

of Pittsburg, urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: Petitions of 95 citizens of Wilcox and 150 citizens of Lemont and Boalsburg, Pa., for the exclusion of intoxicants from all countries inhabited by native races—to the Committee on Foreign Affairs.

By Mr. HOPKINS: Petition of 50 persons of Woodstock, Ill., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. JACK: Petitions of citizens of Mount Pleasant and Presbyterian churches of Perry and Northville, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. KING: Petition of the Independent Order of Odd Fellows and Knights of Pythias of Salt Lake City, Utah, asking that a certain portion of the ground near Fort Douglas Military Reservation be set apart for cemetery use for said orders—to the Committee on Military Affairs.

By Mr. MOON: Papers relating to the claim of Aquilla Leatherwood, of Polk County, Tenn.—to the Committee on War Claims.

Also, papers relating to the claim of Solomon P. Goodman, of Grundy County, Tenn.—to the Committee on War Claims.

By Mr. NORTON of Ohio: Papers, blue prints, and photographs, to accompany House bill No. 13780, providing for the purchase of land used as a cemetery for Confederate prisoners of war on Johnsons Island, in Sandusky Bay, Ohio—to the Committee on Appropriations.

By Mr. ROBINSON of Indiana: Petition of the Woman's Society of Home Missions of Indiana, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SIBLEY: Petition of 300 citizens of Franklin, Pa., for the exclusion of intoxicants from all countries inhabited by native races—to the Committee on Foreign Affairs.

By Mr. WATERS: Resolution of the Los Angeles Chamber of Commerce, favoring an appropriation for the erection of the memorial bridge across the Potomac—to the Committee on Appropriations.

SENATE.

THURSDAY, January 24, 1901.

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

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

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

OSAGE RIVER, MISSOURI, IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a concurrent resolution of the 21st instant, a letter from the Acting Chief of Engineers, United States Army, together with a copy of the report of Capt. Charles Keller, Corps of Engineers, on the completion of the work upon the lock and dam at Brennecke Shoals, on the Osage River, in the State of Missouri; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

IRRIGATION INVESTIGATIONS IN CALIFORNIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 14th instant, the report of irrigation investigations in the State of California. The Chair calls the attention of the Senator from California to this report.

Mr. PERKINS. It is very important that it shall be printed as a document for the information of our legislature, which is now in session in California. They are planning for some legislation whereby State aid can be given. I ask unanimous consent that the communication may be printed as a document and referred to the Committee on Irrigation and Reclamation of Arid Lands.

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

CHIEF JUSTICE JOHN MARSHALL.

The PRESIDENT pro tempore appointed Mr. LINDSAY and Mr. HOAR members of the joint committee on the part of the Senate to attend the exercises to be held in the Hall of the House of Representatives on the 4th day of February next, relative to the celebration of the anniversary of the day when John Marshall became the Chief Justice of the Supreme Court of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 13575) making appropriations to provide for the expenses of the government of the District of Columbia for the fis-

cal year ending June 30, 1902, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. 3313) extending the mining laws to saline lands; and
A bill (S. 3252) to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry citizens of New York, praying that an appropriation be made providing for an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians in Arizona; which was referred to the Committee on Indian Affairs.

He also presented sundry petitions of citizens of Sidney, Lee, Corfu, Winterton, Trenton, and Springville, all in the State of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Irondequoit Lodge, No. 301, Federation of American Mechanics, of Dunkirk, N. Y., and a petition of sundry citizens of Schenectady, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. BATE presented a petition of the mayor and city council of Nashville, Tenn., praying that an appropriation be made in aid of the South Carolina Interstate and West India Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. LODGE presented the petition of E. J. Boland and 19 other citizens of South Boston, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Indian Association of Jamaica Plain, Mass., and a petition of the Woman's Indian Association of Salem, Mass., praying that an appropriation be made providing for an adequate supply of living water for irrigation purposes for the Pima and Papago Indians; which were referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's International Missionary Union of Washington, D. C., and a petition of the Woman's Christian Temperance Union of the Indian Territory, praying for the enactment of legislation to prohibit the sale of intoxicating liquors and firearms in the New Hebrides; which were referred to the Committee on Foreign Relations.

Mr. HOAR presented the petition of H. W. Ripley and 16 other citizens of Springfield, Mass., and the petition of Loring B. Haskell and 13 other citizens of Gloucester, Mass., praying for the repeal of the duty on tea; which were referred to the Committee on Finance.

He also presented petitions of G. M. Little and 14 other citizens of Westfield, Albert E. Saunders and 25 other citizens of Westfield, M. W. Williams and 3 other citizens of Westfield, and of the Woman's Suffrage League of Natick, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Springfield Branch of the Massachusetts Indian Association, praying that an appropriation be made providing for an adequate supply of living water for irrigation purposes for the Pima and Papago Indians; which was referred to the Committee on Indian Affairs.

He also presented petitions of James H. Charles, keeper, and 7 other members of the life-saving crew of Orleans; of Charles R. Kelly, keeper, and 7 other members of the life-saving crew of High Head, and of William W. Cook, keeper, and 7 other members of the life-saving crew of Peaked Hill Bars, all in the State of Massachusetts, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. TELLER presented the petition of Rev. Edward E. Griffen and 200 other citizens of Colorado, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BUTLER presented the petition of Garrett & Co., of Weldon, N. C., praying for a reduction of the revenue tax on bottled wine; which was referred to the Committee on Finance.

He also presented petitions of the Great Atlantic and Pacific Tea Company and sundry other tea merchants of New York; of Dudley Hall, of Boston, Mass.; of sundry merchants of Providence and Pawtucket, R. I., and of George C. Cholwell, jr., of New York City, praying for the repeal of the duty on tea; which were referred to the Committee on Finance.

He also presented a memorial of the National Wholesale Druggists' Association, of Chicago, Ill., and a memorial of the National

Association of Retail Druggists of Chicago, Ill., remonstrating against the free manufacture and distribution of medicinal preparations by the Government; which were referred to the Committee on Finance.

He also presented a petition of the American Pharmaceutical Association, of Chicago, Ill., and a petition of the Pharmaceutical Association of Erie County, N. Y., praying for the repeal of the revenue tax on medicinal preparations; which were referred to the Committee on Finance.

He also presented petitions of A. W. Rieger, of Wilmington; of J. W. Joy, of Leland, and of George H. Bellamy and John Wilder Atkinson, all in the State of North Carolina, praying that an appropriation be made for the removal of obstructions to navigation at the mouth of Brunswick River, in that State; which were referred to the Committee on Commerce.

He also presented petitions of S. J. Cayne, keeper, and 7 other members of the life-saving crew of Kitty Hawk station; of E. O. Hooper, keeper, and 7 other members of the life-saving crew of Little Kinnakut station, and of John T. Wescott, keeper, and 7 other members of the life-saving crew of Poyners Hill station, all in the State of North Carolina, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented petitions of the chambers of commerce of Raleigh, Wilmington, and Newbern, all in the State of North Carolina, praying that an appropriation be made to enable the Secretary of Agriculture to examine into the question of the improvement of the public highways; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the chambers of commerce of Newbern, Wilmington, and Raleigh, all in the State of North Carolina, praying for the establishment of a national forest reserve, so as to include the forests of North Carolina and the Eastern States; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the chambers of commerce of Newbern, Raleigh, and Wilmington, all in the State of North Carolina, praying that an appropriation be made to enable the Geological Survey to secure certain data concerning the depth and extent of artesian water supply in the malarial regions bordering on the Atlantic and Gulf coasts; which were referred to the Committee on the Geological Survey.

He also presented the petition of Frank E. Emery, of Raleigh, N. C., and the petition of B. G. Sowper, of Raleigh, N. C., praying for the enactment of the so-called Groat bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Central Labor Union, American Federation of Labor, of Asheville; of Local Union No. 93, Amalgamated Wood Workers' Union, of Winston-Salem, and of the Central Labor Union, American Federation of Labor, of Raleigh, all in the State of North Carolina, praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented petitions of Winston Rogers, of Oxford, N. C.; of Frederick D. Power, of Washington, D. C., and of Rev. John F. Hill, of Canonsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented a petition of South Brooklyn Shipwright Local Assembly No. 514, Knights of Labor, praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Cotton Growers' Association of North Carolina and a petition of the Tobacco Growers' Association of North Carolina, praying for a reduction of the revenue tax on manufactured tobacco; which were referred to the Committee on Finance.

He also presented a petition of the Southern Nurserymen's Association, praying for the enactment of legislation governing the transportation of nursery stock and other plants in interstate commerce; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Pure Food and Drug Congress of Washington, D. C., praying for the enactment of legislation to prohibit the adulteration of food and drug products; which was ordered to lie on the table.

He also presented a petition of the National Association of Manufacturers of the United States, praying for the ratification of the reciprocity treaty with France; which was referred to the Committee on Foreign Relations.

He also presented the petition of Mrs. E. E. Moffitt, of Raleigh; Mary Davis, of Mount Sterling; Mrs. T. K. Bruner, of Raleigh,

and Mrs. M. H. Hinton, of Raleigh, all in the State of North Carolina, praying that an appropriation be made to purchase the land at Valley Forge camp ground for use as a national park and military reservation; which were referred to the Committee on Military Affairs.

He also presented a petition of the National Good Roads Association, of Chicago, Ill., praying that an appropriation be made to establish an office of public road inquiry; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Interstate Commerce Law Convention of St. Louis, Mo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National League of Fourth-Class Postmasters, praying for the enactment of legislation granting additional compensation to fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Wilmington, N. C., praying for the enactment of legislation providing for the enlargement of the work of the Geological Survey so as to include the mapping of the forest regions in the Southern and Eastern portion of the United States; which was referred to the Committee on the Geological Survey.

Mr. FORAKER presented a petition of International Brotherhood of Stationary Firemen No. 64, of Mount Vernon, Ohio, praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Youngstown, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry druggists of Cincinnati, Ohio, praying for the repeal of the stamp tax on proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of sundry gaugers, storekeepers, and storekeepers' gaugers of the First internal-revenue district of Ohio, praying for the enactment of legislation governing leaves of absence; which was referred to the Committee on Finance.

Mr. QUARLES. I present a memorial to Congress of the city of Portage and the towns of Lewiston, Caledonia, and Pacific, in the county of Columbia, Wis., relating to the levees in that city and those towns for the protection of the Fox River Valley. I move that the memorial be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. FRYE presented the petition of W. M. Walker and 16 other citizens of York County, Me., praying for the repeal of the revenue stamp tax on bank checks; which was referred to the Committee on Finance.

He also presented a petition of the General Assembly of the Presbyterian Church of the United States, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to all undeveloped and child races; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

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

A bill (H. R. 3545) granting a pension to Ellen Hardin Walworth;

A bill (H. R. 1204) granting a pension to Martha McSwain;

A bill (H. R. 11680) granting an increase of pension to Isabela Myers; and

A bill (H. R. 10872) granting an increase of pension to Caroline Buehler.

Mr. GALLINGER. Mr. President, as there is no appropriation

bill now under consideration I venture to ask unanimous consent that at the conclusion of the routine morning business this morning one hour be devoted to the consideration of unobjected pension bills on the Calendar.

Mr. THURSTON. I gave notice last night, and by the direction of the Committee on Indian Affairs, that I must ask for the consideration of the Indian appropriation bill this morning at the conclusion of the morning business.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE, from the Committee on the Philippines, reported an amendment proposing to appropriate \$5,000 to establish in the city of Manila, P. I., a soldiers and sailors' library, 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.

He also, from the same committee, to whom was referred the bill (S. 3776) providing for the rental and preparation in the city of Manila, P. I., of a suitable building for use as a library for the

convenience and use of the American soldiers and sailors, reported it with an amendment.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1467) to provide for the erection of a post-office in the city of New York, and making appropriation therefor, reported it with amendments, and submitted a report thereon.

