 9 so that it shall read as follows:

"SEC. 9. That every boy sent to the Reform School shall remain until he is 21 years of age, unless sooner discharged or bound as an apprentice."

Amend section 15 so that it shall read as follows:

"SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all boys committed to the school, as they may deem necessary and proper, and as are not contrary to the Constitution and to the laws of the District of Columbia."

The committee amendment was agreed to.

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

The title was amended to read:

An act to amend sections 8, 9, and 15 of the act entitled "An act revising and amending the various acts establishing and relating to the Reform School in the District of Columbia," approved May 3, 1876.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill passed was laid on the table.

INSPECTION OF FLOUR IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I call up for consideration the bill (S. 4048) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898.

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act entitled "An act regulating the inspection of flour in the District of Columbia," approved December 21, 1898, be amended by striking out the last clause of said section and inserting in lieu thereof the following:

"And no barrel, half barrel, or sack of flour not examined and branded by the inspector as aforesaid shall be sold within the District under fine of \$1 for each and every barrel, half barrel, or sack, to be collected as other fines and penalties are collected."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

PRIVATE CONDUITS.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (S. 124) regulating permits for private conduits in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to grant permission to lay conduits for the transmission of electric power and pipes for the transmission of steam in alleys in the District of Columbia, under the following conditions, namely:

The conduits or pipes shall be laid entirely within a square or block, and shall not cross or enter any avenue, street, or highway.

The conduits and pipes shall be located as directed by said Commissioners and be laid under their inspection; and the cost of such inspection, together

with the cost of replacing all improved pavements disturbed in connection with said work, shall be paid in advance by the party desiring to lay said conduits or steam pipes.

The conduits or pipes shall be used only to connect the premises owned and operated by the permittee, and no power or steam shall be supplied therefrom for any other purpose than the use of the permittee.

The permittee shall not rent the conduit or pipe or any portion thereof.

SEC. 2. That on violation of any of the above provisions or restrictions, the said Commissioners shall require the permittee, after thirty days' notice, to abandon the use of said conduits or pipes and remove them from the alley or alleys in which they are located, and if said permittee shall neglect or refuse to remove said conduits or pipes and place the surface of the alley in good condition within sixty days after the date of said notice, the said permittee shall be deemed guilty of a misdemeanor, and shall be liable to a fine of \$10 for each and every day that said conduits or pipes are allowed to remain in the alley, or the said alley shall remain out of repair, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

ALLEYS IN WALBRIDGE SUBDIVISION OF INGLESIDE.

Mr. BABCOCK. I ask for consideration of the bill (H. R. 9827) to close all alleys in block 3 of the Walbridge subdivision of Ingleside, in the city of Washington.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to abandon and close all the alleys in block No. 3 of the Walbridge subdivision of Ingleside, in the county of Washington; the land in the said alleys to revert to the present owners of the said block.

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

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

WATER-MAIN TAXES.

Mr. BABCOCK. I call up for consideration the bill (H. R. 8498) to amend an act entitled "An act to authorize reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898. This bill is reported by substitute, and I ask that the reading of the bill be omitted and the substitute be read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898, be, and the same is hereby, amended by striking out the following words at the end of section 2 thereof: "That said water-main tax or assessment or reassessment shall be due, payable, and collectible on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to the said lot or parcel of land or premises," and inserting in lieu thereof the following: "That hereafter whenever a water main or mains shall be laid in the District of Columbia, the water-main assessment or tax authorized by law shall be assessed within thirty days after such water main or mains shall have been laid, and the owner or owners affected by this assessment or tax shall be notified that the same has been assessed by a notice inserted daily, Sundays excepted, for two weeks in two newspapers published in the District of Columbia, and such assessment or tax shall be payable in four equal installments, the first of which shall be payable without interest within thirty days of the date of the last publication of said notice, the second within one year, the third within two years, and the fourth within three years from the date of the last publication of said notice, and interest at the rate of 10 per cent per annum shall be charged on all amounts which shall remain unpaid at the expiration of thirty days from the date of the last publication of said notice: *Provided*, That if the assessment or tax is paid in full at any time within thirty days after the last publication of said notice, an abatement of 6 per cent shall be allowed on the entire amount of said assessment. The cost of publication of the notice herein provided for shall be added to the amount of said assessment and collected in the same manner that said assessment is collected."

SEC. 2. That in all cases where a water main has heretofore been or may hereafter be laid in a public street or way, and in order to secure the laying of such main the cost or a part thereof has been paid to the District of Columbia prior to the laying of said main by any person or corporation, there shall be repaid from time to time to such person or corporation, out of the collections from the assessment for such main, all of the amounts so paid over and above the assessment chargeable against the land owned or controlled by said person or corporation.

SEC. 3. That all laws or parts of laws inconsistent with this act are hereby repealed.

The SPEAKER. The question is on the substitute recommended by the committee.

Mr. STEELE. I should like to make an inquiry about this bill. Do I understand that unimproved property is to pay water rent, whether connections with the water main have been made or not? It seems to be so from the reading of the bill.

Mr. JENKINS. I will say to the gentleman from Indiana that that is not the object.

Mr. STEELE. What does it mean? It strikes out the provision that they shall pay from the time they have made connection with the water main and says that it shall be from the time the main has been laid.

Mr. BABCOCK. I would say to the gentleman from Indiana that a great deal of trouble has been experienced here by the Commissioners in laying water mains to reach new subdivisions. Perhaps they would run along for a quarter of a mile on a street where there were no improvements, to reach a subdivision where

there were improvements and where the water was paid for. Now, before this main was laid the parties have been obliged to come in and put up the money to pay the expense of laying that water main that went across that vacant property. In one case they had to deposit \$2,000. Now, as this property is being improved and connections are made with it, the money is paid into the treasury of the District of Columbia for that connection, and they want the money back. Otherwise the District gets a double payment. The principal object of the bill is to equalize that and to provide against the District being paid twice for the water main.

Mr. STEELE. I only had the report. I understand the object is to have them pay the expense of laying the main, but no water rent?

Mr. BABCOCK. There is no water rent until the water is used.

Mr. STEELE. I have nothing further to say, Mr. Speaker.

Mr. BABCOCK. I ask for a vote.

The SPEAKER. The question is on the amendment recommended by the committee by way of a substitute.

The question was taken; and the substitute was agreed to.

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

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4494. An act to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama;

S. 2489. An act to provide for the further distribution of the reports of the Supreme Court; and

S. 4688. An act granting an increase of pension to James U. Childs.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2156. An act for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased;

H. R. 6634. An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes;

H. R. 8369. An act to detach the County of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes; and

H. R. 9879. An act to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California; to divide said southern district of California into two divisions, and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed with amendments House concurrent resolution of the following title; in which the concurrence of the House was requested:

H. C. Res. 24. To print 8,500 copies of the Cruise of the U. S. Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean November 27, 1897.

The message also announced that the Senate had passed without amendment resolutions of the following titles:

H. C. Res. 39. To print 17,500 copies of the Bulletin No. 20, United States Department of Agriculture, Division of Vegetable Physiology and Pathology—Peach-Leaf Curl, its Nature and Treatment.

House Concurrent Resolution No. 48:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be given to the Grand Army of the Republic for the statue of Gen. Ulysses S. Grant.

Resolved, That the statue be accepted and placed in the Capitol, and that a copy of these resolutions, signed by the presiding officers of the House of Representatives and the Senate, be forwarded to the chairman of the committee of the Grand Army of the Republic on the Grant memorial.

Also:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the State of Missouri for providing and furnishing statues of Thomas Hart Benton, a deceased person, who has been a citizen thereof and illustrious for his historic renown and for distinguished civic services, and of Francis Preston Blair, a deceased person, who has been a citizen thereof, and illustrious for his historic renown and for distinguished civic and military services.

Resolved, That the statues be accepted and placed in the National Statuary Hall in the Capitol, and that a copy of these resolutions duly authenticated be transmitted to the governor of the State of Missouri.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1006) entitled "An act granting an increase of pension to Margaret M. Badger."

The message also announced that the Senate had passed with amendments the bill (H. R. 4554) granting an increase of pension to Margaret M. Badger; in which the concurrence of the House was requested.

EXTENSION OF METROPOLITAN RAILROAD.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill H. R. 8665.

The Clerk read as follows:

A bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street.

Mr. BABCOCK. Mr. Speaker, this bill is reported by substitute. I ask for the reading of the substitute instead of the original bill.

The SPEAKER. Without objection, the substitute will be reported.

There was no objection.

The substitute was read, as follows:

A bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street.

Be it enacted, etc., That the Metropolitan Railroad Company of the District of Columbia be, and the same is hereby, authorized and required to extend by double tracks the lines of its underground electric railroad from its present terminus at the intersection of Eighteenth street and Columbia road easterly along Columbia road to the present Sixteenth street NW., thence north along Sixteenth street to Park street; *Provided*, That no cars shall be switched in the streets after the expiration of two years from the passage of this act.

SEC. 2. That before such extension shall be constructed Columbia road and the present Sixteenth street shall be widened to the width of 100 feet along the lines of the said railway as extended by the Commissioners of the District of Columbia, and the said Commissioners shall institute proceedings for the condemnation of so much land as may be required for the said widening, which proceedings shall be instituted in the supreme court of the District of Columbia under and in accordance with the provisions of sections 257 to 267, both inclusive, of the Revised Statutes of the United States relating to the District of Columbia; *Provided*, That the said Commissioners are authorized and empowered to locate the lines of the railroad of said company within the area so to be acquired as aforesaid; *And provided further*, That the operation of the cars of the Metropolitan Railroad within the Capitol grounds shall be under the control of the Architect of the Capitol.

SEC. 3. That the extensions of the lines of the Metropolitan Railroad Company herein provided for shall be completed and put in operation within one year from the date of the widening of said highways as herein provided, and said company shall deposit with the collector of taxes of the District of Columbia such sums as are necessary to pay the cost of inspection of said work.

SEC. 4. That of the amount found due and awarded as damages for and in respect of the land condemned for the extension of Columbia road and the present Sixteenth street, as in this act provided, not less than one-half thereof shall be assessed by the jury in said proceedings against the Metropolitan Street Railroad Company and collected as special assessments are collected, and the remainder of said damages shall be assessed against all those pieces and parcels of ground situated and lying on each side of those portions of Columbia road and Sixteenth street NW. that are to be widened, and extending to a depth of 250 feet, measured on each side from the building lines of said highways as widened; and in case the jury should find that the damages so assessed against the said property exceed the benefits accruing to the same by reason of the widening of said street, then this proceeding shall fail and this act shall be null and void; *Provided*, That if the use of a part only of any piece or parcel of ground shall be condemned, the jury in determining its value shall not take into consideration any benefits that may accrue to the remainder thereof from the widening of said streets, but such benefits shall be considered in determining what assessments shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

SEC. 5. That when confirmed by said court the assessments on lands as aforesaid shall severally be a lien on the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in four equal annual installments with interest at the rate of 4 per cent per annum until paid; *Provided*, That payment of the sum or sums of money adjudged to be due and payable for lands taken under the provisions of this act shall be made by the Treasurer of the United States, ex-officio commissioner of the sinking fund of the District of Columbia, upon the warrant of said Commissioners, out of the revenues of the District of Columbia; and a sufficient sum to pay such judgments and awards is hereby appropriated out of the revenues of the District.

SEC. 6. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments for benefits or damages herein provided for, nor any other proceedings at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of the award to others in respect to the property condemned nor the widening of such streets; *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the widening of the streets under the provisions hereof shall be paid as hereinbefore provided.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

Mr. HENRY C. SMITH. Mr. Speaker, I desire to offer amendments to this bill.

The SPEAKER. The gentleman will send up his amendments.

The Clerk read as follows:

In lines 2 and 3, in section 2, page 11, strike out the words "along the lines of the said railway as extended" and substitute therefor the following: "Said widening to be wholly from the lands on the westerly side thereof."

Also the following amendment:
After the word widening, in line 6, section 2, page 11, add the words following: "From the westerly side thereof, as aforesaid."

Also the following amendment:
In line 4, section 4, page 3, strike out the word "of," after the word "that," and in lines 7 to 14 inclusive, page 3, section 4, erase the words following:
"Not less than one-half thereof shall be assessed by said jury in said proceedings against all those pieces and parcels of ground situated and lying on each side of those portions of said Columbia road and Sixteenth street NW. that are to be widened and extending to a depth of 250 feet, measured on each side from the building line of the said highways as widened, and the remainder."

Also, in line 15, said section, strike out the words "as special assessments are collected."

Also the following amendment:
In lines 17 to 22, inclusive, section 5, page 3, the following words be erased:
"The assessments on lands as aforesaid shall severally be a lien upon the lands as assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal instalments, with interest at the rate of 4 per cent per annum until paid: *Provided, That*."

The SPEAKER. The gentleman's amendments are out of order as an amendment to the amendment that has been agreed to, and the question is upon the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.
The question was taken, and the Speaker announced the yeas appeared to have it.

Mr. BABCOCK. Division.
The House divided, and there were—ayes, 44; noes, 42.
Mr. HENRY C. SMITH. Tellers.

The question was taken on ordering tellers.
The SPEAKER (after counting). Thirty gentlemen have arisen—not a sufficient number; tellers are refused; and the bill is passed.

Mr. BABCOCK. I move to reconsider.
Mr. HENRY C. SMITH. I raise the point of no quorum, Mr. Speaker.

Mr. BABCOCK. The gentleman is too late.
The SPEAKER. That point can not be made after the demand for tellers. Has the gentleman from Wisconsin any further business?

Mr. BABCOCK. Nothing further, Mr. Speaker. I move to reconsider.
Mr. BARTLETT. I object.

EXTENDING TERM OF PATENT NO. 287230.

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the following bill:
The Clerk read as follows:

A bill (H. R. 5711) extending the term of patent No. 287230.

Be it enacted, etc. That the term for which letters patent No. 287230 heretofore, to wit, on the 23d day of October, 1883, were granted to James H. Burnam, of Fayetteville, Tenn., for two-room heating fireback and frame be, and said term is hereby, extended to and for the full term of ten years from the 23d day of October, A. D. 1900; the said James H. Burnam to have and enjoy all the rights and privileges under and in virtue of the extension herein and hereby granted that he would or could have enjoyed had said letters patent been originally and by authority of the United States granted for the full term covered by and embraced in this extension: *Provided, however*, That nothing herein contained shall be construed or operate to affect the rights of any person who may have, prior to the passage of this act, acquired mediately or immediately from the said James H. Burnam, or his assigns, the right or privilege to use said invention, but said right and privilege so acquired by such person or persons as aforesaid shall not be affected by anything contained in this act.

Mr. PAYNE. Mr. Speaker, I demand a second.
Mr. RICHARDSON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second may be considered as ordered.
Mr. PAYNE. Mr. Speaker, I do not believe there is a quorum, and I certainly will not object.

The SPEAKER. Does the gentleman object?
Mr. PAYNE. I do not.
The SPEAKER. There is no objection, and a second is considered as ordered.

Mr. RICHARDSON. I believe there is no objection.
The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. PAYNE. Mr. Speaker, if the gentleman does not want to make an explanation of his bill, I want to say something concerning it.

Mr. RICHARDSON. I will explain it with a great deal of pleasure. I thought you were all ready to vote upon it.

Mr. Speaker, this bill merely extends the letters patent of a fireback, a grate. A gentleman, one of my constituents, living down in Tennessee, invented a patent back for warming two rooms with one fire. He was a poor man, and made a contract with a Chattanooga manufacturer. It was a very unwise and imprudent contract. That manufacturer, after getting his contract, sat down and never manufactured a grate, and yet held to the

contract. The seventeen years will expire in October, and this simply extends this man's letters patent ten years. It is not a monopoly, Mr. Speaker. It is not a case where a man has made money and is seeking to make more. There has never been one of his grates sold.

Mr. CANNON. Does the gentleman think they will be sold in great quantities?

Mr. RICHARDSON. I do not know about that. The gentleman who invented it thinks it is a good patent.

Mr. CANNON. Because I want to suggest to the gentleman that if this is to heat two rooms with one fire it is not in the interest of the men who mine the coal. Would it not be a big loss to the coal miners?

Mr. RICHARDSON. It is in the interest of the poor people who have got to heat their rooms, which is of more importance than the interests of those who have coal to sell, as there are so many more of them. I hope there will be no objection to this bill.

Mr. PAYNE. I would like to ask the gentleman whether those people who bought the patent have been manufacturing grates during seventeen years.

Mr. RICHARDSON. I think not; I do not think that they manufactured any.

Mr. PAYNE. Was it not used as a cover for the manufacture of grates?

Mr. RICHARDSON. No; I think not.

Mr. PAYNE. Have you any idea of the nature of the contract this poor inventor made?

Mr. RICHARDSON. It was a contract by which this concern had the exclusive right to manufacture and sell these patent backs or grates, and a right which he declined to use and did not use. He did not manufacture any grates. The patentee sought to have his contract modified or canceled, so as to permit him to make a contract with other persons, but he could not do so under his contract, and therefore he has never had an opportunity to manufacture a single one.

Mr. PAYNE. He must have got some consideration in some way.

Mr. RICHARDSON. He would have got a consideration or a royalty if they had manufactured, but there were none manufactured, and therefore he did not get any royalty. Now, Mr. Speaker, this would be a very hard case on this man to refuse him the right to have his patent extended for ten years. Nobody can be injured by it, it seems to me, and it will enable him to make a poor living possibly in his old age. I know him personally and have known him a good many years. He is a man without estate, and is not himself a manufacturer. He belongs to the legal profession. [Laughter.] I hope there will be no objection to the bill. I reserve the remainder of my time.

Mr. PAYNE. Mr. Speaker, I think any legislation extending the terms of a patent, under any circumstances, is vicious legislation and sets a bad precedent for Congress to follow. The Government of the United States is very liberal in these matters; it grants a man who makes a valuable invention seventeen years exclusive right to his invention.

Now, it is not the province of the Government to add to that and endow a man with brains enough to make a contract, if he has a valuable patent, to take care of his patent, not even when he is a lawyer. [Laughter.] The Government is not called upon to do that. They leave it to himself. They exclude everybody else from using it for seventeen years. They have excluded the country from this valuable patent which enables a person with one fire to heat two rooms.

Now, I think the people of this country ought to have the benefit of this patent after waiting seventeen years, because it not only gives this monopoly to this man, but it prevents anybody else going into the field of invention and getting a patent on an idea of this kind. The public is excluded from it. This man has tied up this valuable invention for seventeen years. It is claimed that he got no consideration for it. If he did not, he ought to have been lawyer enough to have broken the contract. The courts were open to him; the whole field was open to him. We have no knowledge but what this extension of ten years will belong to the same hard-hearted men who have made the contract where they overreached the sharp lawyer from Tennessee and in making the contract have gotten this valuable invention away from him.

The public has no assurance but that it will be tied up ten years longer, and a long-suffering people will have to pay coal bills for having a fire in each room, whereas this patent, if they were able to get hold of it, would enable them to heat two rooms with one fire. Unless the gentleman from Tennessee succeeds in extending this trust and monopoly for ten years the people of this country will have the benefit of this patent and will be able to heat two rooms with one scuttle of coal at the same time. The people ought to have it. Besides that, there are other patentees knocking at the door of Congress, men who have had only one year, men who have had litigation, and people who have had other troubles, and people having difficulty in taking care of their property.

They all seek relief. If you are going into this thing, it would be better to say by law that every man who has had a patent and enjoyed it seventeen years, and did not succeed in getting over five hundred or a thousand dollars out of it—his patent should be extended ten years longer and let him try the experiment and see if he can not get something out of it.

If a man has had a patent for seventeen years, I can see no excuse for allowing it to be extended. When the seventeen-year law was first enacted, it was with the idea that the patent was not to be extended. The old law gave them ten or twelve years—I do not exactly remember the number—and at the end of that time, if it was a valuable patent, it might be extended to make it seventeen years. When Congress passed this law it was with the understanding that seventeen years was to be the limit; and if a man had that as the price of his labor and invention, it was thought to be sufficient in this great country with 70,000,000 people to use a valuable invention. I hope, Mr. Speaker, that this motion will not prevail.

Mr. CORLISS. Mr. Speaker, in addition to the objections made by the gentleman from New York [Mr. PAYNE] I want to state, as a member of the Committee on Patents, that never in the history of our country since the law was enacted extending to the inventor an exclusive right for seventeen years has a patent been extended by an act of Congress; and in my judgment this should never be done.

There are, Mr. Speaker, a great many just such measures pending before this House, some of them unfortunately reported favorably, and waiting on the Calendar for a precedent that will justify the members having such measures in charge in asking of this House their consideration. If we grant this one application, we will have urged upon us not only the bills of like character already favorably reported, but Congress will be flooded with just such applications for all time in the future. I concur in the view of the gentleman from New York that this measure should be defeated.

Mr. RICHARDSON. Mr. Speaker, I want only to say in reply that each one of these cases ought to stand on its own merits and its own facts. If it is right and proper to extend this particular patent, the general argument which may be made against extensions of patents ought not to be applied.

Mr. CORLISS. Will the gentleman allow me a question?

Mr. RICHARDSON. Yes, sir.

Mr. CORLISS. As I understand, the reason urged in the present case for an extension of the patent is that this party made a bad contract. Now, that is similar to the plea set up in all the other cases pending before the committee. If you extend this patent, it may as well be understood that Congress is to be the guardian to protect parties thus situated and insure their receiving the benefit of their patents.

Mr. RICHARDSON. There will not be any such general demand as that. Congress has not been annoyed in any very large degree by applications of this kind. Here is a case which I think ought to stand on its own merits, and upon the particular facts of the case. There may be a general objection to the extension of patents. Where a patentee has succeeded in getting his patented article on the market, and has already reaped the benefit of his genius, his inventive talent—where he has already been compensated in some degree, if not fully—there may be strong considerations against any extension. But in this case there has never been one of the patented articles sold. The inventor has not grown rich out of his invention. He improvidently made this contract with a manufacturer who refused to proceed with the manufacture, and thus denied the patentee the benefit of his invention. Now, unless Congress extends the patent the inventor will be denied the advantage that he ought to have from his invention.

I do not think there can possibly be any such danger as has been suggested by my friend from Michigan [Mr. CORLISS]. There will not be general applications for the extension of patents; and if any such application be made in a particular case, that case ought to be tried on its merits and upon its special facts; it ought not to be ruled out upon any general prejudice against extension of patents. I hope very much that we may have a favorable vote upon this measure; and inasmuch as this is the first time I have ever asked the House to authorize the extension of a patent, and inasmuch as I never expect to ask it again [laughter], the House will not be annoyed by any claim on my part of a precedent which may be set up by this case. I hope my friend from New York [Mr. PAYNE] will withhold his opposition and let the House pass the bill, as I believe it wishes to do.

The SPEAKER (having put the question on the motion to suspend the rules). The ayes appear to have it.

Mr. PAYNE. I call for a division.

The question being again taken, there were—ayes 78, noes 17.

So (two-thirds voting in the affirmative) the motion to suspend the rules was agreed to, and the bill was passed.

HENRY BIEDERBICK AND OTHERS.

Mr. OVERSTREET. I move to suspend the rules and pass the bill (S. 1938) to place Henry Biederbick, Julius R. Frederick,

Francis Long, and Maurice Connell on the retired list of enlisted men of the Army.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to cause Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell, survivors of the Lady Franklin Bay expedition, to be enlisted as first-class sergeants of the Signal Corps of the Army and to place them on the retired list of the Army, with the pay and allowances, from and after the passage of this act, of first-class sergeants of the Signal Corps who have been retired after continuous active service of fifteen years.

Mr. BAILEY of Texas. I demand a second.

Mr. OVERSTREET. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

Mr. OVERSTREET and Mr. BAILEY of Texas were appointed tellers.

The House divided; and the tellers reported—ayes 41, noes 42.

The SPEAKER. On this question the ayes are 41, the noes 42. The House declines to second the motion to suspend the rules.

SECOND-CLASS MAIL MATTER.

Mr. GRIGGS. I move to suspend the rules and pass, with the amendments of the Committee on the Post-Office and Post-Roads, the bill (H. R. 10308) to give certain publications the privileges of second-class mail matter, as to admission to the mails.

The bill was read, as follows:

Be it enacted, etc., That all periodical publications issued from a known place of publication at stated intervals as frequently as four times a year by State boards of health, State boards of agriculture, and State experimental and scientific stations shall be admitted to the mails as second-class mail matter: *Provided*, That such matter shall be published only for the purpose of furthering the objects of such State boards and stations: *And provided further*, That such publications shall not contain any advertising matter of any kind.

The amendments reported by the committee were read, as follows:

Amend the title by striking out the word "give" and inserting the words "extend to."

In line 5 strike out the words "State boards of health;" and after the word "boards," following the word "State," add the word "departments," so as to read "by State departments of agriculture."

In line 6 strike out the words "and State experimental and scientific stations."

In line 9 strike out the words "State boards and stations" and insert the word "departments."

Mr. MOODY of Massachusetts. I demand a second on the motion to suspend the rules.

Mr. GRIGGS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? The Chair hears none.

Mr. GRIGGS. Mr. Speaker, it is proper for me to say in the beginning that the bill under consideration was drawn by my friend from North Carolina [Mr. KITCHIN]. Some time since I introduced a bill extending the franking privilege to State departments of agriculture, which idea was considered by the committee as not feasible at this time. At the suggestion and request of the gentleman from North Carolina [Mr. KITCHIN], I then introduced this bill, which is unanimously reported by the Committee on Post-Offices and Post-Roads. I do not know that I can more clearly explain the bill than by reading to the House the report of the committee, which, as I have just stated, is unanimous:

The legislation proposed by this bill is the extension of the pound-rate privileges of the mails now accorded to newspapers and periodicals to the departments of agriculture of the various States.

In many, if not in all, of the States the departments of agriculture, by whatever name called, make a practice of issuing monthly, bimonthly, or quarterly publications, in the nature of helps to the farmers. They are filled with advice to the agricultural classes on practical lines by experts employed by the States for that purpose, and properly circulated would undoubtedly be of incalculable benefit to the farmers of America. The cost of distributing these bulletins now is probably more than the cost of publication, if forwarded through the mails, costing from 1 to 2 cents a copy, whereas if sent through the express companies the distribution must be entrusted to some person in every community, who, having no interest in the same and feeling no responsibility, sometimes distributes them and often does not. The first is too expensive; the last is too uncertain. Under this bill the departments of agriculture can use the mails just as the newspapers use them, and can in that way reach all the farmers of the State easily, certainly, and promptly.

If objection should be made to the passage of the bill on account of pecuniary loss to the Government in handling same, we would suggest:

First. Very few of these reports will ever go beyond the limits of the State wherein they are published, and therefore the haul would be a short one, averaging probably not more than 50 miles, or even less.

Second. The diffusion of education and the spread of intelligence among the people has in all times been considered one of the highest objects of government, and this bill but seeks to render it easy for the States to give needed aid on this line to the farmers. An educated and intelligent agricultural class means a prosperous, happy, and free people, and your committee believe that this bill will greatly conduce to this end "a consummation devoutly to be wished."

[Applause.]

I do not believe now that the gentleman from Massachusetts [Mr. MOODY] will further oppose the bill. At least, I hope he will not.

Mr. MOODY of Massachusetts. Is it understood that the provisions of this bill are confined to the publications of State departments of agriculture?

Mr. GRIGGS. Yes, sir.

Mr. MOODY of Massachusetts. It does not include any private institutions?

Mr. GRIGGS. No; the bill applies exclusively to State departments of agriculture, and the bulletins or other publications of such department, issued at least four times a year from a known office of publication.

Mr. MOODY of Massachusetts. Does this have the approval of the gentleman from California [Mr. LOUD], chairman of the Committee on the Post-Office and Post-Roads?

Mr. GRIGGS. It has. It was reported to the House by the committee unanimously.

Mr. MOODY of Massachusetts. While I dislike very much to see the privileges of the pound rate extended at all, yet if they are to be extended, apparently this is a case where they should be extended. I have no doubt that the publications that will be issued under this bill deserve the exceptional privileges of the second-class rate very much more than the great body of matter that goes through the mails now at that rate; and while, as I say, I dislike to see that exceptional privilege extended at all, I shall make no further opposition to the passage of the bill.

Mr. GRIGGS. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, the object of this bill is to extend to publications of State departments of agriculture the privileges of second-class mail matter. The promoters of this bill contend that the publications should have the privileges of pound rates similar to periodicals and newspapers. I have made no contention against the adoption of this bill, but, upon the contrary, I am heartily in favor of conferring this advantage upon the agricultural interests.

The various State departments of agriculture are accomplishing much benefit, resulting in the dissemination of valuable information which enables the farmers to adopt improved methods in the prosecution of their work. Any aid, therefore, which the Government can render by cheapening the distribution of documents and bulletins published by State departments of agriculture is well deserved and should be encouraged.

I have been of the opinion, however, that the privilege conferred by this bill could well be extended. I think that official publications of State geological surveys and mining bureaus should also be accorded the privilege of second-class mail matter. With the object of so securing the amendment to this bill I went before the House Committee on Post-Offices and Post-Roads and found the committee favorably inclined to consider the amendment; but the friends of the measure were of the opinion that if the bill should be so amended and presented to the House such an amendment would jeopardize its passage. Not desiring to place any obstacles in the way of legislation intended to benefit our agricultural interests, I abandoned the proposed amendment for the present time.

However, as the proposition to submit official publications of State geological surveys and mining bureaus to the mails as second-class matter will at some future day be pressed upon the consideration of this House, I desire to submit some observations and statistics bearing upon the quantity and value of the mineral products in the United States. There has been an increase in the value of the annual mineral products of the United States from \$400,000,000 in 1883 and \$650,000,000 in 1896 to nearly \$1,000,000,000 in 1899.

This increase in our mineral products from year to year has been accompanied by geological work both by Federal and State geological surveys, and as the products have increased such results have increased the demand for work by both of these agencies. In the meanwhile the current appropriation for the Government Survey is but little larger than it was ten years ago and less than it was in 1897-98. As affording an interesting exposition of the increase of mineral products from year to year I shall append to my remarks a table which has been compiled by the United States Geological Survey, giving the quantity and the value of the several mineral products of the United States for the years 1889 to 1898, inclusive.

There was during the year 1899 a most gratifying increase in the production of coal in the United States, and the increased value of this product during that year was even more gratifying. I am enabled, by the courtesy of the United States Geological Survey, to submit some figures bearing upon the increased production and valuation of coal during 1899.

According to returns, representing between 80 and 90 per cent of the total tonnage, the production of coal in the United States in 1899 is estimated by Edward W. Parker, statistician of the United States Geological Survey, to have amounted to 230,838,973 long tons, equivalent to 258,539,650 short tons. As compared with the production in 1898, when the product amounted to 196,405,953 long tons, or 219,974,667 short tons, this indicates an increase of over 34,000,000 long tons (about 38,500,000 short tons), or 17.5 per cent. The estimates are based upon a compilation of the reports

received from mines producing over 80 per cent of the tonnage in 1898, and calculating a proportionate increase for the delinquent mines.

These figures exceed by 15,000,000 short tons the outside estimates heretofore made on the coal tonnage for 1899. The production of 220,000,000 short tons in 1898 was nearly 20,000,000 in excess of that in 1897, and both of these years were banner years in the industry. It is not impossible that the figures for 1899, as estimated, may be somewhat reduced by later and more complete returns, and in fact this may be predicted as probable; but even a reduction of 5,000,000 tons would not amount to 2 per cent of error in the total. The total value of this enormous product is estimated at \$259,435,412, an increase of over \$51,000,000, or practically 20 per cent, over the value of the product in 1898.

The part that anthracite coal played in this unprecedented production was an increase from 47,663,075 long tons, or 53,382,644 short tons, in 1898, to 53,857,496 long tons, or 60,320,395 short tons, in 1899, with an increase in value from \$75,414,537 to \$88,123,493, a gain of nearly \$13,000,000. Bituminous production (including semianthracite, semibituminous, cannel, block, and lignite coals) shows an increase of over 31,600,000 short tons and a gain of nearly \$39,000,000 in value. There were only three States that did not participate in the general increase. These were Arkansas, Georgia, and Idaho. In the former the production was cut down by strikes, which kept some of the largest mines idle a good part of the year, the decrease in Georgia was very small, and the entire product of Idaho has no effect on the total.

Another interesting and unusual feature of coal production in 1899 was the fact that there was an advance in prices, the first instance of the kind in ten years.

The production of coal in 1898 and the estimated output for 1899 are shown in the following table:

Coal product of the United States in 1898 and 1899, by States.

State.	1898.		1899.	
	Total production.	Total value.	Total production.	Total value.
	<i>Short tons.</i>		<i>Short tons.</i>	
Alabama	6,535,283	\$4,932,776	7,234,558	\$7,971,366
Arkansas	1,205,479	1,238,778	911,342	1,015,798
California and Alaska	160,288	405,915	160,335	428,293
Colorado	4,076,847	4,686,081	5,425,618	6,115,336
Georgia and North Carolina	255,682	212,537	260,008	283,309
Idaho	1,039	2,675	20	100
Illinois	18,599,299	14,567,598	23,434,445	18,408,470
Indiana	4,920,743	3,994,918	6,529,826	5,884,514
Indian Territory	1,381,466	1,827,638	1,677,100	2,392,578
Iowa	4,618,842	5,290,716	5,265,480	6,617,981
Kansas	3,406,555	3,703,014	3,948,197	4,939,821
Kentucky	3,887,908	3,084,551	5,120,375	4,142,552
Maryland	4,674,884	3,532,257	5,516,363	4,295,225
Michigan	315,722	462,711	523,084	727,194
Missouri	2,688,321	2,871,296	3,833,546	4,413,182
Montana	1,479,803	2,324,207	1,956,300	2,796,021
New Mexico	992,288	1,344,750	1,200,668	1,616,390
North Dakota	83,895	93,591	116,929	132,133
Ohio	14,516,867	12,627,536	16,679,886	14,516,995
Oregon	58,184	212,184	90,302	264,493
Pennsylvania	65,165,133	43,352,588	75,591,554	53,794,799
Tennessee	3,022,896	2,337,512	3,361,460	2,973,315
Texas	686,734	1,139,763	938,765	1,577,432
Utah	593,709	752,252	787,258	995,982
Virginia	1,815,274	1,070,417	2,332,627	1,506,077
Washington	1,884,571	3,352,798	2,020,260	4,254,701
West Virginia	16,700,999	10,131,264	18,755,222	12,572,899
Wyoming	2,863,812	3,664,190	4,547,733	4,680,163
Total bituminous	166,562,023	132,588,313	198,219,255	171,311,919
Pennsylvania anthracite	53,382,644	75,414,537	60,320,395	88,123,493
Grand total	219,974,667	208,000,850	258,539,650	259,435,412

The production and consumption of coal is so closely associated with that of pig iron and of manufactured iron and steel that it is worth while to note what effect the record for 1899 made by these commodities will have upon the total mineral production for 1899. The production of pig iron in 1899 was 13,700,000 long tons, against 11,773,934 long tons in 1898. The average price for pig iron in 1899 was about \$18 per ton, making the total value about \$246,600,000, against \$116,557,000 in 1898, when the average price was less than \$10 per ton. This makes an increase of \$130,000,000, and the increase of \$51,000,000 in the value of the coal product makes a total increase of \$181,000,000, which, without any increase in the other mineral productions, would make the total value of the mineral products in 1899 about \$360,000,000.