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

A bill (S. 2558) for the relief of the owners and officers of the brig *Olive Frances*, and others on board said brig; and

A bill (S. 3196) for the relief of the heirs at law of Maj. Tarleton Woodson, deceased.

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

A bill (H. R. 9404) granting a pension to Elizabeth Hendricks;

A bill (H. R. 9745) granting a pension to Susan Sidenbender; and

A bill (H. R. 10333) granting a pension to Sophie de V. Barrett.

PETITION OF FILIPINOS.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the following resolution, submitted by Mr. TELLER on the 10th instant, reported adversely thereon:

Ordered, That the petition of certain inhabitants of the Philippine Islands which has to-day been read in the Senate be printed as a document, together with the names of the signers.

Mr. TELLER. I ask that the report may lie on the table and be printed.

The PRESIDENT pro tempore. If the Senator desires, it will go to the Calendar. A report from a committee legitimately goes to the Calendar or is indefinitely postponed, the report being adverse; but if the Senator desires, instead of the question of indefinite postponement being put, it can go to the Calendar.

Mr. TELLER. Let it go on the Calendar.

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

DOCUMENTARY HISTORY OF THE CONSTITUTION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. McMILLAN on the 15th of December, 1900, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That of the document known as the Documentary History of the Constitution of the United States 7,000 copies be printed, of which number 2,000 shall be for the use of the Senate, 4,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of State.

BILLS INTRODUCED.

Mr. SIMON introduced a bill (S. 5721) granting an increase of pension to Israel A. Benner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5722) to provide for the appointment of official stenographers for the supreme court of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KYLE introduced a bill (S. 5723) granting an increase of pension to Harrison T. De Long; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced a bill (S. 5724) for the relief of the legal representative of James A. Prater, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5725) for the relief of the estate of Thomas Brooks, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 5726) granting an increase of pension to Zadok S. Howe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5727) for the relief of the Boston Molasses Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 5728) for the relief of Capt. John A. Lockwood, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 5729) granting an increase of pension to Harrison Moulton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5730) granting a pension to Catherine E. Babcock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SULLIVAN introduced a bill (S. 5731) for the relief of the

next of kin of R. G. Stirling and Mary C. Stirling; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 5732) to amend section 7 of an act entitled "An act to establish circuit courts of appeal and to define and regulate, in certain cases, the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900; which was read twice by its title, and referred to the Committee on the Judiciary.

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

A bill (S. 5733) granting an increase of pension to Joseph P. Owen;

A bill (S. 5734) granting an increase of pension to Samuel D. Willard;

A bill (S. 5735) granting an increase of pension to James P. Rush;

A bill (S. 5736) granting an increase of pension to Henry E. Spring (with accompanying papers);

A bill (S. 5737) granting an increase of pension to P. J. Osterhaus (with accompanying papers);

A bill (S. 5738) granting an increase of pension to William Kepler (with accompanying papers); and

A bill (S. 5739) granting an increase of pension to Walter Eckel (with accompanying papers).

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

A bill (S. 5740) to remove the charge of desertion from the military record of John Heinrich;

A bill (S. 5741) to remove the charge of desertion from the military record of Jeremiah Morgan; and

A bill (S. 5742) to remove the charge of desertion from the military record of Lewis Keaton (with accompanying papers).

Mr. SHOUP introduced a joint resolution (S. R. 154) recognizing the gallantry of Edward O'Flaherty at the battle of San Juan; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER (for Mr. McMILLAN) submitted an amendment, providing that hereafter all deaf mutes of teachable age, of good mental capacity, and properly belonging to the District of Columbia, shall be received and instructed in the Columbia Institution for the Deaf and Dumb, their admission thereto being subject to the approval of the Superintendent of Public Schools, intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also (for Mr. McMILLAN) submitted an amendment, proposing to appropriate \$7,000 for paving Twentieth street from Woodley road to Cincinnati street, and \$10,000 for grading and macadamizing Woodley road from Connecticut avenue, extended northward, to Cathedral avenue, intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. KENNEY submitted an amendment proposing to increase the appropriation for improving Smyrna River, Delaware, from \$5,000 to \$15,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$225,000 for the purchase of land on Cushings Island, Portland Harbor, Maine, and providing that no part of this sum shall be expended until a valid title to the same shall be acquired, intended to be proposed by him to the fortifications appropriation bill; which was ordered to be printed, and, with the accompanying maps, referred to the Committee on Appropriations.

Mr. BUTLER submitted an amendment proposing to appropriate \$100,000 for improving Cape Fear River, North Carolina, between Wilmington and Fayetteville, with a view of obtaining a channel of a minimum depth of 8 feet between said points, and authorizing the Secretary of War to enter into contracts for such materials and work as may be required to prosecute the project, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate \$3,000 for grading, regulating, and macadamizing Trenton street, in Petworth subdivision, from Brightwood avenue to Eighth street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER submitted an amendment proposing to appropriate \$149,571.08 for the purchase of lands lying within the

Observatory circle, as established by the joint resolution of August 1, 1894, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate \$60,000 for the improvement of the Menominee River, Michigan and Wisconsin, in accordance with the report submitted in House Doc. No. 419, Fifty-sixth Congress, first session, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

THE GEOLOGY OF THE PHILIPPINE ISLANDS.

Mr. LODGE. I submit a resolution, for which I ask present consideration.

The resolution was read, as follows:

Resolved, That there be printed 2,000 copies of the report on The Geology of the Philippine Islands, as compiled by Mr. George F. Becker, of the Geological Survey, of which 1,000 copies shall be for the use of the Senate and 1,000 copies for the use of the War Department.

The PRESIDENT pro tempore. Has the Senator from Massachusetts any idea as to the cost of this printing?

Mr. LODGE. I will state that Mr. Becker's report is printed in the report of the Director of the Geological Survey. This printing will cost very little. It is merely striking off 2,000 extra copies. It is a mere reprint, printing it separately instead of in the large volume. The War Department asks for it.

Mr. COCKRELL. Let the resolution be again read.

The Secretary again read the resolution.

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

The resolution was considered by unanimous consent, and agreed to.

A. MABINI.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

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

Resolved, That the Secretary of War be, and is hereby, directed to inform the Senate whether A. Mabini, a citizen of the Philippine Islands, has been deported to Guam or any other place as a political prisoner; and if so, for what offense, together with all papers on file in relation to the matter.

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

The resolution was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 13575) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

INDEBTEDNESS OF OSAGE INDIANS.

Mr. PLATT of Connecticut. I move that the bill (S. 4253) to provide for ascertaining the indebtedness of certain Osage Indians to the traders at the Osage Agency, and for making payments upon such indebtedness, be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

JOHN WALKER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of an urgent private pension bill. It is the bill (H. R. 11768) granting an increase of pension to John Walker.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Walker, late of Company B, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HEARINGS ON RIVER AND HARBOR BILL.

Mr. FRYE. I have been instructed by the Committee on Commerce to state that the committee will still further hear Senators to-morrow morning at half past 10 o'clock on the river and harbor bill.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Senators will please take notice.

PROMOTION OF COMMERCE AND INCREASE OF TRADE.

Mr. DEPEW. Mr. President, I desire to give notice that I wish to address some remarks to the Senate to-morrow after the morning hour upon the bill known as the ship-subsidy bill.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the following acts:

- An act (S. 1240) granting a pension to Samuel Nichols;
- An act (S. 1588) granting a pension to Eva Clark;
- An act (S. 2305) granting a pension to Eliza D. Pennypacker;
- An act (S. 2767) granting a pension to Nellie L. Parsons;
- An act (S. 2777) granting a pension to Benjamin F. Trapp;
- An act (S. 3342) granting a pension to Samuel Dornon.
- An act (S. 3574) granting a pension to Julia Van Wicklen;
- An act (S. 3624) granting a pension to Henry K. Davis;
- An act (S. 3642) granting a pension to Augustus R. Rollins, alias Rhenault A. Rollins;
- An act (S. 3729) granting a pension to Prudence Reamer;
- An act (S. 4128) granting a pension to Hester A. Phillips;
- An act (S. 4191) granting a pension to Anna E. Littlefield;
- An act (S. 4261) granting a pension to Frances M. Cellar;
- An act (S. 415) granting an increase of pension to John Ropp;
- An act (S. 823) granting an increase of pension to Brice Davis;
- An act (S. 946) granting an increase of pension to Stephen Johnson;
- An act (S. 952) granting an increase of pension to Francis M. Porter;
- An act (S. 993) granting an increase of pension to Edwin S. Anderson;
- An act (S. 1246) granting an increase of pension to Charles A. Perkins;
- An act (S. 1280) granting an increase of pension to Alfred Hering;
- An act (S. 1282) granting an increase of pension to Thomas G. Huff;
- An act (S. 1463) granting an increase of pension to Jasper Pitts;
- An act (S. 1627) granting an increase of pension to George B. Hayden;
- An act (S. 1775) granting an increase of pension to Andrew J. Arnett;
- An act (S. 2333) granting an increase of pension to James Osborn;
- An act (S. 2486) granting an increase of pension to Susan Daniels;
- An act (S. 2753) granting an increase of pension to David H. Morly;
- An act (S. 2755) granting an increase of pension to Isaac N. Cissna;
- An act (S. 2819) granting an increase of pension to Henry Van Gelder;
- An act (S. 2827) granting an increase of pension to Cornelius Shroder;
- An act (S. 2834) granting an increase of pension to Anna E. Cluke;
- An act (S. 2954) granting an increase of pension to Elam Kirk;
- An act (S. 3079) granting an increase of pension to William Oliver;
- An act (S. 3137) granting an increase of pension to Lunsford Ellis;
- An act (S. 3223) granting an increase of pension to William R. McMaster;
- An act (S. 3440) granting an increase of pension to George W. Harrison;
- An act (S. 3512) granting an increase of pension to Samuel Schutz;
- An act (S. 3517) granting an increase of pension to Adam Velten;
- An act (S. 3522) granting an increase of pension to Eben E. Pushor;
- An act (S. 3954) granting an increase of pension to Caroline Z. Repetti;
- An act (S. 3991) granting an increase of pension to Sylvester Solomon;
- An act (S. 4105) granting an increase of pension to John Coombs;
- An act (S. 4212) granting an increase of pension to Edyth M. Muck;
- An act (S. 4241) granting an increase of pension to William T. Gratton;
- An act (S. 4288) granting an increase of pension to Elizabeth Brooks;
- An act (S. 4296) granting an increase of pension to Frances E. Childs;
- An act (S. 4420) granting an increase of pension to James Irvine;

An act (S. 4548) granting an increase of pension to Albert A. Roberts;

An act (S. 4552) granting an increase of pension to Joseph Smith;

An act (S. 4553) granting an increase of pension to Benjamin Rippleman;

An act (S. 4555) granting an increase of pension to Stephen Longfellow;

An act (S. 4557) granting an increase of pension to Lucy E. Danilson;

An act (S. 4742) granting an increase of pension to Jesse F. Gates;

An act (S. 4771) granting an increase of pension to Gilbert F. Colby; and

An act (S. 2110) restoring the pension of John R. McCoy.

INDIAN APPROPRIATION BILL.

Mr. THURSTON. Mr. President, under the direction of the Committee on Indian Affairs, I ask unanimous consent to take up the Indian appropriation bill.

Mr. GALLINGER. I do not object to giving consent, but I wish to give notice that at the conclusion of the Indian appropriation bill I shall ask the Senate to consider the pension appropriation bill, which is now on the Calendar.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes; which had been reported from the Committee on Indian Affairs with amendments.

Mr. THURSTON. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the Committee on Indian Affairs be first considered.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none. It is so ordered.

Mr. PETTIGREW. I should like to have the report read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. THURSTON on the 22d instant, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 12904) "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes," beg leave to report that they have had the same under consideration for some time past; that hearings were given to all persons interested in special provisions proposed for the bill, and that after careful attention having been given to all the matters involved, report the bill back with the amendments noted, and recommend that the bill do pass.