This increase in the development of the mineral resources of the country during the past year has very greatly increased the urgency and number of demands on the several surveys for topographic and geologic maps and for reports covering many different portions of the country, the demands for information covering an increasingly great variety of mineral products and for special investigations in many new regions not yet surveyed.

This development entails the investment of an enormous capital,

and it becomes increasingly important that this work of the geological surveys in all their branches should be pushed forward more rapidly in order that the results obtained may serve as a guide to the most advantageous investment of this capital. Thus in the Lake Superior country, perhaps the richest iron region of the world, practically no recent large investments have been made in iron property without first carefully consulting the published reports of the United States Geological Survey, and in developing these properties the companies are following the principles laid down by the Survey. The course of investors in being guided by the work and the results of the several geological surveys, the same being more freely followed each year in the great mining industries of the country, in the irrigation plans, and in the measurement of streams, and in borings for artesian water supplies.

The main fault found with the geological work in the past is the slowness with which the work progresses and the delay in furnishing and publishing the results of such work, including the publication of topographic maps, and the large number of people interested have manifested very considerable impatience. This slowness, due to inadequate appropriations, has to a considerable extent given rise to the agitation in portions of the country for the establishment of a large bureau or cabinet department of mines in the hope that these large and important industries would then receive more adequate and prompt attention in appropriations from Congress.

Fully two-thirds of the States have appropriated considerable sums for investigations somewhat similar to those carried on by the Government and with these same general purposes in view, but the distribution through the mails of the State reports embodying the results of these investigations is so expensive as to seriously limit the extent of the benefits that should result from them. Many of these benefits should and would be national in their extent if their distribution were made easier. At the present postal rate it is found cheaper to distribute many of these State reports through the express companies.

The investigations by these State surveys include a wide range of subjects, such as drinking-water supplies, water powers, mineral deposits, forests, and general natural-history resources, and they thus interest and should reach large, varied, and widely distributed classes of citizens.

These reports are not sold by the States for public or private gain; most of them are for free distribution. They do not advertise the property of specific individuals. Their purpose is the same as that of similar publications by the General Government, viz, the judicious development of the country's material resources.

These reports are usually of small size and of limited number; and their aggregate weight (including all the States, during one year) would hardly equal that of one or two private publications (such as the large newspaper almanacs), and hence this addition to the second-class mail matter would not be felt by the United States postal service.

These reports can not be published at regular stated intervals, for the reason that each such report embraces the results of spe-

cific explorations or investigations which can not be finished by any given date; and yet the results should be published as soon as the work has been finished.

The sending out of these State reports as second-class mail, while not thus appreciably affecting the postal service, will yet greatly facilitate the work of these State scientific bureaus, for the reason that in practically all cases the expense of mailing these reports is borne, not out of the General Treasury, but out of the appropriations for actual investigations, and to this extent limits both the investigations and the distribution of their results.

It should be understood that a large portion (one-third to four-fifths) of all these scientific reports published by the several States are distributed among citizens of other and widely separated States and are of benefit to the nation as a whole. And having as their highest aim the public good, they are entitled to the most favorable consideration by the Government and to the lowest postal rate granted by the Government.

These products which are taken out of the bowels of the earth are a most important factor in our material progress, and they enter into the manifold forms of life among the people. They furnish the two money metals upon which our currency is based; they furnish the fuel which warms our homes, which drives our locomotives, and which sends the leviathans of the sea across the pathless deep. There is scarcely a vocation adopted by the breadwinners into which mineral products in some form are not a necessity in daily use. The wonderful material progress of the United States and the capacity of our people for creating wealth would cease if deprived for one year of the products of the earth.

Not only are these products necessary for our existence in the piping times of peace, but they are even more essential in times of war. They enter into the construction of our great battle ships and swift cruisers, and without them not a gun could be fired in defense of the flag. Without these products the world would be relegated back to the ways of barbarism, and civilization would be lacking its most useful factor. The prosperity of the iron and steel industries is to-day regarded as the index in a large degree of the prosperity of the country, because when these two great products are in ready demand the indications point to a general degree of prosperity.

Therefore the Government should extend every aid in its power to increase the products of our mines and to foster science in adopting new remedies for the utilization of the raw products. Accordingly the United States Geological Survey is accomplishing much good work; yet it is freely admitted that the similar work performed by the States has been a most efficient local aid in the work of the central bureau and in the development of our mineral products. Let us hope that when our postal laws are revised, when the inequalities which are now said to exist in the postal laws are eliminated, and the cheap pound rate is applied to other deserving objects, that proper encouragement will be given to the State geological surveys and mining bureaus by admitting their official publications to transportation in the mails at second-class rates.

Mineral products of the United States—Calendar years 1889 to 1893.

Products.	1889. ¹		1890.		1891.		1892.		1893.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
METALLIC.										
Pig iron (spot value ²).....long tons ³	7,603,642	\$120,000,000	9,202,706	\$151,200,410	8,279,870	\$128,337,985	9,157,000	\$131,161,039	7,124,502	\$94,810,426
Silver, coining value ⁵.....troy ounces.....	51,354,851	66,396,988	54,500,000	70,464,645	58,330,000	75,416,565	63,500,000	82,099,150	60,000,000	77,575,757
Gold, coining value ⁶.....do.....	1,590,869	32,886,744	1,588,880	32,845,900	1,604,840	33,175,000	1,596,375	33,000,000	1,739,081	35,950,000
Copper, value at New York City, ⁷ pounds.....	231,246,214	26,907,809	205,115,133	30,948,797	205,812,076	38,455,300	352,971,744	37,977,142	339,785,972	32,051,601
Lead, value at New York City, short tons ⁸	156,397	13,794,235	143,630	12,668,166	178,554	15,534,198	173,654	13,862,320	163,982	11,839,590
Zinc, value at New York City, short tons.....	58,860	5,791,824	63,683	6,266,407	80,873	8,033,700	87,260	8,027,920	78,832	6,308,560
Quicksilver, value at San Francisco, flasks ⁹	26,484	1,190,500	22,926	1,203,615	22,904	1,036,386	27,993	1,245,689	30,164	1,108,527
Aluminum, value at Pittsburg, pounds.....	¹⁰ 47,468	97,335	¹⁰ 61,281	61,281	¹⁰ 150,000	100,000	259,885	172,824	339,629	266,903
Antimony, value at San Francisco, short tons.....	115	28,000	129	40,756	278	47,007	.....	56,466	250	45,000
Nickel, value at Philadelphia, ¹² pounds.....	252,663	151,596	223,488	134,093	118,498	71,099	92,252	50,739	49,390	22,197
Tin.....pounds.....	(¹³)	.....	(¹³)	.....	125,289	25,058	162,000	32,400	8,038	1,788
Platinum, value (crude) at San Francisco, troy ounces.....	500	2,000	600	2,500	100	500	80	550	75	517
Total value of metallic products.....	.....	267,247,063	.....	305,735,670	.....	300,232,798	.....	307,716,239	.....	249,981,866
NONMETALLIC (SPOT VALUES ²).										
Bituminous coal ¹⁴.....short tons.....	95,685,543	94,504,745	111,320,016	110,420,801	117,901,237	117,188,400	126,856,567	125,124,381	128,385,231	122,751,618
Pennsylvania anthracite.....long tons.....	40,714,721	65,879,514	41,489,858	66,383,772	45,236,992	73,944,735	46,850,450	82,442,000	48,185,306	85,687,078
Stone ¹⁵.....	.....	42,809,706	.....	47,000,000	.....	47,294,746	.....	48,706,625	.....	33,885,573
Petroleum.....barrels ¹⁶	35,163,513	28,963,340	45,822,672	35,265,105	54,291,980	30,526,553	50,509,136	26,034,196	48,412,666	28,932,326
Natural gas.....	.....	21,067,069	.....	18,742,725	.....	15,500,084	.....	14,800,714	.....	14,346,250
Brick clay.....	.....	8,000,000	.....	8,500,000	.....	9,000,000	.....	9,000,000	.....	9,000,000
Clay (all other than brick) long tons.....	¹⁸ 294,344	635,578	350,000	756,000	400,000	300,000	420,000	1,000,000	400,000	900,000
Cement.....barrels ¹⁹	7,000,000	5,000,000	8,000,000	6,000,000	8,222,792	6,680,951	8,758,621	7,152,750	8,002,467	6,262,811
Mineral waters.....gallons sold.....	12,780,471	1,748,458	13,907,418	2,600,750	18,332,732	2,996,259	21,876,604	4,905,970	23,544,495	4,246,734
Phosphate rock.....long tons.....	550,245	2,937,776	510,499	3,213,795	587,988	3,651,150	681,571	3,296,227	941,368	4,136,070

Mineral products of the United States—Calendar years 1889 to 1898—Continued.

Products.	1889.		1890.		1891.		1892.		1893.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
NONMETALLIC (SPOT VALUES)—continued.										
Salt.....barrels ²⁰	8,005,565	\$4,195,412	8,776,901	\$4,752,286	9,987,945	\$4,716,121	11,698,890	\$5,654,915	11,816,772	\$4,054,068
Limestone for iron flux.....long tons	6,318,000	3,159,000	5,521,622	2,760,811	5,000,000	2,300,000	5,172,114	3,620,480	3,058,055	2,374,833
Zinc white.....short tons	16,970	1,357,600	182,995	1,000,000	23,700	1,600,000	27,500	2,200,000	24,059	1,894,420
Gypsum.....do	267,789	764,118	182,995	574,523	208,126	628,051	256,259	695,492	253,615	696,615
Borax.....pounds	8,000,000	500,000	9,500,000	617,500	13,380,000	889,700	13,500,000	900,000	8,699,000	652,425
Mineral paints.....short tons ²¹	34,307	433,766	47,732	681,992	49,652	678,478	51,704	767,766	37,724	530,384
Grindstones.....do	439,587	450,000	450,000	450,000	476,113	476,113	476,113	272,244	338,787	338,787
Fibrous talc.....short tons	23,746	244,170	41,354	389,196	53,054	493,068	41,925	472,485	35,861	403,436
Asphaltum.....do	51,735	171,537	40,841	190,416	45,054	242,264	87,680	445,375	47,779	372,232
Soapstone.....do	12,715	231,708	13,670	252,309	16,514	243,981	23,908	437,449	21,071	255,067
Precious stones.....do	188,807	188,807	118,833	118,833	235,300	235,300	312,050	312,050	294,041	294,041
Pyrite.....long tons	93,705	202,119	99,854	273,745	106,536	338,880	109,788	365,191	75,777	256,552
Corundum and emery.....short tons	2,245	105,565	1,970	89,895	2,265	90,230	1,771	181,300	1,713	142,325
Oilstones, etc.....pounds	5,982,000	32,980	69,909	69,909	1,375,000	150,000	146,730	146,730	135,173	135,173
Garnet for abrasive purposes, short tons										
Mica.....pounds	49,500	50,000	60,000	75,000	75,000	100,000	75,000	100,000	66,971	88,929
Barytes (crude).....short tons	19,161	106,313	21,911	86,505	31,069	118,363	32,108	130,025	28,970	88,506
Bromine.....pounds	418,891	125,667	387,847	104,719	343,000	54,880	379,480	64,502	348,399	104,520
Fluorspar.....short tons	9,500	45,835	8,250	55,328	10,044	78,339	12,250	89,000	12,400	84,000
Feldspar.....long tons	6,970	39,370	8,000	45,200	10,000	50,000	15,000	75,000	18,391	96,553
Manganese ore.....do	24,197	240,559	25,684	219,050	23,416	239,129	13,613	129,586	7,718	66,614
Flint.....do	21,113	89,730	13,000	57,400	15,000	60,000	20,000	80,000	29,671	109,848
Monazite.....pounds	(¹²)		(¹²)		(¹²)		(¹²)		(¹²)	
Graphite.....do		21,72,662		24,77,500		110,000		104,000	843,103	63,232
Bauxite.....long tons	728	2,366	1,844	6,012	3,593	11,675	10,518	34,183	9,079	29,507
Sulphur.....short tons	1,150	7,850	(¹³)	(¹³)	1,200	39,600	2,688	80,640	1,200	42,000
Fuller's earth.....do	(¹³)		(¹³)		(¹³)		(¹³)		(¹³)	
Marls.....do	139,522	63,956	153,020	69,880	135,000	67,500	125,000	65,000	75,000	40,000
Infusorial earth and tripoli.....do	3,496	23,372	2,532	50,240		21,988		43,655		22,582
Pumice stone.....do		35,155		23,720		16,587		23,417		16,645
Millstones.....do		30,000	3,599	53,985	1,372	20,580	1,500	25,000	1,450	21,750
Chromic iron ore.....long tons	2,000	30,000	3,599	53,985	1,372	20,580	1,500	25,000	1,450	21,750
Cobalt oxide.....pounds	13,955	31,092	6,788	16,291	7,200	18,000	7,869	15,738	8,422	10,346
Magnesite.....short tons	(¹²)		(¹²)		439	4,390	1,004	10,040	704	7,040
Asbestos.....do	30	1,800	71	4,560	66	3,960	104	6,416	50	2,500
Rutile.....pounds	1,000	3,000	400	1,000	300	800	100	300		
Ozocerite, refined.....do	50,000	2,500	350,000	26,250	50,000	7,000	60,000	8,000	(²⁷)	(²⁷)
Total value of nonmetallic mineral products		282,623,812		312,776,503		321,767,846		339,958,842		323,318,020
Total value of metallic products		267,247,033		305,735,670		300,232,798		307,716,239		249,981,898
Estimated value of mineral products unspecified ²⁸		1,000,000		1,000,000		1,000,000		1,000,000		1,000,000
Grand total		550,870,845		619,512,173		623,000,644		648,675,081		574,299,896

Products.	1894.		1895.		1896.		1897.		1898.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
METALLIC.										
Pig iron (spot value) ².....long tons ³	4,657,388	\$65,007,247	4,946,308	\$105,198,550	4,823,127	\$90,250,000	4,952,680	\$95,122,299	4,177,934	\$110,557,000
Silver, coinage value ⁴.....troy ounces	49,501,122	64,000,000	55,727,000	72,051,000	58,834,800	76,069,238	53,860,000	69,637,172	54,438,000	70,434,485
Gold, coinage value ⁵.....troy ounces	1,910,816	39,500,000	2,254,700	46,610,000	2,538,132	53,088,000	2,774,935	57,363,000	3,118,398	64,463,000
Copper, value at New York City ⁷ lbs.	364,866,808	33,141,142	302,639,964	38,682,347	460,061,430	49,456,603	494,078,274	54,080,180	526,512,987	61,865,276
Lead, value at New York City, short tons ⁸	150,331	9,942,254	170,000	11,220,000	188,000	10,528,000	212,000	14,885,728	222,000	16,650,000
Zinc, value at New York City, short tons	75,328	5,288,026	89,686	6,278,020	81,499	6,519,920	99,980	8,498,300	115,399	10,385,910
Quicksilver, value at San Francisco, flasks ⁹	30,416	964,000	36,104	1,337,131	30,765	1,075,449	26,648	993,445	31,002	1,188,627
Aluminum, value at Pittsburg, pounds	550,000	316,250	920,000	464,600	1,300,000	520,000	4,000,000	1,500,000	5,200,000	1,716,000
Antimony, value at San Francisco, short tons	200	36,000	1,450	68,000	1,601	84,290	1,756	109,635	1,120	184,050
Nickel, value at Philadelphia, ¹² pounds	9,616	3,269	10,302	3,091	17,170	4,464	23,707	7,823	13,411	4,694
Tin.....pounds	None.		None.		None.		None.		None.	
Platinum, value (crude) at San Francisco, troy ounces	100	600	150	900	163	944	150	900	225	1,913
Total value of metallic products		218,168,788		281,913,639		287,596,906		302,198,502		343,400,955
NONMETALLIC (SPOT VALUES)².										
Bituminous coal ¹⁴.....short tons	118,830,405	107,653,501	135,118,193	115,749,771	137,640,276	114,891,515	147,609,985	119,567,224	166,592,023	132,586,313
Pennsylvania anthracite.....long tons	46,358,144	78,488,063	51,765,122	82,019,272	48,523,287	81,748,651	46,974,714	79,301,654	47,065,075	75,414,537
Stone ¹⁵.....do		36,534,788		33,319,131		30,142,661		34,667,772		36,607,264
Petroleum.....barrels ¹⁶	49,344,516	35,622,065	52,892,276	57,632,296	60,960,361	58,518,709	60,475,516	40,874,072	55,364,233	44,193,350
Natural gas.....do		13,954,400		13,006,650		13,002,512		13,826,422		15,296,813
Brick clay.....do		9,000,000		9,000,000		9,000,000		8,000,000		9,000,000
Clay (all other than brick).....long tons	369,000	800,000	360,000	800,000	360,000	800,000	360,000	1,000,000	360,000	1,000,000
Cement.....barrels ¹⁹	8,362,245	5,030,081	8,731,401	5,482,254	9,513,473	6,473,213	10,989,463	8,178,283	12,111,208	9,859,501
Mineral waters.....gallons sold	21,569,008	3,741,846	21,463,543	4,254,237	25,795,312	4,136,192	23,255,911	4,599,106	23,853,464	8,061,833
Phosphate rock.....long tons	996,949	3,479,547	1,038,551	3,606,094	930,779	2,808,372	1,039,345	2,673,202	1,308,885	3,453,460
Salt.....barrels ²⁰	12,967,417	4,739,285	13,669,649	4,423,084	13,850,726	4,040,839	15,978,202	4,920,202	17,612,634	6,212,554
Limestone for iron flux.....long tons	3,698,550	1,849,275	5,247,949	2,623,974	4,120,102	2,060,000	4,247,688	2,124,000	5,275,819	2,638,000
Zinc white.....short tons	19,987	1,369,090	20,710	1,449,700	20,000	1,400,000	25,000	1,750,000	33,000	2,310,000
Gypsum.....do	259,312	761,719	265,503	807,447	224,139	573,344	288,932	755,864	291,638	755,280
Borax.....pounds	14,680,130	974,445	11,918,000	595,900	13,508,000	675,400	16,000,000	1,000,000	16,000,000	1,120,000
Mineral paints.....short tons ²¹	41,926	498,063	50,695	621,552	48,032	530,455	60,913	795,793	58,850	694,856
Grindstones.....do	223,214	223,214	205,768	205,768	205,768	205,768	205,768	368,058	459,769	459,769
Fibrous talc.....short tons	39,936	435,060	39,240	370,585	46,089	392,443	57,009	396,336	54,356	411,430
Asphaltum.....do	60,570	353,400	63,163	348,281	80,503	577,593	75,945	664,632	76,337	675,649
Soapstone.....do	23,144	401,325	21,495	286,495	22,183	354,065	21,923	365,629	22,231	287,112
Precious stones.....do	132,250	113,621	113,621	113,621	97,850	97,850	130,675	130,675	160,920	160,920
Pyrite.....long tons	105,940	363,134	99,549	322,845	115,483	320,163	143,201	391,541	193,364	593,801
Corundum and emery.....short tons	1,495	95,936	2,102	106,256	2,120	113,246	2,165	106,574	4,064	275,064
Oilstones, etc.....pounds		130,873		155,881		127,068		149,970		180,738
Garnet for abrasive purposes, short tons							2,554	80,853	2,967	86,850

Mineral products of the United States—Calendar years 1889 to 1898—Continued.

Products.	1894.		1895.		1896.		1897.		1898.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
NONMETALLIC (SPOT VALUES)—continued.										
Mica.....pounds.....		\$52,382		\$55,831		{ ²² \$65,441 ²³ 1,750	{ ²² 82,676 ²³ 740	{ \$80,774 14,452	{ ²² 129,520 ²³ 3,969	{ \$103,534 27,564
Barytes (crude).....short tons.....	23,335	86,983	21,529	68,321	17,068	46,513	26,042	58,295	31,306	108,339
Bromine.....pounds.....	379,444	102,450	517,421	134,343	546,580	144,501	487,149	129,094	486,979	126,614
Fluorspar.....short tons.....	7,500	47,500	4,000	24,000	6,500	52,000	5,062	37,159	7,075	63,050
Feldspar.....long tons.....	17,200	98,900	23,200	133,400	9,114	35,200	11,175	43,100	12,000	32,395
Manganese ore.....do.....	6,308	53,635	9,547	71,769	10,088	90,927	11,103	95,505	15,957	129,185
Flint.....do.....	38,000	145,920	36,800	117,760	11,124	24,226	11,952	26,227	19,130	42,670
Monazite.....pounds.....	546,855	30,193	1,573,000	137,150	30,000	1,500	44,000	1,980	250,776	13,542
Graphite.....do.....	918,000	64,010		52,582	{ ²⁴ 535,858 ²⁵ 760	48,460	{ ²⁵ 1,254,402 ²⁶ 1,108	54,277	{ ²⁵ 3,360,000 ²⁶ 890	75,200
Bauxite.....long tons.....	11,066	35,818	17,069	44,000	18,361	47,358	20,500	57,652	25,149	75,437
Sulphur.....short tons.....	500	20,000	1,800	42,000	5,260	87,200	2,275	45,590	1,200	32,960
Fuller's earth.....do.....	(¹³)		6,900	41,400	9,872	59,390	17,113	112,272	14,860	106,500
Marls.....do.....	75,000	40,000	60,000	30,000	60,000	30,000	60,000	30,000	60,000	30,000
Infusorial earth and tripoli.....do.....	2,584	11,718	4,954	20,514	3,846	26,792	3,833	22,835	2,733	16,691
Pumice stone.....do.....							158		600	13,200
Millstones.....do.....		13,887		22,542		22,567		25,932		25,994
Chromic iron ore.....long tons.....	3,680	53,231	1,740	16,795	786	6,667	None.	None.	None.	None.
Cobalt oxide.....pounds.....	6,763	10,145	14,458	20,675	10,700	15,301	19,520	31,232	7,848	11,772
Magnesite.....short tons.....	1,440	10,240	2,200	17,000	1,500	11,000	1,143	13,671	1,263	19,075
Asbestos.....do.....	325	4,463	795	13,525	504	6,100	580	6,450	605	10,300
Rutile.....pounds.....	150	450	100	350	100	350	100	350	140	700
Ozocerite, refined.....do.....	(²⁷)	(²⁷)	None.	None.	None.	None.	None.	None.	None.	None.
Total value of nonmetallic mineral products.....		\$97,455,351		\$98,345,361		\$33,936,310		\$27,655,427		\$53,419,765
Total value of metallic products.....		218,168,788		281,913,639		287,596,906		302,198,502		343,400,955
Estimated value of mineral products unspecified ²⁸		1,000,000		1,000,000		1,000,000		1,000,000		1,000,000
Grand total.....		\$26,624,139		\$21,259,000		\$22,533,216		\$20,853,929		\$27,820,720

¹ The results for 1889, with the exception of cement, salt, zinc white, borax, bromine, and rutile, were obtained through the Eleventh United States Census.

² By "spot value" is meant value at the point of production.

³ Long tons are tons of 2,240 avoirdupois pounds; short tons are tons of 2,000 avoirdupois pounds.

⁴ Iron ore—1892: 16,296,666 long tons; value at mines, \$33,204,896. 1893: 11,587,629 long tons; value at mines, \$19,265,973. 1894: 11,879,679 long tons; value at mines, \$13,577,325. 1895: 15,957,614 long tons; value at mines, \$18,219,684. 1896: 16,005,449 long tons; value at mines, \$22,788,069. 1897: 17,518,046 long tons; value at mines, \$18,953,221. 1898: 19,433,716 long tons; value at mines, \$22,060,887.

⁵ Figures of production furnished by the Bureau of the Mint, Treasury Department. Coining value, \$1.2929 per troy ounce. Commercial value: 1895, \$36,445,000; 1896, \$39,655,000; 1897, \$32,316,000; 1898, \$32,118,420.

⁶ Figures of production furnished by the Bureau of the Mint, Treasury Department. Coining value, \$20.6718 per troy ounce including copper made from imported pyrites. ⁷ The product from domestic ores only. ⁸ Of 76 avoirdupois pounds net.

⁹ Including aluminum alloys. ¹⁰ Includes antimony smelted from imported ores, in 1898, 80 per cent.

¹¹ Including nickel in copper-nickel alloy, and in exported ore and matte. ¹² Not reported.

¹³ Including brown coal and lignite, and anthracite mined elsewhere than in Pennsylvania. ¹⁴ Not including limestone for iron flux, or grindstones.

¹⁵ Of 42 gallons. ¹⁶ Estimated from census returns. Value of clay products in 1894, \$64,575,385; 1895, \$65,319,806; 1896, \$63,110,408; 1897, \$62,359,991; 1898, \$71,597,380.

¹⁷ Prior to 1889, potters' clay only. ¹⁸ Of 300 pounds for natural cement, and 400 pounds for artificial Portland.

¹⁹ Of 280 pounds net. The reduced price in 1893 is due to omitting cost of packages.

²⁰ Including metallic paints, ochre, umber, venetian red, sienna, ground soapstone, ground slate, and mineral black.

²¹ Sheet, pounds. ²² Scrap, tons. ²³ Value of the crude product.

²⁴ Crystalline, pounds. ²⁵ Amorphous, tons. ²⁶ Included in asphaltum.

²⁷ Including building sand, glass sand, iron ore used as flux in lead smelting, tin ore, nitrate of soda, carbonate of soda, sulphate of soda, and alum clays used by paper manufacturers.

Total value of the mineral products since 1880.

	Metallic products.	Nonmetallic products.	Unspecified.	Total.
1880.....	\$190,039,865	\$173,279,135	\$6,000,000	\$369,319,000
1881.....	192,822,408	206,783,144	6,500,000	406,175,552
1882.....	219,755,109	231,340,150	6,500,000	457,595,259
1883.....	203,128,859	243,812,214	6,500,000	453,441,073
1884.....	186,109,599	221,879,506	5,000,000	412,989,105
1885.....	181,586,587	241,312,063	5,000,000	427,898,650
1886.....	214,897,825	230,088,769	800,000	445,786,594
1887.....	248,925,054	270,989,420	800,000	520,714,474
1888.....	253,731,822	286,150,114	900,000	540,781,936
1889.....	297,247,033	282,623,812	1,000,000	580,870,845
1890.....	305,735,670	312,776,503	1,000,000	619,512,173
1891.....	300,232,798	321,767,846	1,000,000	623,000,644
1892.....	307,716,259	323,953,842	1,000,000	632,670,101
1893.....	249,981,866	323,318,020	1,000,000	574,299,886
1894.....	218,168,788	307,455,351	1,000,000	526,624,139
1895.....	281,913,639	338,345,361	1,000,000	621,259,000
1896.....	287,596,906	333,936,310	1,000,000	622,533,216
1897.....	302,198,502	327,655,427	1,000,000	630,853,929
1898.....	343,400,907	353,419,765	1,000,000	697,820,720

Mr. GRIGGS. In my motion I neglected to state that the amendments to the bill were included. The motion is to suspend the rules and pass the bill, with the amendments.

The SPEAKER. Does the gentleman from Massachusetts [Mr. MOODY] desire to be heard?

Mr. MOODY of Massachusetts. I did not hear the amendments, so I should like to hear them read.

The SPEAKER. The Clerk will again report the amendments. The amendments were again read.

Mr. MOODY of Massachusetts. I understand that the effect of the amendments is to limit the provisions of the bill.

Mr. GRIGGS. To confine the bill exclusively to State departments of agriculture.

The SPEAKER. The question is on agreeing to the amendments and passing the bill as amended.

The question was taken, and the Speaker announced that, in the opinion of the Chair, two-thirds having voted in favor of the mo-

tion, the rules were suspended, the amendments of the committee agreed to, and the bill as amended passed.

MIDDLE JUDICIAL DISTRICT OF PENNSYLVANIA.

Mr. GROW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4345) to create a new Federal judicial district in Pennsylvania, to be called the middle district, which bill has been reported by the Committee on the Judiciary.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the counties of Lackawanna, Wyoming, Bradford, Monroe, Wayne, Pike, Susquehanna, Carbon, Tioga, Potter, Cameron, Clinton, Lycoming, Center, Union, Snyder, Mifflin, Juniata, Northumberland, Montour, Columbia, Sullivan, Luzerne, Dauphin, Lebanon, Perry, Huntingdon, Fulton, Franklin, Adams, York, and Cumberland, in the State of Pennsylvania, are hereby detached from the eastern and western districts of said State and shall henceforth constitute and compose a judicial district to be known as the middle district of Pennsylvania, and a circuit and a district court of the United States are hereby established therein.

SEC. 2. That the said middle district of Pennsylvania shall be attached to and constitute part of the third judicial circuit, and terms of said circuit and district courts shall be held therein as follows, to wit: At the city of Scranton, in the county of Lackawanna, on the first Monday of March and first Monday of October of each year; at the city of Williamsport, in the county of Lycoming, on the second Monday of January and second Monday of June in each year; at the city of Harrisburg, in the county of Dauphin, on the first Monday of May and second Monday of November in each year, the sessions of said courts to continue for such periods of time as the judges thereof shall, by their prior order, determine; and adjourned terms, sittings, and sessions may be held when the business shall, in the opinion of such courts, respectively, require it.

SEC. 3. That the President, by and with the advice and consent of the Senate, shall appoint for said middle district a district judge, a marshal, and district attorney; and clerks for the said circuit and district courts shall be appointed in the same manner as is now provided by law with regard to such officers in the western district of Pennsylvania.

SEC. 4. That the courts and judges of said middle district shall, within said district, respectively possess the same jurisdiction and powers, civil, criminal, equitable, or otherwise, and perform the same duties as are now respectively possessed and performed by the circuit and district courts and judges of the United States of the western district of Pennsylvania.

SEC. 5. That the district judge of the said middle district shall receive the

same compensation as is now by law provided for the district judge of the western district of Pennsylvania; and the marshal, district attorney, and clerks of the circuit and district courts shall severally possess the powers and perform the duties lawfully possessed and performed by the like officers in the said western district, and shall be, respectively, entitled to like fees, compensation, and emoluments; and until otherwise provided by law the salaries herein prescribed or provided for shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 6. That the said circuit and district courts, or either of them, may from time to time, in their discretion, appoint special terms of court, civil or criminal, and require grand, traverse, or petit juries, or all of them, to attend the same, by an order to be entered of record thirty days before the day at which such term shall convene, and that such special terms shall have all the powers which they respectively have at the regular terms appointed by law: *Provided, however*, That no special term of said circuit court shall be appointed except upon the order of the circuit judge or of the associate judge of the supreme court allotted to the third judicial circuit.

SEC. 7. That the jurisdiction and authority of the courts and officers of the eastern and western districts of Pennsylvania over the territory embraced within the said middle district shall continue as heretofore constituted and established up to the day of the organization of the courts of said middle district, but shall thereafter cease and determine, except as hereinafter provided in regard to crimes and misdemeanors theretofore committed therein; but any lien acquired by virtue of a decree, judgment, execution, attachment, seizure, or otherwise upon property situate or being within the said middle district shall not be divested or affected by this act: *Provided*, That to enforce the same, certified copies of the record thereof shall be taken and entered in the proper court of the said middle district, and thereafter like proceedings shall be had thereon as though the same had been originally entered in such court.

SEC. 8. That the jurisdiction of the courts and officers of the eastern and western districts of Pennsylvania as now constituted and established is hereby reserved to the same, respectively, over all crimes and misdemeanors which shall have been committed within the territory embraced in the said middle district prior to the organization of the courts thereof the same as though the said middle district had not been established; and the respective courts of the said eastern and western districts shall have the right to summon grand and petit jurors from the body of the districts as now constituted, respectively, for the purpose of inquiring into such crimes and misdemeanors, and prosecuting and trying indictments founded thereon, until every of such crimes and misdemeanors shall have been inquired into, prosecuted, and tried: *Provided*, That such offenses shall be inquired into, prosecuted, and tried at special terms or sessions to be convened, and upon special writs of venire facias juratores, issued by said courts, respectively: *Provided further*, That nothing in this section shall affect the jurisdiction of the courts of said middle district over crimes and misdemeanors committed therein after the organization of the courts of said middle district.

SEC. 9. That all local actions, suits, and proceedings pending in any of the courts of the eastern or western district of Pennsylvania at the time of the organization of the courts of said middle district, and which relate to property embraced within the territory of the said middle district, shall thereafter be no further proceeded with in the courts where the same are depending, but upon petition of either or any of the parties thereto such local action, suit, or proceedings shall, upon the order of such court, or of a judge thereof in vacation, be removed to the proper court of the said middle district, and the original files thereof and a certified copy of the docket entries shall forthwith be delivered to the clerk of the court to which the same is so removed, who shall enter the same in file and of record, respectively, and like proceedings shall thereafter be had thereon as fully and completely as though the said action, suit, or proceeding had been originally begun in such court of said middle district; and like removals may, in the discretion of the courts of said eastern or western districts, or of a judge thereof in vacation, be had in all transitory actions, suits, and proceedings, upon petition of the defendant or defendants therein, or either of them, where such petitioner resides within the said middle district.