The bill, as it came from the House, carried \$8,995,526.00, to which your committee has added approximately \$875,000, the main items of which are included in the following:

Commission to the Five Civilized Tribes (Dawes commission).....	\$300,000.00
For survey and preliminary work for a dam across the Gila River on the San Carlos Indian Reservation, Ariz.....	100,000.00
Capitalizing the annuities of the Chickasaws, Senecas, Eastern Shawnees, and the Six Nations of New York.....	243,800.00
The erection of an industrial school at Mandan, N. Dak.....	50,000.00
For payment to the heirs of Albert Pike.....	75,000.00
Puyallup Industrial School, Oregon.....	71,600.00
Omaha Indian Supply Depot.....	8,000.00
Fire patrol on Red Lake and White Earth Reservation, Minn....	4,320.00
Balance due merchants of Cloquet and Fond du Lac, Minn.....	2,856.11

These items, in a large measure, show the increases that your committee believes to be necessary in this bill.

The question of the capitalization of the annuities of Indian tribes is a matter that has been seriously considered for some time, not only by your committee, but by the Secretary of the Interior and Commissioner of Indian Affairs as well, and believing that such a departure should be inaugurated as will definitely fix the amount due each tribe under the provisions of treaties providing for annuities, your committee has thought it best to capitalize the annuities due the tribes of Indians designated in the bill.

In the matter of the appropriation of \$300,000 for the Dawes commission your committee had the benefit not only of the presence of the acting chairman of the commission but of a detailed statement of what has been accomplished by said commission and also what is contemplated for the future. In a former report your committee set forth its views in regard to the matter of bringing to a speedy termination the work of said commission, and continuing to hold the same views, your committee has deemed it advisable to continue the work along the lines set forth by the commission itself in the itemized statement which is made a part of this report.

In the matter of the dam across the Gila River at the San Carlos Indian Reservation, in the Territory of Arizona, your committee has been guided by the statements of many who have been on the ground and are in a position to know the conditions, and by the testimony of the chief hydrographer of the Geological Survey, taken before the subcommittee.

There are a number of new provisions in the bill which your committee believes essential for the betterment of the Indian service, particularly those items which were suggested by the Secretary of the Interior, born of his experience in supervising the conduct of the Indian Department.

Your committee further believes that the Indian schools of the country should be made as efficient as possible, and that wherever additional facilities

are needed the Department of the Interior should be enabled to provide them, and your committee has acted on that idea in providing funds for that purpose.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, under the head of "Current and contingent expenses," on page 1, line 12, to increase the number of agents of Indian affairs from 44 to 46.

Mr. THURSTON. I ask that that amendment be passed over. There may be some change made in it.

The PRESIDENT pro tempore. The amendment will be passed over, without objection.

The next amendment was, on page 3, after line 20, to insert:

At the Lemhi Agency, Idaho, \$1,200.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

At the Mission Tule River Agency, Cal., \$1,600.

The amendment was agreed to.

The next amendment was, on page 4, line 19, to reduce the appropriation for the salary of the Indian agent at the Ponca, Pawnee, Otoe, and Oakland Agency, Okla., from \$1,500 to \$1,200.

The amendment was agreed to.

The next amendment was, on page 5, line 3, to increase the appropriation for the salary of the Indian agent at the Santee Agency, Nebr., from \$1,200 to \$1,500.

The amendment was agreed to.

The next amendment was, on page 5, line 24, to increase the total appropriation for the salaries of agents of Indian affairs from \$70,800 to \$73,600.

The amendment was agreed to.

The next amendment was, on page 6, line 18, before the word "Indian," to strike out "eight" and insert "ten;" in line 20, after the word "works," to insert:

And two of whom shall be exclusively employed to investigate and report upon the condition of Indians upon reservations, their degree of civilization, the advisability of reducing the size of their reservations, the propriety of commuting their annuities, and to report upon the character of the reservations, the area used by the Indians and the areas needed for their use, whether the reservation is composed of mineral or agricultural lands, and the area of mineral land.

On page 7, line 5, before the word "thousand," to strike out "twenty" and insert "twenty-five;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That the Indian inspector who may be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year 1901, and so long as he shall remain on duty in said Territory.

So as to make the clause read:

For pay of ten Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, and two of whom shall be exclusively employed to investigate and report upon the condition of Indians upon reservations, their degree of civilization, the advisability of reducing the size of their reservations, the propriety of commuting their annuities, and to report upon the character of the reservations, the area used by the Indians and the areas needed for their use, whether the reservation is composed of mineral or agricultural lands, and the area of mineral land, at \$2,500 per annum each, \$25,000: *Provided*, That the Indian inspector who may be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year 1901, and so long as he shall remain on duty in said Territory.

The amendment was agreed to.

The next amendment was, on page 7, line 12, before the word "Indian," to strike out "eight" and insert "ten;" in line 20, before the word "thousand," to strike out "twelve" and insert "sixteen;" and in the same line, after the word "thousand," to strike out "eight hundred;" so as to make the clause read:

For traveling expenses of 10 Indian inspectors, at \$3 per day, when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, \$16,000.

The amendment was agreed to.

The reading of the bill was continued to line 7, on page 8.

Mr. BUTLER. Under the paragraph just read, making appropriation for superintendent of Indian schools, I should like to ask the chairman of the committee what provision of law, if any, there is for the protection of the Government as to the kind of persons who attend the Indian schools. This is an appropriation bill. I suppose there is, of course, a statute law governing it. There is nothing in the bill that I see.

I have had occasion to visit some Indian schools, and I was very much surprised to see educated at Government expense—taken care of liberally, as the Government has taken care of the wards of the nation—a large number of students who did not appear to me to be Indians, and who, I am satisfied, were not Indians and have no business in Indian schools, unless specifically by law we

have provided that any persons with any amount, however small, of Indian blood in his veins is entitled to attend. I should like to know just how much Indian blood entitles a child to attend one of these schools.

Mr. THURSTON. Mr. President, there is no provision in this bill on that subject, for the very good reason that it is an appropriation bill, and provisions such as the Senator refers to would be matters of general legislation. As to the character of pupils who attend the Indian schools, that is all regulated by law or by rules of the Department. They receive no pupils except such as are recognized under the laws and by the tribes as Indians.

Mr. BUTLER. Does the law provide that the tribes shall designate who shall attend?

Mr. THURSTON. I think we have no law as to the designation of the pupils who shall attend. We provide schools for the Indians, and under the rules of the Department we accept no pupils except such as are by law and custom recognized as Indians.

Mr. KYLE. Those entitled to annuities.

Mr. BUTLER. What I wanted to know was just what provision of law would allow such pupils as I have seen in Indian schools to get in there and be supported at the expense of the Government. Evidently there are many there who ought to be supported by individuals.

Mr. THURSTON. In many of the tribes of this country, notably in the Indian Territory, there are hundreds and thousands recognized as members of the tribe and who have been adjudged by the court, where the question has been presented, to be members of the tribe, who apparently are as free from Indian blood as many of our white citizens. But my understanding is that the courts of this country, whenever they have been appealed to, have decided that any descendant of an Indian, member of a tribe, remaining with the tribe, keeping up the tribal relations, is an Indian under the law.

Mr. BUTLER. Then do I understand that the law restricts those who shall attend to those who are recognized by the tribe, and keep up tribal relations, and are vouched for by the tribe?

Mr. THURSTON. Or the children of Indians recognized as such under the law, who have taken their lands in severalty. But it is confined to Indians. There are no white pupils received in any of the schools, who are white in the sense that they are not Indians under the law, no matter what the color is. It is very much like the general term that we apply to the negro. The negroes are generally recognized as those who have negro blood, and the laws recognize Indians who have Indian blood as Indians, unless, of course, they have entirely separated from their tribe, gone out and taken up their residence elsewhere and severed all their tribal relations. When they do that, they are no longer recognized as entitled to the benefit of school privileges.

Mr. BUTLER. I do not understand that we legislate for the benefit of the Indians just as we would legislate for the negro or any race of people and consider them in the same relation, but we are legislating for them in their tribal relations or on account of some peculiar debt that we owe them for lands taken by the Government. Seeing the varied colors, the peculiar complexions, straight hair, and apparently white children in these schools, I took some pains to inquire how they could be there, first from the officers of the school, next from persons in the village and around, and I was satisfied from what I learned from various sources that there are persons, and a great many, in these schools who have no business there under the law designating who shall attend. While I have not examined the law, I was so informed by parties who seemed to be familiar with the matter.

Now, while that is a matter of statutory regulation or departmental regulation, and, as the Senator says, general legislation is not admissible on an appropriation bill, or rather is subject to a point of order, yet, if the law is being violated, I take it that it is a very opportune time, when an appropriation bill is under consideration appropriating the public money, and for a use not contemplated by the law, to call attention to that abuse. I submit further that it would be entirely proper in such a bill to direct how the money shall be used, or to provide for the investigation of this abuse.

I should like to ask the Senator if he has not before had his attention called to the class of persons who attend the Indian schools, and to the fact that the matter is largely abused.

Mr. THURSTON. I will say that this is the first time my attention or, so far as I know, the attention of the Committee on Indian Affairs has ever been called to a suggestion that there was any abuse in the school privileges. We can not class our Indians by their general appearance. A great many of the tribes in the Indian Territory lived for a century or more in some of the Eastern States, many of them in North Carolina. They have emigrated to the Indian Territory, and have been treated as Indians. It is true that there are all sorts and shades of color among them.

Mr. BUTLER. Perfectly straight hair and white skins?

Mr. THURSTON. Many of them. In an Indian wigwam, with a squaw mother—certainly an Indian in appearance—I have seen

papooses with red hair. I do not suppose we could exclude those children, when they grow up, from our school privileges because they have red hair. I have seen them with very white faces; I have seen them with straight hair; and, in many instances, I have seen such children with Indian mothers who showed every trace of Indian ancestry.

Mr. BUTLER. This very statement made by the Senator—

Mr. PLATT of Connecticut. Will the Senator from North Carolina allow me one word?

Mr. BUTLER. Certainly.

Mr. PLATT of Connecticut. I think it is true that no children have been admitted to Indian schools except those recognized by the tribes as children of persons belonging to the tribes. The United States has never undertaken to settle that question, but has left to the tribes themselves to determine who are members of the tribes. I inquire of the chairman of the committee if that is not so?

Mr. THURSTON. I so understand.

Mr. BUTLER. My understanding is that a majority of those who graduate at the Indian schools are practically white people. I certainly got that impression from visiting schools where such seemed to be the case.

The statement made by the chairman of the committee as to the kind of persons that he has seen who are recognized as Indians shows how easy it is to abuse the law, even though there are Indians who look like white people, though legally they are Indians.

Mr. KYLE. Will the Senator from North Carolina permit me to ask him a question?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from North Carolina yield to the Senator from South Dakota?

Mr. BUTLER. Yes.

Mr. KYLE. By what rule do you determine when a man is colored?

Mr. BUTLER. We have various rules down South. We have no difficulty in settling that question there.

Mr. KYLE. Is a man who has any colored blood in his veins considered a colored man?

Mr. BUTLER. The same question was raised by the chairman of the committee, and I endeavored to state the difference. We are not legislating here much upon racial lines, but we are legislating as to certain persons who are called wards of the nation and giving them certain advantages on account of the debt we owe them, I suppose. The question is, Who is entitled to be admitted in those schools?

Mr. KYLE. What proportion of Indian blood would determine the question as to whether those children should have the advantages of Government education?

Mr. BUTLER. If they have ninety-nine one-hundredths white blood and one one-hundredth Indian blood they seem to be entitled to have those advantages. The question is, Should persons of that kind be entitled to attend these schools and be educated at the public expense when there are no doubt persons of ample means whose legal duty it is to educate them and look after them, instead of using the Government schools as a dumping ground for such people?

That is the idea I got from a number of well-informed and reputable persons around some of the Indian schools. If the information given me is true, it is an abuse, and a shameful abuse, which needs investigation; and that is why I asked the question of the Senator.