In like manner all local actions, suits, and proceedings pending among the records of the courts of the western district of Pennsylvania at Williamsport or Scranton at the time of the organization of the courts of said middle district, and relating to property embraced within the territory of the said western district as hereby constituted, shall, and all transitory actions, suits, and proceedings where a defendant resides in said western district may, be removed to the proper court of such western district; but all other actions pending in the courts at Williamsport or Scranton not so removed or properly removable under the provisions of this section, and all records of said courts there remaining, shall be proceeded with, held, and regarded as though originally begun and depending in the corresponding courts of said middle district. The costs of removal in every case provided for in this section, where such removal shall be ordered, shall be taxed and paid as part of the costs of the action, suit, or proceedings so removed.

SEC. 10. That the organization and first session of the courts of said middle district shall be held at the city of Scranton, in the county of Lackawanna, on the first Monday of March next, A. D. 1900, and it shall be the duty of the marshal of said middle district, when appointed, to provide a suitable place for the temporary accommodation of said courts at the several cities hereinbefore appointed for holding the same, and also safe and convenient offices for the proper keeping of the records thereof.

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

Mr. TERRY. Mr. Speaker, I dislike very much to object to a request for unanimous consent made by my distinguished friend from Pennsylvania [Mr. GROW], but this is a public bill, creating a new Federal district, providing for a new judge, marshal, district attorney, and other officers. The Committee on the Judiciary have recommended quite a number of bills creating new divisions for the convenience of the people, but I do not think we have passed any bill for the purpose of creating new officers, judges, and so forth, and so I will object.

The SPEAKER. Objection is made by the gentleman from Arkansas.

Mr. WARNER. Mr. Speaker, by direction of the Committee on the Judiciary, I report the bill H. R. 4345, just read, and ask its passage, and I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass the bill which the Clerk will report.

Mr. DALZELL. I should like to ask, Mr. Speaker, before that request is put, whether or not the Committee on the Judiciary instructed the gentleman to make this motion?

The SPEAKER. That was the statement of the gentleman.

Mr. WARNER. No; my statement was that the Committee on the Judiciary directed me to report the bill and ask for its passage. They made no limitation as to how it should be passed. My duty is simply to have this bill passed, if I can in an orderly way, and I have authority under the rule, as I understand it, and under my instructions, to have it passed by unanimous consent, by suspending the rules, or in any other way. They did not direct me to ask for a suspension of the rules, I will say, nor for unanimous consent.

Mr. TERRY. I demand a second.

Mr. DALZELL. Let us have a decision first. I think the gentleman from Illinois has hardly come within the rule.

The SPEAKER. Will the gentleman from Illinois state specifically what authority he had from the committee and how it was given.

Mr. WARNER. My authority was simply to report the bill to the House and ask its passage, to endeavor to have it passed, without the means or the procedure being stated.

The SPEAKER. Without any reference to suspending the rules?

Mr. WARNER. Without any reference to the method or anything else, simply to have the bill passed, if I could obtain the passage. Any way that I could get it passed, it was my duty to have it passed.

The SPEAKER. The Chair is of the opinion that the motion to suspend the rules on committee suspension day must be specifically authorized by the committee. On individual suspension day, of course, it is different, because then it is an individual privilege.

Mr. RAY of New York. I do not know what this is, but by a vote of the Judiciary Committee any member of that committee is specifically authorized to bring up a bill reported from that committee on suspension day or any other day that he can get recognition, or to move to suspend the rules and pass the bill. The authority is just as broad as it can be made.

Mr. PAYNE. Mr. Speaker, the committee break the rules of the House whenever they make that practice.

Mr. RAY of New York. I do not know what bill this is.

Mr. PAYNE. The committee must authorize the bringing up of that bill, not all the bills reported, but of a bill, a specific bill, under motion to suspend the rules.

Mr. WARNER. I submit there has never been a resolution of a committee of this House to ask a member to move to suspend the rules.

Mr. DALZELL. Any number of them.

Mr. PAYNE. Oh, yes.

Mr. WARNER. As the chairman of the committee says, there is a general rule of the committee, a general order, authorizing any member to ask the suspension of the rules on a bill. Under that general authority I would have authority to ask to suspend the rules in this case under my specific authority to have the bill passed. Of course the member reporting the bill has charge of it.

Mr. TERRY. Mr. Speaker, I understand the committee rule that has been referred to is one of a general nature, and not one directing the calling up of a particular bill. If there has ever been such a resolution I do not recollect of it.

Mr. GROW. Mr. Speaker, I understand that this is the day for committees to move to suspend the rules. If the majority of a committee therefore has reported a bill, they have the right to-day to move to suspend the rules the same as any member has on general suspension day.

Mr. GROSVENOR. Mr. Speaker, this is a matter of a good deal of importance. I have no well-grounded opinion about it, but I know the practice of the committees, especially one of the committees to which I belong, has been to authorize by specific resolution the member taking charge of a bill to procure its passage, to offer it to the House by any of the modes of procedure by which a bill can be brought up. If that is not sufficient we ought to know it and adjust ourselves accordingly.

The SPEAKER. This is a matter that ought to be thoroughly understood by the members of the House. The Chair is aware that some committees have usually at the commencement of their work passed a resolution to the effect that any bill reported from that committee favorably should be subject to the control of the party reporting it, so that he could call it up by unanimous consent or on a call of committees, if on the House Calendar, on committee or individual suspension day by any and all methods known under the rules.

The Chair is aware of one committee where this was done in two Congresses. Of course no question was ever raised on this method; and when a member of the committee, the chairman or others, rose and stated that he was authorized by the committee to report a certain bill and ask its passage under suspension of the rules, no question was made. The gentleman from Illinois in calling up this bill used the expression that is customary; and the Chair has during this session in many instances, where parties proposed calling up a bill under suspension on committee suspension day, cautioned them to get authority of the committee to pass a specific bill—a specific authority; and the Chair is of the

opinion, from what examination he has given to the question, that that is the method that should be pursued.

There are two authorities, which will be found in Hinds's Book of Rules, on pages 837 and 838, which the Chair has just read, and which are thoroughly summed up in what may be termed the caption of the decision:

The motion to suspend the rules on a committee suspension day must be formally and specifically authorized by a committee.

That certainly contains the thought that the committee must have in mind that particular bill when that particular action is taken. Although in the past the present occupant of the chair has used the other method, by a general rule or motion adopted by the committee of which he was chairman, and which was never called in question, still, when brought face to face specifically with this rule, the Chair feels constrained to hold that in order to move to suspend the rules on a committee suspension day on any bill that bill should be specially considered by the committee reporting it and that the authority to move to suspend the rules on suspension day should be given by the committee. The point made by the gentleman from Pennsylvania [Mr. DALZELL] is sustained.

CONFERENCE REPORT ON AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I present the conference report on the Agricultural appropriation bill, and ask to dispense with the reading of the report, and that the Clerk read the statement.

The SPEAKER. The gentleman from New York asks to dispense with the reading of the report, and that the statement be read.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 9, 12, 13, 17, 23, 34, 50, 51, 63, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 10, 11, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 64, 65, 66, 67, 68, 69, 71, and 74, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$28,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$388,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$430,500;" and the Senate agree to the same.

J. W. WADSWORTH,
E. STEVENS HENRY,
JOHN S. WILLIAMS,
Managers on the part of the House.
REDFIELD PROCTOR,
FRANCIS E. WARREN,
WILLIAM B. BATE,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

In explanation of this report, your conferees beg to state that they have agreed to the following increases proposed by the Senate:

Office of the Secretary, increase of \$1,000 agreed to for laborers and charwomen in the care of the building, and deemed necessary by the Secretary. Division of Botany, \$10,000; Division of Entomology, \$2,500; Division of Chemistry, \$5,000; Division of Forestry, \$40,000; nutrition investigations, \$2,500. These increases have been allowed after personal conference with the Secretary, who deems them necessary for the proper and efficient management of the Department.

A new item of \$10,000 for establishment of experimental farm at Arlington, Va., was allowed, to begin to carry out the provisions of an act passed during the present Congress.

The increase of \$15,000 in irrigation was acceded to upon the urgent request of the many Senators representing the arid regions of the country, to whose people the subject of irrigation is of the greatest importance.

An increase of \$700 was allowed in salaries in Weather Bureau—\$500 additional for Chief of Bureau and \$200 additional for expert mechanician.

All the other amendments agreed to by the conferees bear upon the phraseology and punctuation of the bill, having for their object the making more distinct and specific the intent and purpose of Congress, and also making more clear and definite the questions of audit of the accounts of the Agricultural Department by the accounting officers of the Treasury.

The net increase allowed by your conferees is \$86,700, making the total of the bill \$4,023,500, as against \$3,726,822, the amount appropriated for the current fiscal year.

J. W. WADSWORTH,
E. S. HENRY,
JOHN S. WILLIAMS.

Mr. WADSWORTH. I move the adoption of the report.

Mr. MOODY of Massachusetts. I would like to ask the gentleman a question.

Mr. WADSWORTH. Certainly.

Mr. MOODY of Massachusetts. Does this conference report adopt the amendment for the construction of a laboratory?

Mr. WADSWORTH. It does not. The bill does not contain that item. We understand they are going to provide for that in the sundry civil bill.

The report of the committee of conference was agreed to.

On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

CONFERENCE REPORT ON ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I present the conference report upon the Army appropriation bill, and ask unanimous consent that the statement only may be read.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, and 48; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the matter inserted by the Senate amendment and in lieu of the matter stricken out insert the following:

"For the purpose of connecting headquarters, Department of Alaska, at St. Michael, by military telegraph and cable lines with other military stations in Alaska, \$450,550."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment, after the word "owned" the following: "wholly or in part;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment and insert in lieu thereof the following: "seven hundred thousand;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment and insert in lieu thereof the following: "four million eight hundred thousand;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: After the word "dollars" at the end of the amended paragraph insert the following: "Provided, That the Secretary of War is empowered to appoint as many hospital stewards as in his judgment the service may require, not to exceed an additional 100; but no more than one hospital steward shall be stationed at one post or station without special authority from the Secretary of War;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For additional pay for increased rank when in command by competent authority, \$50,000: Provided, That no part of this sum shall be used for pay of officers assigned to higher command than their rank in the Army unless such service shall be continuous for a period of not less than three months." And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Strike out the closing words of the paragraph, as follows: "transportation now made, and such other expenses as are necessary" and insert in lieu thereof the following: "current expenses;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following:

"That the act approved January 12, 1899, granting extra pay to officers and enlisted men of the United States Volunteers, shall extend to all volunteer officers of the general staff who have not received waiting-orders pay prior to discharge, at the rate of one month to those who did not serve beyond the limits of the United States and two months to those who served beyond the limits of the United States; and officers and enlisted men of volunteer organizations who have served honestly and faithfully in the Volunteer Army of the United States during the war with Spain and have been honorably discharged without furlough, or by reason of their services being no longer required, or at any time by reason of wounds received or disability contracted in the service and in the line of duty and who have not received the extra pay granted in said act or in subsequent acts of Congress supplemental thereto; and this act shall be deemed to apply to officers of volunteers who resigned and enlisted men of volunteers who were discharged upon their own applications subsequent to the issue of orders for the muster out of their organizations and prior to the dates of muster out."

J. A. T. HULL,
B. F. MARSH,
THOS. M. JETT,
Managers on the part of the House.

JOS. R. HAWLEY,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. Without objection, the reading of the report will be omitted, and the statement will be read.

The Clerk read as follows:

STATEMENT ON THE ARMY APPROPRIATION BILL.

The conferees of the two Houses have reached an agreement. The House recedes from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, and 48, and agree to the same.

No. 1 is simply the use of a word and has no bearing whatever on the law. No. 5 affects the length of service pay for officers, and the House agree to the Senate amendment, leaving the law as it is now.

No. 6, given by the Senate, affects the law for allotments of pay of enlisted men of the United States Army, and is necessary to carry out the original law.

Nos. 7, 8, 9, 10, 11, increase pay of old clerks at department headquarters,

making their pay equal with that of other bureaus of the War Department. It makes no increase in the number of clerks, but increases 3 clerks \$400 a year each, and 6 clerks \$200 a year each, and leaves the others as they are now provided for by law, and leaves the number of clerks at headquarters the same as now provided for by law.

No. 12 is a restoration of the law as it has existed for some years, authorizing the Secretary of War to employ and assign messengers and clerks at headquarters.

No. 13 simply makes permanent law for the pay of regimental sergeant-majors and regimental quartermaster-sergeants of artillery and infantry, which was omitted from the law for the permanent military establishment of the United States.

No. 14 simply gives to the enlisted men of the Spanish war what has been given to the enlisted men of other wars, double time in estimating service for the retirement of enlisted men.

No. 15 is new legislation to reimburse contract nurses who gave their services before the law was passed authorizing their employment. They gave good service which was accepted by the War Department, and their claims would be paid by the War Department but for the fact that at the time of such service no law authorized the payment of their salary or expenses.

No. 16 provides for the rental and preparation in Manila of a suitable building for a library for the soldiers. The people of the United States have sent over large numbers of books and donations of cash, which has established and up to this time supported a small library for the use of our soldiers. The local authorities strongly recommend the appropriation of \$5,000 for the maintenance of this library for one year, and the House conferees believe that it is eminently proper the Government should do its part in this work.

No. 17 is entirely new legislation to establish an Army war college corresponding to a similar establishment which has long been in use for the Navy.

No. 18 is the readjustment of the clerks' salaries, for clerks for the paymasters of the United States Army, and is an increase of \$400 a year for all clerks who have served over fifteen years continuously, and of \$200 a year for clerks serving continuously over ten years. As these clerks are compelled to go from point to point with the paymaster, they are at greater expense, and this puts them on an equality with clerks in Washington.

Nos. 20, 21, 22, 23, 24, 25, and 26 all apply to mileage of officers, and the amendments made by the Senate, it is believed, will bring the matter in harmony between the Treasury and Pay Department, so that hereafter we will not be called upon to make changes in this difficult proposition.

No. 27 is a repeal of the old law passed in 1813 by which discharged officers received one day's pay of his rank for each 20 miles' travel, and each enlisted man discharged one day's pay for each 20 miles' travel, and allows them 4 cents a mile for both officers and men. The change is largely made with the officers and leaves the enlisted men receiving about the same as they received before.

No. 28 increases the contract surgeons from \$400 to not to exceed \$480.

No. 31 is simply a change of a capital in a word.

No. 32 is simply insertion of quotation marks and does not change the sense.

No. 33 is simply inserting the word "it."

No. 34 inserts the word "civil" to make it clear the pay for arrest of deserters can not go to Army officers.

Nos. 35 and 36: Simply changes the grammar.

No. 37: Simply makes clear the amount was appropriated.

Nos. 38, 39, and 40: Simply changes the grammar.

Nos. 41 and 42: Simply the transposition of some words, striking them out at one place and inserting them in another.

No. 43: Provides for the issue of ammunition for use at burials of sailors and soldiers at State homes and to extend to State homes the same supplies as given to the National Homes.

No. 45: For morning and evening gun service at State homes.

No. 46: Permission that one member of the Board of Managers can admit to the National Home for Disabled Volunteer Soldiers in place of requiring three members of the Board of Managers.

No. 48: Admits any soldier to the Home who served in any war in which the country has been engaged.

To all the foregoing the House agrees to the same.

To amendment No. 2: The House recedes from its disagreement and agrees to the same with amendments which simply provides for connecting St. Michael, Department of Alaska, with other military posts in Alaska, leaving the details to be worked out by the Department.

No. 3: The House recedes from its disagreement and agrees to the same with amendment, which strikes out the words "wholly or in part," so it would not deprive foreigners from owning stock in corporations; but it is required that the corporations shall be operated and controlled by citizens of the United States.

No. 4: The House recedes from its disagreement and agrees to the same with amendment, making appropriation of five million seven hundred thousand. The House recedes from its disagreement and agrees to the same with amendment, which makes appropriation of \$4,800,000.

No. 29: The House recedes from its disagreement to the amendment and agrees to the same with amendment which provides that the Secretary of War is empowered to appoint not exceeding 100 hospital stewards.

No. 30: The House recedes from its disagreement and agrees to the same with amendment which provides that no payments shall be made to officers serving in higher command unless such shall be for a period of not less than three months.

No. 44: The House recedes from its disagreement and agrees to the same with amendment, strike out provision down to the end of the paragraph and insert "current expenses," so that the Soldiers' Home may pay for the transportation of condemned cannon for the Homes out of current expenses.

No. 49: The House recedes from its disagreement and agrees to the same with amendment. This agreement gives to all the men of the Homes their pensions, and repeals the law which shuts out soldiers of the Mexican war from any privileges of the Home, and making it so that hereafter such soldiers can be admitted to the Home.

No. 50: The House recedes from its disagreement and agrees to the same with amendment, which will put all officers of the line and staff of the Volunteer Army on an equal footing, as far as extra pay on discharge is concerned, with those heretofore having this pay, and puts the First, Second, and Third Volunteer Cavalry, together with those other organizations of the United States forces not heretofore receiving it, on the same basis as to pay on discharge that other troops of the United States have had.

J. A. T. HULL.
B. F. MARSH.
THOS. M. JETT.

Mr. HULL. Mr. Speaker, I move to adopt the conference report.

Mr. MADDOX. Before that is done I want to ask the gentleman a question. I thought I heard in this report something about an appropriation of \$5,000 for a circulating library at Manila. I would like to ask if that is for the benefit of the Red Cross Society which we incorporated the other day?