Mr. THURSTON. I suggest that if the Senator, when he discovered this seeming abuse, had brought the matter to the attention of the Senate by bill or otherwise, the Committee on Indian Affairs would have very gladly taken up the investigation; but there never has been a suggestion, so far as I know, from any official source or to any official body that the privileges of the Indian schools have been abused by those who administer Indian affairs.

Mr. TELLER. Mr. President—

Mr. BUTLER. I have not yet yielded the floor, Mr. President, but I will yield in a moment.

Mr. TELLER. Very well.

Mr. BUTLER. Reverting to the suggestion made by the chairman of the Committee on Indian Affairs [Mr. THURSTON], that it was my duty to bring this information before the committee by bill or otherwise, I wish to state that it never occurred to me that the committee had never received such information, for, from the way I picked up the information around the schools, I supposed it was impossible for it not to have reached the committee or members of the committee; and I supposed there must have been some investigation or some regulation regarding it, and that those cases must have been rather an exception. It occurred to me while this bill was under consideration that it was proper to ask what information the committee had upon the subject and what they had done regarding it. I am very much surprised to learn that no

information has come to the committee on the subject. I feel that I have discharged my duty in calling attention to it at this time; and I may have occasion to say something more about it later on.

Mr. TELLER. Mr. President, I do not know to what school the Senator from North Carolina made reference. I myself have had some acquaintance with this subject for the last twenty-odd years, in fact ever since the system was inaugurated. I know the rule has been invariable in the Department to take into the Indian schools only those who had tribal relations. There has been no such thing—and I will venture to say the Senator can not find a case—where a child having no tribal relations has ever been put into those schools. That is the very first thing to be inquired into.

You can not tell whether the pupils are Indians, from their color. I visited an Indian school, maintained by the Cherokee tribe in the Indian Territory, and I will venture to say that three-fourths of the attendants were whiter than I am, and bore no more evidence of Indian blood than I do to-day. I think the former chairman of the Committee on Indian Affairs—the Senator from Arkansas [Mr. JONES]—will bear me out in the statement I have made. He has been down in that country, and knows that there are a great many persons there who, to all intents and purposes, are white people.

Mr. JONES of Arkansas. I have seen them with freckled faces, blue eyes, and red hair.

Mr. TELLER. So long as they are recognized by the tribe as entitled to participate in the property of the tribe and to share in the benefits of any treaty we may have with the tribe, we treat them as Indians, and we must do so.

I was very much surprised while in the Indian Territory a few years ago to meet some very intelligent young ladies who I supposed were white girls. Later I found they were Indians. They were teachers in the normal school. We find more or less people of that class all through that country.

There are very few Indian families anywhere that do not maintain their tribal relations. Even up in New York State, where the Indians have been living for one hundred and fifty or two hundred years in the very midst of white civilization, they maintain their tribal relations. You need not be surprised when I say that many of them are to all intents and purposes white people, but still they are classed as Indians.

I do not believe there has ever been anywhere any abuse of the privileges of the Indian schools by white people, who it was not intended should be entitled to admission to these schools. I have been so closely connected with many of the large schools in one way or another that I think I can speak with great positiveness on that subject. We have two Indian schools in Colorado, where there are, of course, some practically white children, but they are children whose parents maintain their relations with the tribes to which they profess to belong.

Go to Carlisle, and you find the same thing. You will find children who are white, whose fathers were white and whose mothers were Indians; but under the Indian law they are Indians. They inherit property like Indians; they are entitled to all the benefits which the Indians receive, and they need the school just as much as do the dark or copper-colored Indians themselves.

Mr. PETTIGREW. Mr. President, it seems to me there is an abuse in this connection that ought to be corrected. While the statement made by the Senator from Colorado [Mr. TELLER] is true, still most of the members of the graduating classes of the schools I have visited are white people, red-headed girls and boys, so white that it would be impossible from seeing them to tell that there was any trace of Indian blood in them. The graduating classes are composed of this character of students.

Under our law, of course, the status of an Indian child follows that of the father. If the father is a citizen, the child is a citizen. The Interior Department has decided this question. When Indians maintain their tribal relations, however, the Indians have conferred upon the people of white blood who married into the tribe membership, so that the old French trappers who traveled throughout the frontier became by tribal rule members of the Indian tribes, and a great many of those people were incorporated into the Sioux tribes in that way.

Although our local courts have decided and the Interior Department has decided that the children of those men who are citizens of the United States are also citizens of the United States, still the Government is educating those children. White men marry squaws who are part white, and so the Indian blood fades out and almost entirely disappears. Their children are more easily educated and make better progress than the others, and every school is anxious to get them so as to make a good showing. They are sought for by the superintendents of the schools, but they are Indians under the law. We educate them as Indians, and we are spending immense sums of money upon them.

Mr. PLATT of Connecticut. Will the Senator allow me a moment?

Mr. PETTIGREW. Certainly.

Mr. PLATT of Connecticut. The Senator has been pretty diligent, I think, in getting Congress to locate new schools among the Indian tribes upon the theory and claim that there were not enough school facilities for the education of all the Indian children. Perhaps, if his contention is to be adopted, we might do away with some of the schools that have been established upon his request.

Mr. PETTIGREW. Oh, Mr. President, it is not every day that the Senator from Connecticut becomes humorous or makes a speech for fun, but I think on this occasion he has trespassed on that ground and made an effort, at least, in that direction.

The fact of the matter is that the full-blooded Indian children are not particularly anxious to go to school and their parents do not want them to go; while, of course, a white man living upon a reservation, having a squaw for a wife, and a half-breed family, is anxious to have his children go to school, and they go. It is easier to educate them, they are better students, and make a better showing than do the others; and the superintendents are anxious to get such children to the exclusion of the full-blooded Indian children; but the school facilities are not equal to the number of Indian children.

I think myself that the practice of building Indian schools or conducting Indian schools in the East is a pernicious one. I do not believe that the reservation schools are the best. I think the nonreservation schools are the best. We perhaps have more boarding-school facilities than are necessary, because, it seems to me, we should give to the Indian a practical education rather than undertake to educate him in the higher branches.

I think we should abolish the Carlisle school and educate the children who are there in the country and in the climate where they are to live; or, if we continue the school, we should never return the Indians to their tribes. That would be a good policy. I do not believe you can bring children from Arizona, from the Dakotas, or from New Mexico to Carlisle, Pa., and educate them to their advantage, unless it is desired that their health shall be undermined by the moist climate and by the different conditions which surround them. The Indians of Arizona live in a rainless country, and their children do not know how to guard themselves against a damp climate like that of Pennsylvania.

I do not care to go into any general discussion of Indian education, except to say that I believe the whole system ought to be overhauled and carefully investigated, and that the Government of the United States should stop educating those children who are citizens, or whose parents are citizens. That system should be wiped out, and a law should be enacted excluding them from the Government schools. We are expending millions of dollars a year without any particular policy upon a system of education that has been built up a little at a time, without mature and careful consideration, until, as it seems to me, a great abuse has crept in as to the education of thousands of children whose parents are citizens and who have no right to this bounty on the part of the Government.

Mr. THURSTON. Mr. President, I only wish to say, as Carlisle school has been referred to, that, I imagine, is a school where we might look for the whitest blood of the Indian people among the scholars. I have visited that school, and while there are all shades of color and all kinds of hair, some of it straight, some of it curly, and some of it red, I do not believe there is one pupil out of a hundred in that school but what casual observation would convince one was a child of Indian blood.

I know, Mr. President, that ever since the races have come into contact the women of the darker blood have had to bear the white man's burden, but I do not know that that is any reason why we should refuse to take care of the children of Indian women.

Mr. BUTLER. Mr. President, the Senator from Colorado [Mr. TELLER], who is recognized as an authority on any subject on which he essays to speak, said with great positiveness that he did not believe this law had ever been abused. He may be right, and I may be wrong. I asked the question I did of the chairman of the committee merely for information. I know what I saw; but I want to know whether or not the law authorizes that. If you can see a school which is apparently a white school, with an exception here and there of an Indian or a half-breed, a school whose pupils have the general appearance to a casual observer of being white—if it is the purpose of the Government to run schools of that kind as Indian schools, and the law provides for them, then it may be, except in a few cases, that the law is not violated; but still that does not remove the fact that we are not educating what are generally known as Indians, for it is an exception when you find an Indian. We are educating half-breeds. We are educating persons whom nearly all of us would take for white if we should meet them on the road. When I first met walking on the road three pupils at one of these schools, I said: "What are these children doing here? They are white." But it was said to me: "No; they are Indian pupils here."

Mr. TELLER. Where was that?

Mr. BUTLER. The school I happen to refer to, where I met

three of the whitest children I had ever seen, was at Flandreau, S. Dak., out on the circular walk in front of the school. The Government has spent a great deal of money there. I happened to be visiting that particular school, and the first person I met I asked what those three children were doing on those grounds, for I had no idea they were Indians, and I was visiting an Indian school.

It may be that the purpose of the Indian Committee, of Congress, and of this legislation has been to educate people of that kind. If so, the law is not being violated; but that is the kind of people we are educating, and not educating Indians.

Mr. SCOTT. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from West Virginia?

Mr. BUTLER. Yes.

Mr. SCOTT. Does not the Senator from North Carolina think that it would be a good thing, even if the children are of mixed blood, to educate them? Is not an educated half-breed or quarter-breed better than an uneducated one?

Mr. BUTLER. I am in favor of educating everybody who is among us and who has got to be a citizen; but the Government is usually liberal in its expenditures for the Indians, I suppose, in the way of owing a debt of gratitude, which it seems we owe to the Indians for the wrong we may have done them, if we have done them any wrong. We lay out great amounts of money. It looks like a great conscience fund piled up when you look at the Indian schools and the number of Indian children being there educated.

If we want, out of sentiment or out of a sense of debt or of obligation, to educate the Indians, I will go as far as any Senator, even in voting money extravagantly for that purpose, and in keeping up their separate schools; but as to those who have no right to be there as Indians, there are other avenues open. They can be educated in the common schools, the local schools, as the children of our citizens are educated. This practice has the appearance to me, as I said before, of making the Indian schools a dumping ground for certain persons who ought to be cared for by somebody else, and who are put there at the Government expense. I may be mistaken in this, but that is the way it impresses me.

Mr. TELLER. I want to say a word about the Carlisle school. While there are a great many apparently white children there, I will venture to say that 90 per cent of the children who go into that school can not speak a word of English when they go there. There are 400 and some odd children in the Indian schools in Colorado, and I will venture to say when they first went to those schools all of them were unable to speak a word of English. Some of them are pretty fairly white, but they are Indians absolutely, as much so as blanket Indians, and most of them are blanket Indians.

I said with great positiveness that there has not been any abuse of the law in this respect, and I repeat the statement. While I was connected with the Indian schools there could not have been any abuse of their privileges without my knowledge, and I do not believe such abuse could occur now except in the rarest case. It would be an exceptional case, and could not have any special influence on these Indians. An Indian may have a white father, but he is an Indian nevertheless. Under the Indian law and by our treaties we have always treated the children of an Indian mother as Indians, entitled to participate in all the interests the Indians have, and they are brought within the purview of every law touching Indians, and we protect those people from the evils of liquor selling just as we would if they had no white blood at all in their veins. The Indians always inherit through the mother, as the great majority of aboriginal or savage people always do. I think when a child goes to an Indian school the test applied to him should be, "Is he an English-speaking or is he an Indian-speaking child?" In a few instances in the Indian Territory there might be some children speaking English, but never from what we call the wild tribes.

Mr. President, the Senator from South Dakota [Mr. PETTIGREW] seems to think that the white children are superior to the Indian children. They are not. The Indian children in all of the Indian schools have shown just as much ability as white children of the same age. To-day we have at the Carlisle school Eskimo children who have no white blood in their veins and no white training. They stand at the head of all the Indian children and of the half-breed children, or whatever you may choose to call them, in that school. They are as capable and as bright as any class of Indian or white children of the same age on the continent. I state that as an absolute fact. I know this is different from what is generally supposed to be the case—that is, that the Eskimo are very low in intellect; but, on the contrary, they are as capable of advancement and progress as any other people, and I think rather more so than the great majority of Indians in this country.

Mr. BUTLER. I had occasion last summer to visit one or more Indian agencies, and I happened to be at one on pay day, or rather

I made it a point, as it was convenient, to go and see the Indians gather and get their money from Uncle Sam. I was shown a little house not far from the Indian agency, where I was told large amounts of Indian money went, it being lost in a gambling den. I was told of this. I did not go to it. I want to know from the chairman of the committee if there is any provision of law prohibiting the establishment of gambling dens around Indian agencies or for the protection of the Indians, so as to prevent sharpers from fleecing them out of their money? I do not suppose we are paying this money to the Indians to make them an avenue for its distribution, but we are supposed to be paying it to them for their benefit and their good. If they are wards of the nation, as we are in the habit of referring to them, it seems to me that at least we ought to remove from them the temptation to lose their money before they get out of sight of the Indian agencies where it is paid to them. I should like to ask the chairman of the committee if the attention of the committee has ever been called to this matter, and if there is any law or regulation regarding it?

Mr. THURSTON. There is neither permission for such a thing nor is there on any Indian reservation in the United States a place where liquor is sold or where gambling is carried on. I think I am safe in making that broad statement.

Mr. BUTLER. How near the reservation can such an establishment be located?

Mr. THURSTON. The jurisdiction of the United States ceases at the limit of the reservation. The white man can establish any kind of business which the States or Territories permit up to the line of an Indian reservation, and Congress can not help it.

Mr. BUTLER. If I may judge by the eye, the building which was pointed out to me as a gambling den was just over the gulch from the Indian agency, at the edge of Red River Valley. There was the gulch, and just over on the other side, as it appeared to me—not beyond a stone's throw from the agency—was the building to which I refer. I did not inquire specifically where the Government reservation stopped, but it struck me as an unseemly thing for this building to be there where you could stand at the door of the agency and see it, I think, within a stone's throw.

There certainly should be some arrangement before these agencies are established in the States to prevent things of this kind happening, and surely the Government could make some suitable arrangement. We expend millions so as to protect the Indians, and we ought not to have gambling going on right under the nose of the Government agent.

Of course the Government can not prevent the Indian from gambling when he gets his money; it can not prevent him going to town and getting drunk, as, I regret to say, so many of them do, and that very afternoon in going to a near town I met numbers of the Indians going back to the agency very drunk. They had gone straight to the nearest town to spend their money; so I suppose there was no whisky at the gambling den to which I refer; but it did seem to me to be an unseemly thing to have this gambling den right under the nose of the Indian agent. Surely the Department, without Congressional action, could make some arrangements to prevent such a thing as that.

The general statement, of course, I take it is true that the chairman of the committee knows there is no gambling on the reservations, and that beyond their limits the Government is powerless. But does the chairman mean to say that it would be impossible for the Government to protect them or that there is no way by which we could prevent gambling dens from being established near an agency; that the Government could not refuse to establish an agency there, if it could not get jurisdiction farther, or that it could not condemn land that seemed to be a barren hillside and valueless, so as to extend the nuisance a little farther from the agency?

Mr. SCOTT. I suggest that the Senator introduce a bill to prevent it.

Mr. BUTLER. Oh, Mr. President, it is easy enough to introduce bills. It is another thing to follow up through both Houses a small bill in which nobody is especially interested. Everybody's business is nobody's business. We are constantly having our experience about bills that we are very much interested in or that a certain portion of the people of a State are interested in, and know the difficulty of getting them through the other House. The committee that has charge of this question, which recommends the appropriation of all this money, it seems to me, is the appropriate committee to investigate the matter and itself to recommend some action. It seems to me that the committee should receive the suggestion not grudgingly or with disapproval, but, while regretting it was so, would be glad it was called to their attention; and it is certainly not inappropriate to call attention to it when we are now appropriating money to pass through these very agencies to go to the gambling dens a few hundred yards from them.

Mr. THURSTON. I would suggest, if the Senator found such a state of affairs existing on an Indian reservation or at the agency, that the proper thing for him to have done would have been to call the attention of the Department to it, and to ask that depart-

mental action be taken, if any could be, to remedy the difficulty. I have no doubt that if the Department knew that an agency was so located, that gambling houses were established on outside property close to the agency, they would most cheerfully remove the agency to some farther point.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 9, line 1, after the word "dollars" to insert "of which sum an amount not to exceed \$300 may be paid for the rent of an office for said commission;" so as to make the clause read:

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the act of April 10, 1869, \$1,000, of which sum an amount not to exceed \$300 may be paid for the rent of an office for said commission.

The amendment was agreed to.

The next amendment was, on page 9, line 5, after the word "stockmen," to insert:

To be appointed from the State or Territory where they are to be employed, and subject only to such examination as to qualification as the Secretary of the Interior may prescribe.

So as to make the clause read:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen, to be appointed from the State or Territory where they are to be employed, and subject only to such examination as to qualification as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding \$65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, \$65,000.

The amendment was agreed to.

The next amendment was, under the head of "Fulfilling treaty stipulations with and support of Indian tribes," on page 10, line 22, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Chickasaws, to draw interest at the rate of 5 per cent per annum from July 1, 1901, the sum of \$60,000, being in full for the permanent annuity in money or otherwise, as guaranteed to them by the treaty of July 15, 1794.

Mr. PETTIGREW. I supposed when that amendment was agreed to in committee that we were to pay the money to the Indians. I did not understand—

Mr. THURSTON. I will state that there are four of these amendments which are recommended by the Department. In the other three cases, all of them, we do provide for the division and payment of the annuity. The Department thought that we ought to leave this one particular item as it is, in the belief that next year that would also be divided up.

Mr. PETTIGREW. This provision is in lieu of annuities provided for under a treaty heretofore made. I understand they are perpetual annuities, or to continue so long as they remain Indians or maintain a tribal government. Now, the committee have capitalized these annuities at 5 per cent, and find that the cash value of them is \$60,000. I supposed we were going to pay this money to the Indians and close the account. The Chickasaws are very rich people. They have a vast quantity of very fertile land. The Chickasaws have over 1,000 acres of very rich land for every man, woman, and child in the tribe, or 5,000 acres where there is a family of five. They are therefore rich people, and they are largely white people or mixed bloods, and are able to manage their own affairs very well. I think if we commute their annuities this amendment should be changed so as to distribute the money among them in cash and close the account.

If we are going to commute this annuity, I can see no reason why we should put that sum in the Treasury to bear 5 per cent when we can borrow money at 3 or 3½ per cent. Therefore I find no reason why the annuity should be commuted unless we distribute the money and end the matter. I think we ought to commute annuities wherever we can. Instead of holding a vast sum of money in the Treasury upon which we are paying 5 per cent interest it should be given to the Indians. We have eight millions in the Treasury belonging to the Osage Indians, and they, too, have a vast area of very fertile land. Those Indians would be a thousand times better off if the \$8,000,000 were given to them to-morrow, every dollar of it. They would waste it; most of them would fool it away, and when they did they would have to go to work upon the land they have.

Mr. THURSTON. Let me say to the Senator that my recollection was a little at fault about this matter. The Secretary asked that the provision for distribution be added to each clause where the annuities were capitalized, except as to the Chickasaws, where it is not necessary, their funds being paid to the nation and by it distributed. That is the reason why the provision does not appear in this clause. But I would have no objection, and I do not think any member of the committee would, to adding a proviso authorizing the Secretary of the Interior to pay this amount to the Chickasaw Nation.

Mr. PETTIGREW. I move to amend the amendment by striking out the words:

To draw interest at the rate of 5 per cent per annum from July 1, 1901.

Mr. PLATT of Connecticut. The difference between the com-

mutation of the annuities to the Chickasaws and to the other tribes seems to be that we are bound, if we pay the amount in cash which is equivalent to the annuity at a certain rate of interest, to pay it to the tribe and not to individuals. To all the other clauses of this sort there was added at the end a proviso:

And provided further, That the Secretary of the Interior is authorized, in his discretion, to pay the above amount per capita to the Indians entitled thereto.

I should think it would entirely fit this case if we should add:

And provided further, That the Secretary of the Interior is authorized, in his discretion, to pay the above amount to the Chickasaw Nation.

I do not see why that would not fit.

Mr. PETTIGREW. I object to this money being placed in the Treasury to draw interest. If we are going to commute the annuities, let us pay the money to the Indians and close the account. That was the purpose of these four items.

Mr. THURSTON. I suggest that the matter could be met by making the proviso read in this way:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury—

Mr. PETTIGREW. My motion would make it read:

To the credit of the Chickasaw Indians, \$60,000.

Mr. THURSTON. It would read:

The Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Chickasaws, the sum, etc.

And then add:

And provided further, That the Secretary of the Interior is authorized in his discretion to pay the above amount to the Chickasaw Nation.

Mr. PLATT of Connecticut. That will do.

Mr. THURSTON. Strike out the interest provision and add the proviso which I have suggested. I am willing that shall be done.

The PRESIDING OFFICER. The amendment as proposed by the committee has been modified, the Chair understands, so that it meets the approval of the Senator from South Dakota.

Mr. PETTIGREW. That is satisfactory.

Mr. THURSTON. In line 25, after the word "Chickasaws," strike out "to draw interest at the rate of 5 per cent per annum from July 1, 1901."

Mr. SCOTT. What page is that?

Mr. THURSTON. At the bottom of page 10.

The PRESIDING OFFICER. If there be no objection, the amendment proposed by the committee will be modified as suggested by the Senator from Nebraska.

Mr. THURSTON. Then add at the end of the amendment, in line 5, page 11:

And provided further, That the Secretary of the Interior is authorized in his discretion to pay the above amount to the Chickasaw Nation.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. It is proposed to add, at the end of line 5 on page 11, the following:

And provided further, That the Secretary of the Treasury is hereby authorized and directed, in his discretion, to place upon the books of the Treasury to the credit of the Chickasaws—

The PRESIDING OFFICER. The Chair will inquire of the chairman of the committee whether it should be "Secretary of the Treasury" or the "Secretary of the Interior."

Mr. THURSTON. The committee followed the draft furnished us.

Mr. PETTIGREW. The words "in his discretion" should not be in there.

Mr. THURSTON. It should read:

And provided further, That the Secretary of the Interior is authorized, in his discretion, etc.

Mr. PETTIGREW. That is proper. The Secretary of the Interior in his discretion should make the payment.

The PRESIDING OFFICER. The amendment will be changed, in accordance with the wishes of the committee, to read the "Secretary of the Interior" instead of the "Secretary of the Treasury."

Mr. THURSTON. That is in the proviso which I offered.

The PRESIDING OFFICER. The proviso to the amendment. Mr. PETTIGREW. Now, let us have the whole amendment read as modified.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After the word "dollars," in line 23, page 10, it is proposed to insert:

Provided, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Chickasaws, the sum of \$60,000, being in full for the permanent annuity in money or otherwise, as guaranteed to them by the treaty of July 15, 1794: And provided further, That the Secretary of the Interior is hereby authorized and directed in his discretion to pay the above amount to the Chickasaw Nation.

Mr. THURSTON. That is right.

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.

The reading of the bill was resumed and continued to the end of line 23 on page 11.

Mr. PETTIGREW. Here is a provision for a permanent annuity to the Choctaws, under a treaty made ninety-five years ago. Of course it is to continue forever unless it is commuted and paid in cash. It undoubtedly ought to be capitalized and treated as the Chickasaws have been treated. For instance, the next paragraph says:

For permanent annuity for support of blacksmith, per sixth article of treaty of October 18, 1820, ninth article of treaty of January 20, 1825.