Mr. HULL. No; the Senate incorporated an amendment appropriating \$5,000 for the renting and fitting up of a building for a library for a year. The people of the United States, on the solicitation of the military authorities at Manila, have contributed a large number of books. They have also contributed a considerable sum of money that has maintained the library up to this time. Mrs. Greenleaf, wife of the surgeon, has been an active worker in the Red Cross Society, and she got donations to the library and made such reports to the Senate committee that they inserted this amendment to help out this public benefaction.

They have already a large number of books shipped there by charitable people of the United States, and they have also received quite a sum of money by voluntary contribution, and they simply ask the Government to help them out for one year, when the matter can be more fully considered and taken care of, and furnish to our people in Manila and vicinity a free circulating library.

Mr. MADDOX. And the Red Cross Society has nothing to do with it?

Mr. HULL. I do not know whether the Red Cross Society has anything to do with it or not. The amendment of the Senate provides that the money shall be expended by the trustees of the library there, subject to the approval of the general commanding.

Mr. WILLIAMS of Mississippi. Where does the money come from?

Mr. HULL. Out of the Treasury of the United States.

Mr. MADDOX. There was a similar proposition before our committee the other day, and it was stated that it was for the purposes of the Red Cross Society. We incorporated them within the last few days, and now, in less than a week, we are called upon to assist it.

Mr. HULL. This provision has been in the bill ever since the bill passed the Senate, and it has been before the House for several weeks. The bill passed the Senate some weeks ago, and it has been before the House all that time with that provision in it.

Mr. MADDOX. Talk about precedents! We are about to establish one right here at the beginning of this business. It was insisted when it was proposed to incorporate this society that this would be one of the effects of it. It was denied then, but now we have the proof of it within a week right here on the floor.

Mr. HULL. I will say so far as I am concerned that I looked upon it with some doubt as an advisable thing to do at this time, but I stood practically alone, and I yielded, I think, to arguments that were good; that the books and material that have been sent there by the people of the United States, sent out to our people in Manila, were of such a character that I believed that we ought to make an appropriation to preserve it and render it available.

Mr. WILLIAMS of Mississippi. Will the gentleman from Iowa yield to me a few minutes?

Mr. HULL. I will.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I do not understand from the statement of the gentleman from Iowa that this appropriation has anything to do with the Red Cross Society.

Mr. MADDOX. But it has, all the same.

Mr. WILLIAMS of Mississippi. There is nothing in this bill which shows it. The gentleman from Iowa states that this is a direct appropriation from the Treasury of the United States for the purpose of aiding and assisting a public library, a public circulating library, in Manila. The Red Cross Society is not mentioned in connection with it, nor could any possible authority be drawn from the Red Cross Society charter bill offered here the other day for this or any similar appropriation.

Having said that much, I want to say that I hope that we may have a separate vote upon this particular part of the conference report and that the House may vote it down. I think if we begin the business of making appropriations for all sorts of domestic purposes in Manila and in Luzon and the other Philippine Islands out of the Treasury of the United States, we have begun to travel a road of endless expense and endless uncertainty.

I think this conference report ought to be sent back unless this particular part of it can be acted upon separately and disagreed to by the House, and I hope that if that can not be done the House will disagree to the conference report and send it all back with instructions to the committee to insist upon the position of the House and disagree especially to this amendment.

Why, Mr. Speaker, I can not imagine where we are going to end if we begin to do in Manila and the Philippines what we can not do in any State of the United States or in any Territory—appropriate directly out of the Treasury money for the purpose of founding and carrying on or housing a public library.

Mr. HULL. If the gentleman will permit me, I will read the provision. I think he has a wrong impression about it.

Mr. WILLIAMS of Mississippi. I have not read it; I have simply gathered its purport from the statement of the gentleman himself.

Mr. HULL (reading)—

For rental and preparation at Manila, Philippine Islands, of a suitable building for use as a library for books already donated by the people of the

United States or that may hereafter be acquired, and also for pay of a librarian upon the approval of the commanding general of the army in the Philippines for a period of one year, \$5,000, to be expended by the trustees of said library, to be immediately available.

The minority member of the House conferees was in favor of that provision; on this point I yielded to my two associate conferees.

Mr. WILLIAMS of Mississippi. I congratulate the gentleman upon his position, and I am very sorry the representative of the minority took a different position.

What the gentleman has just stated does not change my objection to the provision. It seems that I was mistaken in thinking it was for the purpose of founding a public library; it is for furnishing the home of a library, the renting and preparation of a building for that purpose. I repeat that if we ever begin on this line of legislation, there will be no end to it. We shall be renting or erecting buildings for public libraries in Porto Rico, the Philippines, and everywhere else. Such a thing is much more objectionable in the case of the Philippines than anywhere else, because Congress has not yet acted upon the question of fixing the legal status of the Philippine Islands, as Congress alone is empowered by the treaty with Spain to do. Until Congress does act, we do not even know whether those islands are or are not a part of the United States.

Mr. HULL. I will say to my friend from Mississippi that that consideration would not make so much difference, because this appropriation is only for the expense of maintaining the library during the year.

Mr. WILLIAMS of Mississippi. I understand that, but why not maintain it out of the amount collected in the Philippine Islands? That might be right enough. While we are temporarily there and constituting a temporary government we are collecting certain funds with which to do many things. It might be perfectly right to devote some of those funds to such a purpose in the Philippines, the library being for public use. But I submit it is not right to take out of the Treasury of the United States money belonging to all the people of all the United States and devote it to the purposes of a public library in Manila or anywhere else.

Mr. HULL. I yield five minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, the gentleman from Georgia, if I understood him correctly, is quite right with reference to the nature of this provision. It is an appropriation in aid of the Red Cross work. The same proposition which is contained in this appropriation bill came before the Committee on Insular Affairs only last Thursday or Friday upon a bill introduced for the same purpose by the gentleman from California [Mr. KAHN].

That bill stated that the library had been established under the auspices of the Red Cross Association and proposed to make exactly this appropriation of \$5,000 in aid of the work. It is a good work—none better. But I agree entirely with the gentleman from Mississippi that we can not afford to aid every good work that goes on in this country and its dependencies without disregarding every line of proper demarcation between governmental and private activities. It was the unanimous opinion (although not formally expressed) of the Committee on Insular Affairs that such an appropriation for such a purpose, beneficent as it was, would be a dangerous precedent, and ought not to be made.

It was the unanimous opinion of the Committee on Insular Affairs that if this library was to be aided at all—and perhaps under the temporary circumstances existing in those islands, with our great American army there, it ought to be aided to some extent from the public revenue—the appropriation ought to be made from the insular funds, as the gentleman from Mississippi has well suggested.

Now, it is an ungracious thing to stand up for one moment and oppose an appropriation for a purpose so beneficent as this.

Mr. PARKER of New Jersey. Is this library for the benefit of the Philippine Islands or for the benefit of the American soldiers who are there?

Mr. MOODY of Massachusetts. It is for the benefit largely of the American soldiers, as I understand, though not entirely for that purpose.

Mr. PARKER of New Jersey. Then why should the contribution for its support come out of the Philippine revenues?

Mr. MOODY of Massachusetts. Because the Philippine Islands and their revenues are under military control. They are under the control of the commander in chief, who can better judge where and how the money can be used for the benefit of the soldiers and for the benefit of the islands.

Mr. PARKER of New Jersey. But are not those revenues for the benefit of the islands, and not for the benefit of the soldiers; and ought the Philippine revenues to be subjected to a tax which is for the benefit of the soldiers? If the appropriation is to be made at all, it ought to come in the way here proposed.

Mr. MOODY of Massachusetts. It seems to me, for the reasons I have stated, that the burden should fall upon the insular treasury. If we begin here to make appropriations for these depend-

encies, the lines that we upon this side of the House wish to draw between them and the boundaries of the continental United States will be broken down.

Mr. WILLIAMS of Mississippi. Let me ask the gentleman a question, and I will put the same question to the gentleman from Iowa [Mr. HULL], so that either of them who possesses the information may answer. Do we as a fact keep up a library at any military camp anywhere in the United States for the benefit of the soldiers? Does the public Treasury pay for any such library?

Mr. HULL. We have libraries for the benefit of the soldiers at military headquarters, but none kept up by appropriation.

Mr. WILLIAMS of Mississippi. That is what I thought. Then why keep up, by appropriation out of the Treasury, any such library for the benefit of the soldiers in Manila when we do not pursue a similar policy elsewhere?

Mr. HULL. The conditions are altogether different. We have libraries at all the principal military posts; but they are not large enough to require a librarian and a separate room in addition to those provided for the ordinary purposes of the post. But here is a great department; here is a great city; here is a great army, 7,500 miles from home. These books have been sent there by the patriotic people of the United States. Now, I should have much preferred to have this come out of the revenues of the island, but the committee preferred the other way. We have agreed on it, and there is a unanimous report, both in the Senate and House, and I can see no harm in letting this continue this year. It is not permanent law. It is only for one year.

Mr. WILLIAMS of Mississippi. Does not the gentleman see that if we establish this precedent once we will be called upon to pay for homes for public libraries not only in all the other insular dependencies of the United States, but in the military camps in this country, wherever there are a large number of soldiers gathered together?

Mr. HULL. Oh, no.

Mr. WILLIAMS of Mississippi. We fought the civil war without the Government keeping libraries for the soldiers, when there were a million of soldiers together.

Mr. HULL. When we fought the civil war we were moving around so lively that libraries would not have been of much use.

Mr. WILLIAMS of Mississippi. There ought not to be much time now for libraries. They ought to be carrying on war, suppressing "the insurrection," as you call it, instead of lying around Manila reading literature.

Mr. MOODY of Massachusetts. Mr. Speaker, a moment more and I have done. I think this is a very dangerous thing to do in this way, for three reasons. In the first place, because it enacts into an appropriation bill a measure which has been deliberately rejected by one of the committees of this House, charged with the responsibility upon the subject-matter. In the second place, it proposes to appropriate money for a purely private charity, and I agree that it is a charity that entitles it to our deepest respect and appreciation as individuals. And in the third place, because for the first time it goes to the Treasury of the United States, instead of the insular treasury, for an appropriation which belongs upon the latter.

Mr. MARSH. May I ask the gentleman a question?

Mr. MOODY of Massachusetts. I would yield to the gentleman if I had time.

Mr. HULL. I will yield to the gentleman that much time.

Mr. MARSH. The gentleman stated that the committee had considered this proposition and had unanimously rejected it.

Mr. MOODY of Massachusetts. Informally.

Mr. MARSH. Now, let me ask the gentleman if the Insular Committee did not consider a proposition to appropriate money for a library for the people of Manila and not for the soldiers.

Mr. MOODY of Massachusetts. Oh, no; we have considered the appropriation—

Mr. MARSH. Then I want to say if you considered the question of an appropriation for the Army, you considered a question that was not within the jurisdiction of the Insular Committee.

Mr. MOODY of Massachusetts. We did not do that at all. I will say to the gentleman from Illinois. Let me repeat specifically: The proposition contained in the bill before us was accompanied by several whereases: Whereas charitable and patriotic people had collected a library in Manila, which was conducted under the auspices of the Red Cross Society, there is hereby appropriated from the Treasury of the United States \$5,000 for that purpose. Now, I understand—

Mr. MARSH. That is not this identical proposition.

Mr. HULL. No; this puts it under the control of the commanding general.

Mr. MOODY of Massachusetts. That was under the control of the commanding general, but the object to which it was to go was this library. There can be no misunderstanding about that. There is but one library in Manila, and that is under the auspices of the Red Cross Society. The books were collected by some charitable and patriotic people in the State of California. I would a good deal rather go into my own pocket, lean as it is, and tax

some of my own resources to help out this worthy charity than I would to disregard the proper principles of legislation, which I believe would be disregarded if this appropriation were passed.

Mr. HULL. I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I do not think I want five minutes. I will use as little time as I can. I do not agree with the gentleman from Massachusetts, who is a member of the Committee on Appropriations [Mr. MOODY], when he says that the revenues of the islands should be used for the furnishing of a library to American soldiers. America has not yet learned to make the people of those islands pay for our soldiery there.

The gentleman tells us that the library is for the benefit of the soldiers, and that it is needed.

Mr. MOODY of Massachusetts. Not exclusively for the benefit of the soldiers.

Mr. PARKER of New Jersey. It is not a Spanish library, but it is a library of English books, for boys away from home, who can either go to the gin mill or to the library. The garrison there is continually changing. Gentlemen ask me if it is to be permanent. No; because when we have a permanent garrison and a permanent post we will have a permanent post library, under military regulations.

Mr. WILLIAMS of Mississippi rose.

Mr. MADDIX. May I ask the gentleman a question?

Mr. PARKER of New Jersey. In a moment. I will yield to the gentleman from Mississippi first.

Mr. WILLIAMS of Mississippi. I will ask the gentleman this question: If it be a fact, as stated here, and as I understand it to be, that these books have been collected by the Red Cross Society for the benefit of the soldiers, then ought not the Red Cross Society, which is making the show of this philanthropy, to pay the expenses of it? Is not the gentleman, and am not I, and are not other people called upon to help this Red Cross Society with voluntary contributions?

Mr. PARKER of New Jersey. I will answer the gentleman. If you had given 5,000 books to the soldiers at Manila, and the garrison was changing, ought you to furnish the librarian to preserve them, or ought the soldiers and the military, who receive the benefits, to furnish the money until a more permanent arrangement can be made?

Mr. WILLIAMS of Mississippi. Undoubtedly I ought either to do it or not claim that I was doing it—one or the other; but I have no objection to the soldiers doing it; I do not want it to come out of the United States Treasury.

Mr. PARKER of New Jersey. There is no question of claiming here. The question is simply this: There are the books, and more books to be bought, and we want them for the boys in blue, and there is an appropriation here—perhaps rather a large one—to rent a building to give these books to the boys. There are now in Manila 20,000 of them. It is 25 cents apiece. I am in favor of giving it. Now I will yield to the gentleman from Georgia [Mr. MADDIX].

Mr. MADDIX. Does the gentleman believe that because we furnish the gin mills we ought to furnish the library, too?

Mr. PARKER of New Jersey. We do not furnish the gin mills.

Mr. MADDIX. Oh, yes; the canteen.

Mr. PARKER of New Jersey. We do not furnish any gin mills. We furnish the canteen, if you are speaking of that, and I hope the canteen will always remain a place under military discipline, where only light beers are sold and where a man can not buy except just so much; where he sits and reads the newspapers; where he is treated like a free-born man. The danger of the thing is not in the canteen but outside, where they sell preparations of cocanut and other things of that sort.

Mr. MADDIX. Can not a man get something stronger than a little weak beer in those canteens?

Mr. PARKER of New Jersey. Not in the canteens. Now, the question of the canteen is not up, but I have answered the gentleman's question. There is nothing stronger in the canteen than I have stated, and it is under military rule.

Mr. ROBINSON of Indiana. I should like to ask the gentleman a question.

Mr. HULL. I yield five minutes to the gentleman from Illinois [Mr. JETT].

Mr. JETT. Mr. Speaker, this amendment that is now under consideration, and which is a part of the conference report, is an amendment to the Army appropriation bill put in by the Senate. I want to say first that I was opposed to entering upon this kind of legislation and to making this appropriation. I discussed the matter before the committee of conference. The suggestion was made that we should pay for the rental of a building for library purposes out of the revenues derived on the island.

I was absolutely opposed to that. I am still opposed to it. I stated to the conference committee, and I am of the same opinion at this time, that if we were going to make an appropriation for the purpose of renting a building to put books in that had been

donated to the Government for a library in the Philippines that it should be supported out of a direct appropriation made by Congress. I was not in favor of taking that money that had been collected as revenues in the Philippines. I believe that we ought to apply the same rule to the Philippines that we have applied to Cuba.

We ought to act in the capacity of a trustee, and not take their money, justly due to those people, for the purpose of applying it to a library for our own soldiers and sailors. I consented to this small appropriation from the fact that it was limited to one year only. If it had been for any other length of time or term that this appropriation was being made, I never would have consented to it. I did consent to it because of the fact that it was limited to one year. It was discussed there in conference that it was for the purpose of renting a room, as is stated in this amendment, to put books in that had been donated, and this library was to be for the use and for the purposes of the Army and Navy of the United States.

I want to say to you, gentlemen, that I can see no serious objection to providing a room for a library for our soldiers and sailors who are ten or twelve thousand miles away from home after the books have been given to us. I do not agree to this Philippine policy any more than any other gentlemen upon this or that side of the House; but I can see no serious objection to making a small appropriation for the simple purpose only of putting away the books that have been donated for the purposes of our soldiers and sailors.

Mr. WILLIAMS of Mississippi. The gentleman, I understand, admits that if this was a permanent affair he would consider it radically wrong?

Mr. JETT. I did not say I would consider it radically wrong, but I would have been opposed to it. I would not have consented to the conference report if it had not been limited merely for the period of one year.

Mr. WILLIAMS of Mississippi. If it had been to pay the expenses of a military library permanently, he would have objected, and if he had objected, upon what ground?

Mr. JETT. Because I am opposed to the permanent occupation of the Philippine Islands.

Mr. WILLIAMS of Mississippi. Now, the gentleman does not understand that this involves a library, but a military library. Now, is the gentleman in favor of the Government of the United States establishing military libraries there?