That is eighty years ago. What they want with light-horsemen it is hard to tell now. Perhaps they were necessary then, but every Indian bill for years has carried this provision. It seems to me that some authority ought to be had to revise all these matters, taking into consideration the degree of civilization among the Indians and also the degree to which the Indian blood has faded out. All these Choctaws and Chickasaws that we see here are white people. Those who come to Washington could not be distinguished from white people. These tribes are no doubt very largely white bloods. These provisions ought not longer to be continued, and I do not know why some action has not been taken heretofore. However, it was the opinion, I believe, of the Committee on Indian Affairs that we would start this year with four items, commuting the annuities into cash and paying the money to the Indians, and take up some more of them next year.

I simply wish to call attention to the fact for the purpose of emphasizing it at this time. It seems absurd that we should go on year by year with an Indian appropriation bill containing provisions like these. We determined the value of the light-horsemen at \$600 per annum. That was eighty years ago. Whether they are worth more or less, whether there is necessity for any such provision, and what is done with the money are something about which the committee is in the dark. I do not know whether they ever had a light-horseman or whether this money goes to some chief or is pocketed by somebody, so that an individual rather than the tribe gets the benefit of it. The whole Indian bill for years has contained numerous as absurd provisions as these. Each year it has been thought that some correction would be made next year, and so it has gone on. Therefore, I think the step taken by the committee in commuting these four items with regard to the Chickasaws and the others is a wise one, and I hope it will be continued in the future until all these absurd provisions provided in treaties that were made a century ago are blotted out of the bill.

The reading of the bill was resumed and continued to the end of line 12, on page 12.

Mr. PETTIGREW. I should really like to know—I suppose I ought to know, but I do not—whether this item is carried out literally. Do we buy the iron and steel for these Indians for which we appropriate \$320? That provision has been in the Indian bill since almost the foundation of the Government. Of course, at that time, a hundred years ago, or eighty years ago, iron was not so plentiful or easy to get, and the local blacksmith did most of the work. Now everything is changed. Do we deliver these materials to the Indians?

Mr. JONES of Arkansas. The practice, I understand, in every instance, is to give the Indians money in lieu of the iron.

Mr. PETTIGREW. Can the Senator tell me to whom the money is paid?

Mr. JONES of Arkansas. It goes to the authorities.

The reading of the bill was resumed and continued to the end of line 21 on page 13.

Mr. PETTIGREW. I should like to ask the Senator from Minnesota [Mr. NELSON] how long this provision has been in the bill:

For payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation.

How long has that been in the bill, and what is the necessity for keeping it in? Why should an appropriation for the expenses of a delegation of Chippewas to visit the White Earth Reservation be in the bill? Is it a junketing trip?

Mr. NELSON. No.

Mr. PETTIGREW. Or do they go to see their relatives, or what is it for?

Mr. NELSON. I will give the Senator all the information I can on the subject. The Chippewa Indians at White Earth have been in the habit, on their own motion, of sending one or two—sometimes half a dozen—of the leading men down here every winter to look after their interests in Congress and before the Departments. They have come here on their own motion in almost every instance, and after they have stayed here a while they finally appeal to the Department for money enough to pay their expenses here and to get home. There is nothing of a junketing trip about it. There have been some of them here every winter since I have been a member of this body, and they have come here in good faith, but in many instances without any previous authority from the Indian Office. The Indian Office has been in the habit of allowing their expenses, I think, out of a contingent fund. This is

to authorize their expenses to be paid regularly out of their own funds. These Indians have a fund of their own, derived from the sales of their lands, from the sale of pine lands, and from the sale of homestead lands, at a dollar and a quarter an acre.

There is nothing in the nature of a junketing trip about it. I think myself these Indians might just as well stay at home, but they insist on coming here year after year, and it perhaps keeps them quiet and makes them more contented. I know that they have sometimes been a burden on me to the extent that I have had to go with them to the Department and get the Department to allow them money to get home with.

This is all I can tell you about it. There is no junket about it, no job in it. It comes from the Indians there, and perhaps it affords them a sort of safety valve. They go home and report progress to the tribes, and it makes them more contented and better Indians.

Mr. PETTIGREW. The Senator evidently did not understand my question. The item that I called his attention to was for the payment of the expenses of delegations of Chippewa Indians to visit the White Earth Reservation, not to come to Washington. I want to know how long that provision has been continued in the bill. It seems to me it is one of those items which is just continued in the bill because it got in at some time. There may have been a necessity at one time for a delegation of Chippewa Indians to visit the White Earth Reservation, but does it exist now, and is that item necessary?

Mr. NELSON. I will explain that to the Senator. I overlooked that particular matter.

Under the legislation by which the different Indian reservations in Minnesota were ceded to the United States for the purpose of being opened for homestead settlers and to be otherwise disposed of it was provided that all the Indians in the outlying and smaller reservations, mainly reservations of an inferior quality of land as to agricultural purposes, should be removed to White Earth. The White Earth Reservation is the principal reservation of the Indians in Minnesota. It is very good agricultural land, equal to the very best in Minnesota. It is rolling prairie, with timber in spots, and lakes; and it is the very best place possible where the Indians could embark successfully in agriculture. Most of the other reservations are poor lands, unfit for agricultural purposes; they are timber lands; and it was the policy of the law and it has been the policy of the Department to get all the Indians from those outlying reservations to White Earth. But they have been very reluctant to go, in many instances preferring to stay in their old woods and carry on hunting and trapping and to live in their old nomadic state.

So it has come to be a practice for the Department every year to get delegations from the different smaller reservations to go to White Earth for the purpose of looking up the condition of that reservation and its desirability for the Indians, in order that the delegations could come back and report the advantages to their particular and immediate Indians. In other words, the object of these delegations was to induce the few scattering bands of Indians on the smaller reservations to leave them and go to the White Earth Reservation, where they ought to go, and which is the most desirable place for them.

Mr. THURSTON. After the word "Indians," in line 15, I move to insert:

When authorized by the Secretary of the Interior, so that the clause will read:

For payment of expenses of delegations of Chippewa Indians, when authorized by the Secretary of the Interior, to visit the White Earth Reservation.

The amendment was agreed to.

Mr. PETTIGREW. Now, I should like to ask the Senator from Minnesota about the item for pay of commissioner, and the expenses for the removal of the Indians and for their allotments. We have an agent at that place, have we not?

Mr. NELSON. There is an Indian agent; but the office of commissioner is distinct. The Indian agent performs the function of an ordinary Indian agent, the same as in the case of other agencies; but under the act ceding these Indian lands and opening them to settlement a commissioner was appointed. There were originally three commissioners provided for in the law; but afterwards it was changed to one commissioner.

It is the duty of this commissioner to take charge of allotting lands to the Indians in severalty, to see that they all get allotments, and to remove them as far as possible from the outlying reservations back to the White Earth Reservation.

Mr. PETTIGREW. Mr. President, whenever we get a commission to deal with the Indians it is perpetual; we never get rid of the commission. As I understand it, this commissioner was appointed about ten years ago, and he still hangs on. We have allotting agents. This bill carried thousands of dollars for allotting agents who are engaged in allotting to Indians lands in severalty. If that is all the duty this man has to perform, it does not seem to me right that he should be continued and his salary

paid out of money belonging to these Indians, and therefore that provision ought to be stricken out. I do not see why we should carry this man on for the purpose of allowing him to draw \$4,000 or \$5,000 a year out of the money of these Indians. I do not know how much he does draw, because this seems to be a lump sum for numerous purposes. It is distributed by the Department. I should like to know how much this commissioner does draw and what is the necessity to have him continued.

Mr. NELSON. I stated it. The salary of the commissioner is \$10 a day, and there are over a thousand Indians—I think, perhaps, 1,500 Indians—who have not yet received their allotments. It is his duty to make allotments of the land.

Mr. PETTIGREW. I move to strike out the words:

For pay of commissioner and his expenses, and for removal of Indians and for their allotments.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "employees," in line 18, page 13, it is proposed to strike out:

For pay of commissioner and his expenses, and for removal of Indians and for their allotments.

Mr. THURSTON. I suggest that, under my request when the bill was taken up, the committee's amendments are to be first considered.

Mr. PETTIGREW. I withdraw the amendment for the present.

The PRESIDING OFFICER. The amendment is withdrawn temporarily.

Mr. PETTIGREW. I shall move it after we get through with the committee amendments.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill at line 22, on page 13, and read to line 16, on page 14.

Mr. PETTIGREW. Here again is a treaty made with the Creek Indians ninety-eight years ago:

For permanent annuity, in money, as per fourth article of treaty of January 24, 1826, and fifth article of treaty of August 7, 1856, \$20,000.

For permanent annuity, in money, per second article of treaty of June 16, 1802, and fifth article of treaty of August 7, 1856, \$3,000.

These items ought to be treated as the other item in regard to the Chickasaws, and those eternal annuities wiped out, so as not to burden the bill, which I think is unnecessary. Conditions have changed. The relation of these Indians to the United States has changed. The Indians have disappeared, and white men have taken their places and become citizens of the United States. The Indian blood has faded out, and that these men—citizens of the United States and white men—should be carried upon the rolls of the Government with a perpetual annuity certainly is a practice that I can not find justification for. I see further:

For permanent annuity for blacksmith and assistant, and for shops and tools, per eighth article of treaty of January 24, 1826, and fifth article of treaty of August 7, 1856, \$840.

I should like to know whether that is paid in kind or paid in money. Perhaps the Senator from Arkansas can answer that question.

The next paragraph provides:

For permanent annuity for iron and steel for shops, per same articles and treaties, \$270.

For permanent annuity for the pay of a wheelwright, per same articles of same treaties, \$600.

These treaties were made a hundred years ago, and we are still providing for the things. Do we pay a wheelwright for these Creek Indians? The Creeks are white men. Then the next two items are interest money. I should like to know if the Senator from Arkansas [Mr. JONES] can tell me whether we continue to furnish these things in kind, iron and steel, a blacksmith and wheelwright, etc.

Mr. JONES of Arkansas. I do not think they are furnished in kind.

Mr. PETTIGREW. I do not know who this money is paid to. Would it not be better to say then—

Mr. JONES of Arkansas. One trouble about making changes is that these things were agreed to by treaty years and years ago, and they were kept up for a long time. Of course, when some sort of civilization was being developed among these people, it was necessary to establish shops and promote work of this kind among the Indians. Now they have passed that stage in their civilization, and it is better for them and more economical for their authorities to have this sum of money in other directions because it is not needed in this particular line. But still I do not see how we can change that without a violation of treaty agreement.

Mr. PETTIGREW. But do we not violate the treaty agreement when we fail to pay in kind?

Mr. JONES of Arkansas. Not if it is done by the consent of both parties.

Mr. PETTIGREW. How do we know that has been done? This indicates that we do pay it.

Mr. JONES of Arkansas. There has never been any complaint

about it from the Indian Territory. They are all perfectly satisfied with it. The authorities of the United States believe it is better to pay them the money; the Indians think it is better and accept the money in lieu of this treaty stipulation.

Mr. PETTIGREW. Do you not think it would be better to commute the sum and wipe this off the books?

Mr. JONES of Arkansas. If there could be an agreement for that purpose, there is no question about it. I think it might be done by an arbitrary calculation such as we made in commuting the amount in the Chickasaw case. We might figure up what this annual amount would come to in a permanent fund and make an appropriation for all. But I call the attention of the Senate to the fact that some step has already been taken to have the Secretary of the Interior act in this matter. It is provided in this bill that two inspectors shall be put at the disposal of the Secretary of the Interior for the purpose of taking up all these questions amongst all these Indians and to recommend some general plan by which all the incongruous things which result from the old treaties may be wiped out.

Mr. PETTIGREW. I believe I drew the amendment the Senator from Arkansas refers to, and I wanted to emphasize the fact by calling attention to the work these inspectors ought to do.

Mr. JONES of Arkansas. Since the Senator mentioned it, I remember he did draw the amendment, and it will accomplish the purpose.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary continued the reading of the bill and read to line 15 on page 16.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business coming over from yesterday, which will be read by title.

The SECRETARY. A bill (S. 737) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary.

Mr. THURSTON. I ask unanimous consent that the regular order of business be temporarily laid aside and that we proceed with the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the unfinished business be temporarily laid aside, that the Senate may proceed with the consideration of the Indian appropriation bill. Is there objection? The Chair hears none.

Mr. FRYE. Mr. President, I recognize the necessity of action, and early action, on appropriation bills. While I am intensely interested in the ship-subsidy bill and very anxious to get a vote as early as possible, I can not interpose against an appropriation bill when such a request is made.

I simply wish to say now that if the appropriation bill is not disposed of by 2 o'clock to-morrow, I should like at 2 o'clock to have the Senator from New York [Mr. DEPEW], who desires to make a speech at that time on the shipping bill, make his speech, and then I will yield again to the appropriation bill.

Mr. THURSTON. That will be entirely satisfactory, Mr. President, to the committee.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill and read to line 16 on page 19.

Mr. PETTIGREW. I am rather curious to know how that payment is made to the Potawatomes, "for permanent annuity, in silver." I want to know whether the article itself is delivered. I see that the Senator from Arkansas [Mr. JONES], who seems to be particularly advised on these subjects, is absent.

The PRESIDING OFFICER. The chairman of the committee, the Senator from Nebraska [Mr. THURSTON], is present, and perhaps he can give the information.

Mr. THURSTON. I do not know in what particular coin these payments are made, but since under our present financial system every dollar is as good as every other dollar, I do not suppose the Indians care; and it makes no difference to the Government.

Mr. PETTIGREW. I see the next item is "for permanent annuity, in money."

Mr. THURSTON. The reason why the provisions are drafted as they are is that the treaties provided for these payments, some in silver, some in money, some in coin, some in specie. The language is the language of the treaty.

Mr. PETTIGREW. The next item is "for permanent annuity, in specie, per second article of treaty of July 29, 1839."

I simply call attention to these things to show the absurdity of continuing these provisions in the bill. Some provision ought to be made to wipe them out. They ought to be taken up and considered by the Department and put in some sort of form. I do not know what degree of civilization these Potawatomes may possess, but I presume that, like the others, they belong to the

fading races of Indians in this country, and have come almost to be white people by continually intermixing the blood, until the Indian himself has really disappeared. They have been under the influences of benevolent assimilation, according to these treaties, from eighty to one hundred years, and the Indian under those circumstances generally dies from the new diseases which he has acquired from the white race, or becomes so mixed in blood that the Indian character has disappeared entirely.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Indian Affairs was, under the subhead "Quapaws," on page 21, line 6, to strike out:

That the act of the general council of the Quapaw tribe or nation of Indians in the Indian Territory, "To set apart and dedicate certain Quapaw lands for the use of schools, and dispose of certain other lands, to pay the indebtedness of the Quapaw Nation," passed and approved on January 2, 1899, be, and is hereby, ratified and confirmed: *Provided*, That the lands so dedicated and disposed of shall not exceed 400 acres.

The amendment was agreed to.

The next amendment was, under the subhead "Senecas," on page 24, line 8, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury, to the credit of the Senecas, to draw interest at the rate of 5 per cent per annum from July 1, 1901, the sum of \$73,800, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties described above: *And provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay the above amount per capita to the Indians entitled thereto.

Mr. PETTIGREW. I move to amend the amendment in line 10 by striking out the following words, beginning with the word "to," after the word "Senecas:"

To draw interest at the rate of 5 per cent per annum from July 1, 1901.

I move to strike out those words.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be stated.

The SECRETARY. On page 24, lines 10, 11, and 12, strike out the following:

To draw interest at the rate of 5 per cent per annum from July 1, 1901.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. Now I wish to strike out of line 16, on page 24, the words "in his discretion," so as to read:

That the Secretary of the Interior is authorized to pay the above amount per capita to the Indians entitled thereto.

Mr. THURSTON. Mr. President, I think the provision as it stands is entirely safe, and that it would be more satisfactory to leave those words in. If we strike out this payment of interest, the Indians will certainly want their money distributed, and it is the purpose of the Department to distribute it.

Mr. PETTIGREW. Very well. I will withdraw my amendment.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Eastern Shawnees," on page 25, line 17, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Eastern Shawnees, to draw interest at the rate of 5 per cent per annum from July 1, 1901, the sum of \$20,600, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties above described: *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay the above amount per capita to the Indians entitled thereto.

Mr. THURSTON. The provision in the amendment beginning after the word "Shawnees," in line 19, down to and including the date "1901," in line 21, may be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee in line 19, page 25, after the words "Eastern Shawnees," by striking out "to draw interest at the rate of 5 per cent per annum from July 1, 1901."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the subhead "Six Nations of New York," on page 26, line 24, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the Six Nations of New York, to draw interest at the rate of 5 per cent per annum from July 1, 1901, the sum of \$90,000, being in full for the permanent annuities, in money or otherwise, guaranteed to them by the treaties described above: *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay the above amount per capita to the Indians entitled thereto.

Mr. THURSTON. From this amendment there may be stricken

out all after the name "New York," in line 1, on page 27, down to and including the date "1901," in line 3.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 27, line 1, after the name "New York," it is proposed to amend the amendment of the committee by striking out:

To draw interest at the rate of 5 per cent per annum from July 1, 1901.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of the appropriations for "Sioux of different tribes, including Santee Sioux of Nebraska," ending in line 14 on page 28.

Mr. PETTIGREW. Mr. President, this provision with regard to the Sioux Indians is the same practically which has been carried in the Indian appropriation bill for very many years, and I wish to call attention at this time, as I probably shall never have another opportunity to do so, to the facts in the case.

The Sioux Indians at the time the treaties were made with them occupied an area of country much larger than some of the large States of the Union. They occupied a country much larger than the State of Indiana. They were confederated bands, perhaps 20 different bands, with different names—the Oglalas, the Yanktons, the Yanktonais, etc. They were located at various places over this vast domain, where they hunted the buffalo.

By the treaty of 1889 this great reservation was divided into six separate reservations and the Indians ceded to the Government about 9,000,000 acres, retaining a still much larger area than that; but the tribes were divided up. In some cases two or three bands were located upon one reservation, as those at Pine Ridge and Rosebud, but each reservation now has a separate agent.

Under the provisions of that treaty their funds were to be divided. Before that they had a joint interest in that entire country, and it belonged to all the Sioux. Now those residing at each of the agencies have an interest only in the land in their reservation immediately around the agency, and no interest in the other reservations. Their interest in the land was segregated by the agreement of 1889, and still we continue to appropriate a lump sum for the whole Sioux tribe, following the practice which was inaugurated after the treaty of 1868, when they were still confederated tribes and owned in common the vast region of country embracing the Black Hills, western Nebraska, all of the two Dakotas, and, in fact, most of the country west of the Missouri River.

This item ought to be corrected and the sum which each one of these tribes is entitled to appropriated to that particular tribe. It ought to be divided per capita, and it ought to be so carried in the bill. I hope next year this correction will be made. I shall not make a motion to do it this year because we have not possession of the necessary data to do so.

These Indians have a permanent fund in the Treasury, from which they receive interest. The law provides that that shall be divided up and set apart, so that each tribe will know just what its interest is. This ought to be done at once, for if the present system is continued, which is in violation of the treaty, if one tribe should increase in numbers and another tribe should decrease the treaty would be violated, inasmuch as the amount that that tribe is entitled to would be decreased by their decreasing numbers, while the amount the other tribe is entitled to would be increased by their increasing numbers. Therefore the tribe which had increased its numbers by intermarriage with whites or otherwise would get the portion of the fund to which the real Indians were entitled who live upon another reservation. I hope this correction will be made at least next year and the provisions of our last agreement with these people carried out.

I think it would be better to have their interests segregated. I think it would be much better for them if we would treat with them for all their surplus lands and have them take allotments in severalty. In most of the reservations the Indians have taken allotments in severalty; but on the Pine Ridge Reservation they refused to take their allotments. Under the treaty of 1889 we can make the allotments to them if they refuse to take them. That ought to be done, and then the surplus lands opened up to settlement.

It seems to me the policy of protecting Indian reservations ought to be a thing of the past. If, after two hundred years of contact with these people, we have not been able to make them fit for citizenship, we either ought to stop trying to do so, or else stop trying to acquire other people in order to civilize them. If our "benevolent assimilation" has not obviated the necessity for permanent Indian reservations in the United States, I think we had better cease trying it on any of the other nations of the world.

The reading of the bill was resumed, at line 15 on page 28, with the appropriations for the "Sioux, Yankton tribe," and continued to the appropriations for "Miscellaneous supports," in line 13 on page 31.

Mr. THURSTON. By direction of the Committee on Indian Affairs, I move an amendment to come in on page 31, after line 12, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 31, after line 12, it is proposed to insert:

That in the issuance of beef to Indians at all agencies the hides of the animals slaughtered shall be given to the Indians.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Miscellaneous supports," on page 32, after line 5, to insert:

For the relief of the Turtle Mountain Indians and those of the Devils Lake Agency, N. Dak., for the purpose of taking the necessary steps to prevent the spread of the disease of smallpox, now epidemic within those tribes, and expenses already incurred in respect thereto, \$3,000, or so much thereof as may be necessary, to be immediately available.

Mr. GALLINGER. I want to inquire of the chairman of the committee as to this particular item. I will venture to ask him if these Indians have not physicians connected with the tribes; and if so, why the necessity of making this very considerable appropriation to enable them to get rid of a disease which the physicians ought to be able to take care of, it seems to me?

Mr. THURSTON. Mr. President, I think perhaps the Senator from North Dakota [Mr. McCUMBER] can better answer as to the local situation than I can; but this provision was put in the bill in accordance with the recommendation of the Department, the Commissioner of Indian Affairs assuring us that the smallpox situation there is so serious and extended that it requires unusual remedies and an unusual appropriation.

Mr. GALLINGER. Mr. President, I shall not object to the amendment, but I will venture to suggest to the Senator that I think it might be improved in phraseology. This provision reads, "for the purpose of taking the necessary steps to prevent the spread of the disease of smallpox, now epidemic within those tribes." This bill will not be operative until the 30th day of June next.

Mr. THURSTON. This provision is made immediately available.

Mr. GALLINGER. Yes; but it seems to me the epidemic will have ceased before then, if it is ever going to cease. I suggest to the Senator that he use the phraseology ordinarily used by medical men, and strike out the words "taking the necessary steps to prevent the spread of the disease of smallpox, now epidemic within those tribes" and insert "for the purpose of stamping out smallpox."

Mr. THURSTON. I always take everything that is prescribed by a reputable medical authority, and I will take this modification of the amendment with great pleasure.

Mr. GALLINGER. I think it will be an improvement.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee in line 8, on page 32, after the words "purpose of," by striking out "taking the necessary steps to prevent the spread of the disease of smallpox, now epidemic within those tribes," and inserting "stamping out smallpox."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 34, line 8, after the first word "For," to strike out "pay of physician and purchase of medical supplies for Indians" and insert "support and civilization of Indians;" in line 10, before the word "thousand," to strike out "one" and insert "three;" and in line 11, before the word "dollars," to strike out "five hundred;" so as to make the clause read:

Support and civilization of Indians at the Mission Agency, Cal., including pay of employees, \$3,000.

Mr. BUTLER. It seems in the original draft of the bill here that there was a provision for the pay of physicians for these particular Indians in California. That is stricken out. Is there not a physician regularly provided for all of these agencies, I would ask the chairman of the committee?

Mr. THURSTON. The situation there in California is this: The Mission Indians are scattered over a great area of territory in little villages—

Mr. BUTLER. This seems to be one agency—the Mission Agency.

Mr. THURSTON. Yes, it is the Mission Agency. That agency has a general supervision over the Mission Indians, who are scattered, as I say, over a very large area of territory. The physician employed there is paid a salary, but it has been found impossible for him to go around to all these Indian villages and give the necessary medical attention. So it is deemed better by the Depart-

ment to dispense with the physician on a salary and employ a local physician when there is any necessity for it.