Mr. JETT. No, I am not; and I do not understand that it would be a military library. It is simply, as the provision states, to make this appropriation for the purpose of renting a room to put in books we had, for the present, and which have been donated by people to this Government.

Mr. WILLIAMS of Mississippi. If the gentleman will pardon me, he must admit that the library has to be housed and its expenses paid for the benefit of somebody. Now, then, it is either for the benefit of the Filipinos or it is for the purpose of benefiting the military or benefiting both of them. Now, then, the gentleman would be opposed to establishing a library for the benefit of the Filipinos to be paid out of the Treasury of the United States, I take it for granted.

Mr. JETT. Yes, indeed, I would be.

The SPEAKER. The time of the gentleman has expired.

Mr. JETT. I want a moment more, Mr. Speaker, to reply to the gentleman.

The SPEAKER. The Chair has no power to extend a gentleman's time.

Mr. HULL. Does the gentleman want more time?

Mr. JETT. Yes; a minute or two.

Mr. HULL. I yield two minutes to the gentleman.

Mr. JETT. I want to say to my friend from Mississippi that the mere fact that we are making an appropriation to rent a room in which to put books that have been donated to us that are to be read by the soldiers and sailors of our country does not specifically make it a military library.

Mr. HULL. Mr. Speaker, the books that are there referred to are without any system and not accessible to the soldiers, and something should be done immediately so that they could have the benefit of the books sent there by the people of the United States. The conference report can not be amended. If it could be, there might be some good reason for amending; but we can not secure any action of that kind without sending it back. It must be taken as a whole, and I certainly hope the House will adopt this report and let this important appropriation bill go through.

Mr. ROBINSON of Indiana. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. HULL. I yield the gentleman five minutes.

Mr. ROBINSON of Indiana. Upon the proposition discussed by the gentleman from New Jersey as to what the facts should be, I want to call attention, just briefly, to the fact that we are

paying \$9,100 for a purpose not similar to this, but bearing indirectly on the protection of the soldiers over there, and by the express language of the President in his message of February 1, 1900, without any question before Congress at all, that provides that this shall be paid out of the revenues of the Philippine Islands. It is the \$9,100 that we paid to the Sultan of Jolo and his datos.

Mr. McRAE. Will the gentleman from Iowa allow me one question?

Mr. HULL. Yes.

Mr. McRAE. If the soldiers in the Philippines have but little to do except to read and amuse themselves in a library, would it not be a good time to withdraw them?

Mr. HULL. In answer to that question I want to say that the soldiers at Manila, in addition to the small permanent force kept there, are largely boys recruited from the field who are convalescent, and during their period of convalescence the library will be a great benefit and a blessing to them. There are a large number there sick, unable to do duty in the field, and the time hangs heavily on their hands. The Government can do no better work than to furnish them a comfortable reading room, where the good books that the people of the United States have sent there can be used by them, and where they can have some place to spend the idle hours while they are getting ready again to go to the firing line.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry.

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask leave to interrogate the chairman for a minute.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. HULL. Yes.

Mr. GREEN of Pennsylvania. Will the gentleman inform the House whether the provision admitting the Mexican and Spanish war soldiers to the Volunteer Soldiers' Home is in this bill in the same language as it left the House?

Mr. HULL. I will say to the gentleman from Pennsylvania that we carefully guarded the rights of the Mexican soldiers, so that every man who served in the Mexican war has the right to be admitted into these homes, regardless of whether he served in the Confederate army afterwards or not. Then we changed the language a little, by providing that the soldiers of all wars of this nation can be admitted, so that if another war should ensue next year under that provision they would come in.

Mr. GREEN of Pennsylvania. Under this provision the soldiers of the Spanish war would come in?

Mr. HULL. Certainly; we made it broad enough so that we should not have to legislate if we had another war next year.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. I understand the motion of the gentleman from Iowa is to adopt the conference report. Would it be in order to move as a substitute that we agree to the conference report except as regards this particular provision?

The SPEAKER. That would not be in order. The only way to reach it is to vote down the conference report.

Mr. WILLIAMS of Mississippi. The only way is to vote down the conference report?

The SPEAKER. To vote it down and then agree in detail.

The question was taken; and the Speaker announced that the Chair was in doubt.

The House divided.

The SPEAKER. On this question the yeas are 58 and the nays are 58. The Chair votes in the negative; and the conference report is not agreed to.

Mr. MARSH. I call for tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. MARSH and Mr. WILLIAMS of Mississippi.

The House again divided; and the tellers reported—ayes 65, noes 72.

So the conference report was not agreed to.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I move that the House disagree to the conference report as respects this particular matter and ask a further conference.

Mr. HULL. I move that the House insist on its disagreement and ask for a further conference.

Mr. WILLIAMS of Mississippi. Well, I am willing to do that.

Mr. HULL. A preliminary inquiry, Mr. Speaker. Would it be in order to move to concur in all amendments except this one? I want to say that a large number of these amendments covered by the conference report are agreed to by the House with amendments that the Senate has not passed upon at all, and for that reason I supposed it would be impossible for us to agree with amendments to amendments that the Senate has not passed upon.

The SPEAKER. The gentleman from Iowa can move to concur in all the amendments except the one in controversy.

Mr. PAYNE. I would like to inquire if the conference committee agreed to all the amendments except this?

Mr. HULL. The conference committee have agreed to all the amendments proposed in the report, but there are amendments—

Mr. PAYNE. The House does not understand what it is doing if it votes to agree.

Mr. HULL. It seems to me that the parliamentary situation is such that we shall have to send this back to the conference committee.

The SPEAKER. The Chair suggests that it will give the House an opportunity to express itself if the motion be made to insist upon the disagreement to this particular amendment by number; and then the House can agree to all the rest.

Mr. WILLIAMS of Mississippi. That is what I wish to do. I move that the House insist on its disagreement to this particular amendment; and after that the gentleman from Iowa can take the floor to make such motion as he pleases.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Sixteenth amendment: On page 10, after line 17, insert:

"For rental and preparation at Manila, Philippine Islands, of a suitable building for use as a library for books already donated by the people of the United States, or that may hereafter be acquired, and also for pay of a librarian, upon the approval of the commanding general of the army in the Philippines, for a period of one year, \$5,000, to be expended by the trustees of said library and to be immediately available."

The motion of Mr. WILLIAMS of Mississippi that the House insist on its disagreement was agreed to.

Mr. HULL. I think it will simplify matters if I now make my original motion—that the House further insist on its disagreement to the amendments of the Senate and ask a further conference.

The SPEAKER. A further conference on the remaining amendments? The sixteenth is now disposed of. That will cover the gentleman's ground.

The question being taken on the motion that the House insist on its disagreement to all the amendments of the Senate except amendment numbered 16 and ask a further conference was agreed to.

The SPEAKER announced the appointment of Mr. HULL, Mr. MARSH, and Mr. JETT as conferees on the part of the House.

FORTIFICATION APPROPRIATION BILL.

Mr. HEMENWAY. I rise to submit the report of the committee of conference on the fortification appropriation bill. I ask that the reading of the conference report be dispensed with and that the Clerk read only the statement of the House conferees.

There was no objection.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9711) making appropriations for fortifications and other works of defense submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, namely:

On No. 1: Strikes out the appropriation of \$250,000, proposed by the Senate, for purchase of land on Cushings Island, Portland Harbor, Maine.

On No. 2: Appropriates \$135,000, as proposed by the Senate, for the purchase of suitable building sites and improvements and leases thereon necessary properly to provide for the garrison at Sullivan's Island, Charleston, S. C.

On Nos. 3 and 4: Makes a verbal correction in the text of the bill, and appropriates \$115,140, as proposed by the Senate, for completing the equipment of field and siege batteries now in service, and for fully equipping four additional siege batteries.

On No. 5: Strikes out the provision, proposed by the Senate, authorizing the expenditure of \$100,000 for the Board of Ordnance and Fortification to be made by the several bureaus of the War Department or by the board itself, as may be approved by the Secretary of War.

On No. 6: Increases the amount to be paid A. H. Emery for the construction of a 12-inch elevating carriage from \$110,000, as authorized in the fortification act of 1896, to \$150,000.

On No. 7: Strikes out the appropriation of \$100,000, proposed by the Senate, for the Isham shell and Tuttle "thorite."

On No. 8: Inserts the provision, proposed by the Senate, authorizing the Secretary of War to make partial payments under the contracts now existing with the War Department for the purchase and erection of pneumatic dynamite guns and ammunition.

The bill as finally agreed upon appropriates \$7,383,628, being \$350,000 less than as it passed the Senate, \$20,140 more than as it passed the House, \$2,473,726 more than the last fortification act, and \$4,345,310 less than the estimates submitted to Congress.

J. A. HEMENWAY,

THOS. C. McRAE,

Managers on the part of the House.

Mr. HEMENWAY. I ask the adoption of the report.

The question being taken, the report was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

METROPOLITAN RAILROAD COMPANY.

Mr. BARTLETT. When the bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street was passed the gentleman from Wisconsin [Mr. BABCOCK] moved to reconsider that vote and to lay the motion to reconsider on the table. To the latter proposition I objected. I now withdraw my objection.

The SPEAKER. Without further objection, the motion to reconsider will be laid on the table.

There was no objection.

Mr. PAYNE. I move that the House do now adjourn.

Pending the motion to adjourn, the following business was transacted:

RESURVEY OF LANDS IN NEBRASKA.

The SPEAKER laid before the House the following resolution of the Senate; which was read:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate House bill 2955, providing for the resurvey of township No. 8, of range No. 30 west of the sixth principal meridian in Frontier County, State of Nebraska.

Mr. PAYNE. I understand that this bill has been signed by the Speaker and sent to the Senate. I therefore offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk be directed to inform the Senate that the bill (H. R. 2955) providing for the resurvey of township No. 8, of range No. 30 west of the sixth principal meridian in Frontier County, State of Nebraska, of which the Senate request the return by resolution of May 19, transmitted to the House by message on this day, is no longer in the possession of the House, as prior to the receipt of the message of the Senate, it had been transmitted to the Senate as an enrolled bill, duly signed by the Speaker.

The question being taken, the resolution was agreed to.

AMERICAN NATIONAL RED CROSS.

The bill (S. 2931) to incorporate the American National Red Cross, and for other purposes, was laid before the House by—

The SPEAKER, who said: On this bill the amendments of the House have been disagreed to by the Senate and a conference asked.

Mr. GILLETT of Massachusetts. I move that the House insist on its amendments and agree to the conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. GILLETT of Massachusetts, Mr. WM. ALDEN SMITH, and Mr. WILLIAMS of Mississippi as conferees on the part of the House.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5552. An act for the relief of Northrup & Chick and also of Thomas N. Stinson;

H. R. 6494. An act granting an increase of pension to Dorus M. Fox;

H. R. 8801. An act granting an increase of pension to William H. MacDonald;

H. R. 8107. An act granting a pension to Nancy W. Hadley;

H. R. 9163. An act granting a pension to Ferguson M. Burton;

H. R. 1625. An act granting an increase of pension to Mary B. Douglass;

H. R. 7740. An act to amend section 8 of the act of Congress entitled "An act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek Nations in the Indian Territory, and for other purposes;"

H. R. 2621. An act granting a pension to Ida Wiederhold;

H. R. 2634. An act granting an increase of pension to Erasmus Darwin Steen;

H. R. 2708. An act granting an increase of pension to Cecelia B. Chauncey;

H. R. 9643. An act granting a pension to Ada E. Whaley;

H. R. 3490. An act granting an increase of pension to Freeman H. Farr;

H. R. 7230. An act granting an increase of pension to Roxie B. Salter;

H. R. 3514. An act granting an increase of pension to Mary A. C. Kaigler;

H. R. 8799. An act granting an increase of pension to William Feek;

H. R. 4086. An act granting an increase of pension to Jeremiah Lockwood;

H. R. 92. An act to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse;

H. R. 527. An act granting a pension to Lucy D. Young;

H. R. 4355. An act granting an increase of pension to Oren E. Barber;

H. R. 548. An act granting a pension to Edward Harris;

H. R. 969. An act to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888;

H. R. 4398. An act granting a pension to Julius Vogt;

H. R. 9559. An act 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.;

H. R. 4422. An act granting an increase of pension to William H. Bookins;

H. R. 4440. An act granting an increase of pension to Harriet L. Hughes;

H. R. 4649. An act granting a pension to William Bates;

H. R. 4760. An act granting an increase of pension to Samuel G. Trine;

H. R. 7180. An act granting an increase of pension to Amelia A. Taylor;

H. R. 2824. An act to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under order of their superior officers;

H. R. 3778. An act granting an increase of pension to Ellsey A. Sloane;

H. R. 9757. An act granting an increase of pension to David H. Drake;

H. R. 8389. An act granting an increase of pension to Martin D. Miller;

H. R. 2955. An act providing for the resurvey of township No. 8, of range No. 30 west, of the sixth meridian, in Frontier County, State of Nebraska; and

H. R. 7975. An act granting an increase of pension to William F. Riley.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4291. An act to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port;

S. 4129. An act to detach the county of Dyer from the eastern division of the western district of Tennessee, and to attach the same to the western division of the western district of said Tennessee;

S. 1890. An act granting an increase of pension to Sarah E. Tradewell;

S. 1066. An act granting an increase of pension to Margaret B. Shipp;

S. 6. An act for the relief of James H. Latham;

S. 906. An act to provide an American register for the steamer *Esther*, of New Orleans;

S. 3473. An act for the relief of Corinne Strickland; and

S. 1243. An act for the relief of the owner or owners of the schooner *Bergen*.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4560. An act to provide for officers in the customs district of Hawaii—to the Committee on Ways and Means.

S. 3917. An act providing for the rebuilding of the Navy-Yard Bridge, Washington, D. C.—to the Committee on the District of Columbia.

S. 415. An act granting an increase of pension to John Roop—to the Committee on Invalid Pensions.

S. 2217. An act granting a pension to Louise O'Leary—to the Committee on Invalid Pensions.

S. 3512. An act granting an increase of pension to Samuel Schutz—to the Committee on Invalid Pensions.

S. 3440. An act granting an increase of pension to George W. Harrison—to the Committee on Invalid Pensions.

S. 4441. An act granting an increase of pension to Gertrude B. Wilkinson—to the Committee on Pensions.

S. 2430. An act granting a pension to Mary C. Williams—to the Committee on Pensions.

S. 4688. An act granting an increase of pension to James U. Childs—to the Committee on Invalid Pensions.

S. 2489. An act to provide for the further distribution of the reports of the Supreme Court—to the Committee on the Judiciary.

S. 4494. An act to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama—to the Committee on Interstate and Foreign Commerce.

MARGARET M. BADGER.

The SPEAKER laid before the House a request for the return to the Senate of the bill (S. 1006) granting an increase of pension to Margaret M. Badger; and the return of the bill to the Senate was ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROSIUS, for two days.

SAMUEL D. HUBBARD.

By unanimous consent, on motion of Mr. ESCH, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Samuel D. Hubbard, Fifty-fifth Congress, no adverse report having been made thereon.

REPRINT OF A BILL.

By unanimous consent, on motion of Mr. GARDNER of New Jersey, a reprint of the bill (H. R. 6882) limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the United States, or any Territory, or the District of Columbia in the form in which said bill passed the House.

And then, on motion of Mr. PAYNE (at 5 o'clock and 5 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Postmaster-General, transmitting a copy of a report on the experiment of rural free delivery in Carroll County, Md.—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the brig *Hannah*, John Blakely, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the sloop *Farmer*, George Kiler, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10892) granting an increase of pension to Mrs. Phebe Tate, reported the same with amendment, accompanied by a report (No. 1591); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5085) granting a pension to Patrick H. Hurley, reported the same with amendment, accompanied by a report (No. 1592); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10183) granting an increase of pension to Robert A. Reid, reported the same with amendment, accompanied by a report (No. 1593); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7745) granting a pension to Lucinda Miller, reported the same with amendment, accompanied by a report (No. 1594); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10570) granting a pension to John Kinsie, reported the same with amendment, accompanied by a report (No. 1595); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3491) granting a pension to Melvina Greenawalt, widow of Abraham Greenawalt, reported the same with amendment, accompanied by a report (No. 1596); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3658) granting a pension to Catherine Broughton, dependent mother, reported the same with amendment, accompanied by a report (No. 1597); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4199) granting an increase of pension to Gabriel M. Funk, reported the same with amendment, accompanied by a report (No. 1598); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 154) to increase the pension of Benjamin F. Schott, reported the same with amendment, accompanied by a report (No. 1599); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3133) for the relief of Edward Hounsom, of Glenwood, Mo., reported the same with amendment, accompanied by a report (No. 1600); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9269) to pension

Miss Olie Heaton, dependent daughter, reported the same with amendment, accompanied by a report (No. 1601); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3660) granting a pension to Franklin I. Gilbert, reported the same with amendment, accompanied by a report (No. 1602); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4231) to grant a pension to Maechel Ryan, alias Kennedy, Company F, One hundred and twenty-seventh New York Infantry, reported the same with amendment, accompanied by a report (No. 1603); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7495) granting an increase of pension to Richard Holloway, reported the same with amendment, accompanied by a report (No. 1604); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2159) granting an increase of pension to Ernst Pitschner, reported the same without amendment, accompanied by a report (No. 1605); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9981) granting an increase of pension to Joseph Zimmerman, reported the same with amendment, accompanied by a report (No. 1606); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11198) granting an increase of pension to Gorton Brown, reported the same with amendment, accompanied by a report (No. 1607); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4887) to increase pension of David R. Ellis, reported the same with amendment, accompanied by a report (No. 1608); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7912) granting a pension to Harriett A. Wilson, widow of Col. Lewis Wilson, reported the same with amendment, accompanied by a report (No. 1609); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4130) granting a pension to Mrs. Mary Clark, widow of Calvin B. Clark, late of the One hundred and fifth Pennsylvania Volunteers, reported the same with amendment, accompanied by a report (No. 1610); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3705) granting a pension to Almeda Brown, reported the same with amendment, accompanied by a report (No. 1611); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7203) granting a pension to Thomas F. Walter, reported the same with amendment, accompanied by a report (No. 1612); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8273) granting a pension to Sarah S. Hammond, reported the same with amendment, accompanied by a report (No. 1613); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6043) to increase the pension of John C. Shenermen, Company C, Ninth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteers, reported the same with amendment, accompanied by a report (No. 1614); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7040) granting a pension to Laura Newman, reported the same with amendment, accompanied by a report (No. 1615); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1245) granting a pension to Oliver Domon, reported the same without amendment, accompanied by a report (No. 1616); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4633) for the relief of John Calvin Lane, reported the same with amendment,

accompanied by a report (No. 1617); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5189) granting an increase of pension to Alexander Boltin, of Kearney, in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 1618); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11228) granting an increase of pension to Smith Thompson, reported the same without amendment, accompanied by a report (No. 1619); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11211) granting a pension to Thomas Clark, reported the same without amendment, accompanied by a report (No. 1620); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11516) granting an increase of pension to Samuel Ryan, reported the same with amendment, accompanied by a report (No. 1621); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11158) granting a pension to Daniel Palmatary, reported the same without amendment, accompanied by a report (No. 1622); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8943) granting an increase of pension to Michael Howlett, reported the same with amendment, accompanied by a report (No. 1623); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9023) granting an increase of pension to Mrs. Mary Dobyns, reported the same with amendment, accompanied by a report (No. 1624); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9370) granting a pension to Louis M. Starring, of Rhea County, Tenn., reported the same with amendment, accompanied by a report (No. 1625); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4184) granting an increase of pension to Evelyn Neale Murray, reported the same with amendment, accompanied by a report (No. 1626); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10333) granting a pension to Sophia Barrett, of Clearfield, Pa., reported the same with amendment, accompanied by a report (No. 1627); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11057) granting an increase of pension to Leonhart Miller, Company C, Twenty-third Kentucky Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 1628); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10945) granting a pension to William T. Wyant, Danville, Pa., reported the same with amendment, accompanied by a report (No. 1629); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2285) granting an increase of pension to John W. Craig, reported the same without amendment, accompanied by a report (No. 1630); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11436) granting an increase of pension to Fernando C. Back; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSS: A bill (H. R. 11736) to consolidate certain bureaus in Navy Department, and so forth—to the Committee on Naval Affairs.

By Mr. BHEA of Virginia: A bill (H. R. 11737) to repeal the stamp-tax provisions of the war-revenue law of 1898—to the Committee on Ways and Means.

By Mr. SHAFROTH: A bill (H. R. 11779) to reimburse soldiers and sailors of the late war with Spain for the amounts paid by them in going from their homes to place of enlistment and in returning from same—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 11780) providing for the construction of a steam revenue cutter, with headquarters at Newport, R. I.—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: A joint resolution (H. J. Res. 256) authorizing acceptance by Library Committee of bronze bust of Chief Engineer Isherwood—to the Committee on the Library.

By Mr. MOODY of Massachusetts: A joint resolution (H. J. Res. 257) to authorize the governor of Porto Rico to provide temporary rates of internal-revenue taxation—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: A joint resolution (H. J. Res. 258) to authorize the governor of Porto Rico to establish temporary rates of internal-revenue taxation for Porto Rico—to the Committee on Ways and Means.

By Mr. PAYNE: A concurrent resolution (H. C. Res. 49) fixing the date of final adjournment for June 6, 1900—to the Committee on Ways and Means.

By Mr. SHAFROTH: A concurrent resolution of the general assembly of the State of Colorado, requesting the passage of H. R. 4382, for the establishment of a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOUTELL of Illinois: A bill (H. R. 11738) for the relief of William L. Orr—to the Committee on Claims.

By Mr. BRUNDIDGE: A bill (H. R. 11739) for the relief of Samuel Crews—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 11740) granting a pension to Horace Stambaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11741) to remove the charge of desertion from the military record of Edward S. Button, alias Charles B. Steward—to the Committee on Military Affairs.

Also, a bill (H. R. 11742) granting a pension to John L. Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11743) increasing the pension of William D. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11744) granting an increase of pension to Oliver S. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11745) granting a pension to Henry Mackey, alias Mackrill—to the Committee on Invalid Pensions.

By Mr. DICK: A bill (H. R. 11746) for the relief of Peter H. Brodie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11747) granting an increase of pension to John Hewitt—to the Committee on Invalid Pensions.

By Mr. ELLIOTT (by request): A bill (H. R. 11748) to remove charge of desertion from Cyrus Mitchell—to the Committee on Military Affairs.

By Mr. HAMILTON: A bill (H. R. 11749) granting a pension to Joseph A. Napier—to the Committee on Pensions.

Also, a bill (H. R. 11750) granting a pension to Lena Sutter—to the Committee on Invalid Pensions.

By Mr. KLUTTZ (by request): A bill (H. R. 11751) for the relief of A. E. Conrad—to the Committee on War Claims.

By Mr. KNOX: A bill (H. R. 11752) granting an increase of pension to John McBride—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 11753) granting an increase of pension to Isaac F. Russell—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11754) granting an increase of pension to Hiram Lawson—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11755) granting a pension to Antoinette A. Ripley—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 11756) granting a pension to Henry F. Tower—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 11757) granting an increase of pension to Maggie D. Russ—to the Committee on Pensions.

Also, a bill (H. R. 11758) to relieve Helen M. Gridley from certain fines and penalties, and for other purposes—to the Committee on Military Affairs.

By Mr. SMALL: A bill (H. R. 11759) granting a pension to Eliza Woolard—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11760) granting an increase of pension to Lauson R. Burr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11761) for the relief of George W. C. Smith—to the Committee on War Claims.

Also, a bill (H. R. 11762) to remove the charge of desertion from the record of Samuel Hamilton—to the Committee on Military Affairs.

Also, a bill (H. R. 11763) to remove the charge of desertion from the record of Moses Dupra—to the Committee on Military Affairs.

Also, a bill (H. R. 11764) to remove the charge of desertion from the record of Jackson Smith—to the Committee on Military Affairs.

By Mr. STOKES: A bill (H. R. 11765) for the relief of Ernest H. Heidtman—to the Committee on War Claims.

Also, a bill (H. R. 11766) for relief of L. H. Wannamaker, jr.—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 11767) granting a pension to Eliza A. Dudley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11768) granting an increase of pension to John Walker—to the Committee on Invalid Pensions.

By Mr. THROPP: A bill (H. R. 11769) granting a pension to David C. Yingling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11770) granting a pension to Mrs. Susan Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11771) granting a pension to Patrick Kinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11772) granting a pension to Elizabeth E. Diehl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11773) granting an increase of pension to John Shroyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11774) granting an increase of pension to John A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11775) granting a pension to Eleanor M. Laise—to the Committee on Pensions.

Also, a bill (H. R. 11776) to correct military record of Martin Cupples—to the Committee on Military Affairs.

Also, a bill (H. R. 11777) to correct military record of Levi R. Shadle—to the Committee on Military Affairs.

Also, a bill (H. R. 11778) to correct military record of Thomas J. Switzler—to the Committee on Military Affairs.

By Mr. BRENNER: A bill (H. R. 11781) granting an increase of pension to Jacob Meier—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11782) granting a pension to Mrs. Mary S. Montague—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 11783) granting a pension to John M. Smith—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 11784) granting an honorable discharge to John W. Thomas—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKETT: Resolution of the Union Commercial Club, of Lincoln, Nebr., in reference to House bill No. 887, relating to the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Petitions of citizens of Concordia, Brookville, and Marysville, Kans., in favor of the bill to increase the tax on oleomargarine—to the Committee on Agriculture.

Also, resolutions of Trades and Labor Assembly of Columbus, Ohio, against the passage of the Grout bill to increase the tax on oleomargarine, etc.—to the Committee on Agriculture.

By Mr. CHANLER: Petition of W. G. Mitchell Post, No. 539, Grand Army of the Republic, of New York City, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Grain Dealers' National Association, for the repeal of the stamp tax on grain waybills—to the Committee on Ways and Means.

Also, petition of the Wine, Liquor, and Beer Dealers' Association of New York, for the reduction of the present tax on beer—to the Committee on Ways and Means.

Also, petitions of R. E. Dietz Company, Leshner, Whitman & Co., and Keuffel & Esser Company, of New York City, urging an increase in the appropriation of the United States Geological Survey for hydrographic work—to the Committee on Irrigation of Arid Lands.

Also, petition of the New York Branch of the National Association of Civil-Service Employees of the Navy Department, urging the passage of House bill relating to the leave of absence with pay to certain employees of the Government—to the Committee on Naval Affairs.

Also, resolutions of the Merchants' Association of New York and Brooklyn, and Wharf and Warehouse Company of New York, with reference to the bill for the encouragement of the American

merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, letter and bulletin of the Philadelphia Commercial Museum, relating to foreign trade reports—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Manufacturers' Association of New York, and Seabury & Johnson, of New York, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sea Gull Specialty Company, of Baltimore, Md., protesting against the passage of section 7 of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of citizens of Millard, Wis., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. CRUMPACKER: Petition of the Wells, Yeager, Best Company, of Lafayette, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DICK: Paper to accompany House bill for the relief of Peter H. Brodie—to the Committee on Invalid Pensions.

By Mr. ELLIOTT (by request): Papers to accompany House bill to remove the charge of desertion from the record of Cyrus Mitchell—to the Committee on Military Affairs.

By Mr. ESCH: Petition of Fox River Valley Medical Association, of Wisconsin, asking for the promotion of the Surgeon-General of the United States Army to the rank of major-general—to the Committee on Military Affairs.

Also, resolutions of Branch No. 242, National Association of Letter Carriers, asking for the passage of House bill No. 4911, equalizing the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Petition of retail druggists of Fall River, Mass., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. HAMILTON: Petitions of societies and citizens of Pawpaw, Mich., in favor of the Bowersock anti-canteen bill—to the Committee on Insular Affairs.

By Mr. KITCHIN: Petition of the National Patriotic Federation, of Washington, D. C., in favor of a municipal hospital and against the proposed application for Providence Hospital—to the Committee on the District of Columbia.

By Mr. LITTLE: Petitions of the Harrison Drug Company and others, of Little Rock, Ark., and the Morgan Drug Company and others, of Fort Smith, Ark., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: Petitions of 273 farmers in Androscoggin, Franklin, Oxford, and Cumberland counties, Me., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. McRAE: Resolutions of the Commercial League of Fort Smith, Ark., in favor of the Shawnee, Oklahoma and Missouri Railroad—to the Committee on Indian Affairs.

By Mr. MANN: Paper to accompany House bill in behalf of Hugh T. Reed—to the Committee on Military Affairs.

Also, petition of Alter Wirths-Verein, of Chicago, Ill., asking for reduction of the tax on beer—to the Committee on Ways and Means.

Also, papers of William H. Harper and T. A. Gehrman, to accompany House bill No. 9756, for the relief of Maria McMurdie—to the Committee on Claims.

Also, petition of Armour & Co., Chicago, Ill., urging the establishment of a national standards bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of Woodlawn Lodge, No. 451, of Chicago, Ill., Brotherhood of Locomotive Firemen, favoring the passage of sundry bills therein mentioned—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woodlawn Lodge, No. 451, of Chicago, against the passage of bills taxing oleomargarine—to the Committee on Agriculture.

Also, petition of George W. Ashburn, to accompany House bill No. 10965, for relief—to the Committee on Claims.

By Mr. MERCER: Petition of E. L. Canan and other druggists, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, resolutions of Forest City Lodge, No. 10, Brotherhood of Locomotive Firemen, Cleveland, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. MIERS of Indiana: Papers to accompany House bill to increase the pension of Hiram Lawson—to the Committee on Invalid Pensions.

By Mr. NORTON of South Carolina: Petition of the Loryea Drug Company and retail druggists and citizens of Manning

S. C., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of Branch 242, National Association of Letter Carriers, of Ashland, Wis., 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. POWERS: Petition of druggists of Winooski, Vt., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany House bill No. 10436, for the relief of John H. Haws—to the Committee on War Claims.

By Mr. SHAFROTH: Petition of citizens of Fort Lupton, Colo., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, resolutions adopted at a mass meeting at City Hall, Waterbury, Conn., urging the Government to use its friendly offices to bring about a cessation of hostilities between Great Britain and the South African Republics—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Papers to accompany House bill granting an increase of pension to Maggie D. Russ—to the Committee on Pensions.

Also, petition of citizens of Prospect and Trenton, N. Y., in favor of the Grant bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. SOUTHARD: Resolutions of the Toledo Produce Exchange, in relation to a reduction of taxation—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce, for restrictive quarantine regulations—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Ramsey County Nurses' Graduate Association, of St. Paul, Minn., and petition of leading physicians of St. Paul, favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

Also, resolution of St. Paul Chamber of Commerce, in behalf of legislation for the Philippine Islands—to the Committee on Ways and Means.

By Mr. THROPP: Petition of Grange No. 1116, of Cambria, Pa., Patrons of Husbandry, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of the Methodist Episcopal Church of Altoona, Pa., asking for the passage of the anti-canteen bill and prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

Also, petition of Cambria Grange, No. 1116, Patrons of Husbandry, of Pennsylvania, favoring the passage of House bill No. 3717, relating to State control of imitation dairy products—to the Committee on Agriculture.

Also, petition of citizens of Blair County, Pa., urging the enactment of a law forbidding the sale of intoxicating liquors in the Hawaiian Islands—to the Committee on the Territories.

Also, paper to accompany House bill to remove the charge of desertion from the record of Thomas J. Switzler—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion from the record of Levi R. Shadle—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to John A. Jones—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to remove the charge of desertion from the record of Martin L. Cupples—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Patrick Kinney—to the Committee on Pensions.

Also, paper to accompany House bill to increase the pension of John Shroyer—to the Committee on Invalid Pensions.

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

Also, evidence to accompany House bill granting a pension to David C. Yingling—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Petition of Richmond Hill (Pa.) Creamery Company, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Falls, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Fort Logan Improvement Club, Fort Logan, Colo., favoring the establishment of a Soldiers and Sailors' Home at or near Denver, Colo.—to the Committee on Military Affairs.

Also, resolutions of the Maritime Association of the Port of New York, in favor of Senate amendments to House bill No. 8347, restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Naval Affairs.

Also, letter of Bement, Miles & Co., Philadelphia, Pa., in relation to Senate bill No. 4300 and the proposed amendment relating to the Ordnance Department—to the Committee on Military Affairs.

Also, letter of the Philadelphia Commercial Museum and Weekly Bulletin, relating to industries of foreign countries—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sea Gull Specialty Company, Baltimore, Md., relating to alum baking powders, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Petitions of J. H. Connor, of New Albany; Homes & Perry and others, of Jeffersonville; John Enlow and others, of Birdseye; J. P. Isterling, of Corydon Junction; J. B. Blessing and others, of English, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

SENATE.

TUESDAY, May 22, 1900.

Prayer by Rev. OLIVER JOHNSON, of Leslie, S. C.

NAMING A PRESIDING OFFICER.

Mr. PLATT of Connecticut called the Senate to order; and the Secretary read the following letter:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE.
May 21, 1900.

To the Senate:

I name Hon. O. H. PLATT, Senator from Connecticut, to perform the duties of the Chair during my absence.

WM. P. FRYE, *President pro tempore.*

Thereupon Mr. PLATT of Connecticut took the chair as Presiding Officer.

THE JOURNAL.

The PRESIDING OFFICER. The Secretary will read the Journal of the proceedings of yesterday.

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

The PRESIDING OFFICER. The Journal, without objection, will stand approved.

TRANSPORTATION OF REINDEER.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation of \$1,718.88, in settlement, by compromise, of a suit entered against the United States by T. F. Townsley on a contract entered into by Dr. Sheldon Jackson, general agent of education in Alaska, for the carrying of reindeer between certain Siberian and Alaskan ports; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 1006) granting an increase of pension to Margaret M. Badger.

The message also announced that the bill (H. R. 2955) providing for the resurvey of township No. 8, of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska, of which the Senate requested the return by resolution of May 19, and transmitted to the House by message on that day, is no longer in possession of the House, as prior to the receipt of the message of the Senate it had been transmitted to the Senate as an enrolled bill duly signed by the Speaker.

The message further announced that the House had passed the following bills:

A bill (S. 124) regulating permits for private conduits in the District of Columbia; and

A bill (S. 4048) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

A bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901.

The message further announced that the House had disagreed