Mr. BUTLER. At the other agencies there is nothing said about physicians. I thought there was some general provision of law covering the employment of physicians. Here there is a provision specifically providing for one. Is there not a general provision of law providing a physician at every agency?

Mr. THURSTON. Not at all of them. Many of the expenses of the Indian service have been for many years, at least, appropriated for by a lump sum and many others by specific provisions. So we have in this bill a general appropriation of a large sum of money for general support and care and custody of the Indian tribes. It is true, I think, that at all agencies, either under some specific or some general appropriation, there is a physician employed, at least wherever it is deemed necessary. The local situation at this agency is very different from the general situation.

Mr. BUTLER. But the chairman of the committee does not mean that we make any lump appropriation where there is no provision of law for the division of it. For instance, I see here in every clause on the last two or three pages of the bill we have passed over certain amounts "for support and civilization, including pay of employees." There must certainly be some provision of law fixing the number of the employees and their salaries?

Mr. THURSTON. Certainly.

The PRESIDING OFFICER. The question is on the amendment of the committee which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 34, line 18, after the word "Idaho," to strike out "including pay of physicians;" so as to make the clause read:

For support and civilization of Nez Percé Indians in Idaho, \$3,000.

The amendment was agreed to.

The next amendment was, at the top of page 35, to insert:

For support and civilization of the Shebits and Kaibabs in Utah, \$5,000.

The amendment was agreed to.

The next amendment was, on page 35, line 25, before the word "thousand," to strike out "eight" and insert "five;" so as to make the clause read:

For support and civilization of the Yakimas, and other Indians at said agency, including pay of employees, \$5,000.

Mr. PETTIGREW. The items in the last five pages which have been read, under the head of "Miscellaneous supports," are, as I understand, gratuities. When an item gets into this list it stays here for years and years; there is no longer any reason given for it; its necessity is never called in question, and so thousands and thousands of dollars, amounting to a vast sum, are continually appropriated, until we have lost sight of the necessity of the appropriation or the reason why it was first commenced. Whenever a Senator thinks there is an Indian in his State that ought to be taken care of, he goes before the committee and has an item inserted in this list, and when it once gets there it stays there forever.

I want to call attention to the fact that this whole matter ought to be gone over with care by some proper authority, and that part which does not belong here ought to be sifted out. The payments for civilization which are made are a damage rather than a help to the Indians, and I presume there is a great deal of this money expended to the absolute detriment of the people who receive it. A gratuity, a charity, may become a curse to the recipient, and I presume that most of these items, not to carry out treaty stipulations, for which there has been no consideration, once having got upon the bill, have become a damage, an injury, a demoralizing influence to the Indians who receive them rather than an assistance. I have no doubt that this item in regard to the Indians in Utah is necessary. The Senator from that State says so, and the committee put it on. Perhaps ten, twenty, or thirty years from now it will not be necessary. I presume there are very many items which have been on this bill for thirty or forty years that are gratuities, and if the matter were investigated we would find there were very few Indians left, if any, and they persons who claim to be Indians but are really white people. I wish to call attention to this fact so that it can be looked into in the future and the evil corrected.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 36, line 21, after the word "Provided," to strike out "further;" and on page 37, line 9, before the word "dollars," to strike out "five hundred" and insert "one thousand;" so as to make the clause read:

Indian Territory: For general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, \$18,000: *Provided*, That hereafter the clerks of the district courts in the Indian Territory shall account to the United States for all fees earned and collected by them in accordance with such rules and regulations as the Attorney-General shall prescribe. They shall

annually pay over to the Treasurer of the United States all such fees collected and earned by them in excess of the necessary expenses incurred and paid by them for attendance on court, record books, stationery, and clerk hire subsequent to May 31, 1900, such expenses to be allowed and retained by said clerks on accounts approved by the judge of the court, when accompanied by proper vouchers. And such clerks shall hereafter be paid the sum of \$1,000 each per annum for all extra services in addition to their regular salary.

Mr. GALLINGER. Mr. President, I should like to inquire about the necessity for this proposed increase in clerk hire in the Indian Territory. I have offered an amendment to the District of Columbia appropriation bill increasing the salary of two clerks who are employed in the city of Washington from one thousand to twelve hundred dollars a year. One of those clerks is necessarily a lawyer and performs professional work, and yet he is getting the munificent salary of \$1,000 a year. I am struggling to get it increased to twelve hundred, while out in the Indian Territory it seems there are certain clerks who are getting salaries in this bill, and we propose to give them each an additional salary of \$1,000 a year for some supposed extra work they are to do. There may be an urgent reason for it, but it does not strike me so at first blush. I should like the chairman to explain it.

Mr. THURSTON. The clerks of the circuit courts of the United States are now, under our salary laws, paid \$3,500 each per year. Prior to last May, when we passed the Indian appropriation bill, the clerks of the courts in the Indian Territory received by law \$3,000 per year and also all the fees of their office, out of which they were required to pay all clerical help, supplies, etc. We then put a provision in the act by which they were required to account for all fees, and by some oversight they were not given anything to cover their clerical assistance or office supplies, so that for some time and up to the present time they have been getting \$3,000 per annum and paying out probably twice that much for their necessary assistants.

The situation now is this: The work of each one of the clerks in those courts is as great as or greater for the court business itself than that of any of the clerks of the district or circuit courts of the United States. In addition to the ordinary duties of clerks of the courts, under the laws of the Indian Territory they are required to act as clerks of probate courts and to perform all of the duties of officers generally known as recorders of deeds. They must keep all the county records—the records of their local jurisdiction. They also issue all marriage licenses. They perform the double duties of what we find in organized States—the clerks of courts and the county clerks. Under these circumstances the committee felt that a salary of \$4,000 a year was not too great; and that is the provision of this bill.

Mr. GALLINGER. Mr. President, the Senator's explanation is very satisfactory. If I understood him correctly, he said these clerks got \$3,000 a year and spend twice that for assistants. If that be so, they will be out only \$2,000 a year after we have given them this one thousand additional. So I certainly could not object.

Mr. THURSTON. We provide for their clerk hire now. This provision gives them \$4,000 net.

Mr. GALLINGER. If that, then, is the situation, I am opposed to increasing the amount over that allowed by the House of Representatives. It seems to me that \$3,500 a year is a very ample and indeed a very generous salary for a clerk, whether he is in the Indian Territory or in the District of Columbia. I wish to repeat that there are clerks in the city of Washington, not under the civil service, I will say, who are working every holiday in the year as well as all the working days of the year, and we are providing in the District of Columbia appropriation bill a salary of \$1,000 a year for those clerks. The House having increased the salary of these clerks \$500, I think there is no valid reason why the Senate should rush in and make a further increase of \$500, and I hope the amendment will be voted down.

Mr. THURSTON. I have here letters from two of the judges in the Indian Territory which put this matter in better shape than I could myself. Judge Clayton says:

SOUTH McALESTER, IND. T., December 31, 1900.

MY DEAR SENATOR: I am informed that the matter of compensation for clerks of the Indian Territory is now pending before your committee. It is a question in which I have no personal interest, but I am entirely familiar with the subject and know the immense amount of labor which, under the present condition of affairs in this Territory, the clerks of the courts are required to perform. Besides the ordinary duties of clerks of district and circuit courts, they are required to transact all the business relating to county and probate courts, as well as the duties of recorder of deeds and other instruments. They issue all marriage licenses, canvass election returns from all incorporated cities and towns, and a vast amount of like business. Their work is immense, and anything less than a four-thousand-dollar salary, in my judgment, is inadequate to compensate them for the labor they are necessarily required to perform.

I understand that the bill which has passed the House and is now pending before your committee provides for \$3,500 salary and expenses for traveling from court to court, stationery, clerk hire, etc.

I am also informed that a proposition is pending before your committee to raise the salary to \$4,000 and expenses as set out in the House bill. This amendment, in my judgment, in justice to a set of hard-worked, efficient, and excellent gentlemen, ought to be made. I sincerely trust that you will aid them in this matter. They are not asking money which they do not earn, but simply a fair and just compensation for their labor.

This legislation ought to be had at the present session. The condition of these clerks under the law as it now stands is gross injustice to them. They are required to pay out for extra services, stationery, books, clerk hire, traveling expenses, etc., almost the whole amount that is allowed them under the law as it now exists, which, of course, is intolerable. If the matter goes over until the next session, these men substantially will be performing services for the Government without compensation. I earnestly urge in their behalf that this legislation be had.

With the highest regards, I am, very respectfully,

WM. H. H. CLAYTON.

Hon. JOHN M. THURSTON,

Chairman Committee on Indian Affairs,
United States Senate, Washington, D. C.

I also have a letter from Judge Townsend, who says:

ARDMORE, IND. T., January 2, 1901.

SIR: I have been requested by Mr. C. M. Campbell, clerk of the United States court for the southern district of the Indian Territory, to write you in regard to the duties that are required to be performed by him as the clerk of said district, and his responsibilities.

There is in this district five separate courts, and by the recent census the population of the district is placed at about 140,000. There are pending some 800 criminal cases and about an equal number of civil cases. The amount of business is very heavy and requires careful and painstaking attention of the clerk. In addition to that, the clerk is the recorder of deeds and mortgages, which of itself is a large item of business. He is also the clerk of the probate court, as well as the criminal court, and the law and equity sides of the civil court.

The position is one of responsibility, one requiring judgment, care, and attention, and if the expenses for his clerk hire are allowed, in my judgment a fair compensation would be to place him on an equality with the United States marshal and the United States district attorney, with a salary of \$4,000 per year.

Very respectfully,

HOSEA TOWNSEND.

Hon. JOHN M. THURSTON,

United States Senator, Washington, D. C.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 39, line 13, before the word "dollars," to strike out "thirty thousand" and insert "three hundred thousand;" so as to make the clause read:

MISCELLANEOUS.

For salaries of four commissioners, appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, \$20,000: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and \$3 per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom: for clerical help, including secretary of the commission and interpreters, \$300,000.

Mr. PETTIGREW. Mr. President, as the House passed the bill it appropriated \$30,000. The Senate committee reports in favor of increasing the sum \$270,000, or to \$300,000. This is another commission. When we get a commission, we never get rid of it. I do not expect to live to see the day when this commission will cease to exist. Where we have a commission to deal with the Indians, they deal so moderately as never to exhaust their employment. These commissioners are pursuing the course which seems to be a habit with commissioners, and in my opinion if they are allowed to have their way the Dawes Commission will be on this bill a quarter of a century from now.

Mr. GALLINGER. They have been negotiating for eight years.

Mr. PETTIGREW. The Senator from New Hampshire says they have been negotiating for eight years. It is fully that, I think, and but little progress has been made. We tried years and years ago to get a roll of these tribes, and I doubt if there is yet anything like a roll of them or any very material progress made toward a roll. I doubt, if we continue to deal with this question through this commission, whether we will get a roll at all. They are appraising land now.

One of their number told us that he wanted to investigate the mineral character of the country. They are going into the mining business in order to appraise the value of Indian property, for coal and asphalt are the only mineral reserved from allotment. So we are going to prospect the Indian Territory for the precious metals. This money is to be expended for that purpose. They can expend it for diamond drills, if they want, and insist upon going down as deep as they please to see whether there is anything of real value or not. They say they propose to expend a part of this money for mining prospectors to go through that country in search of precious metals.

While I think there is some increase necessary in this appropriation, I believe the commission ought to be abolished and regular officers of the Government employed to carry on this work. As it is now it is a political machine of enormous proportions, and a vast army of men are employed in appraising lands and homes, and they are surveying that entire country into 40-acre tracts, a work that is absolutely unnecessary and uncalled for, in my opinion.

First we surveyed the Indian Territory at a cost of six or seven hundred thousand dollars. We surveyed it into sections as we surveyed the public domain. We surveyed it as we surveyed Iowa and Minnesota and the Dakotas and Kansas and Nebraska.

We surveyed it sufficiently so that any white settler could go and take land without further survey. Now these commissioners are surveying it again, and they have a very large force of men, and they are dividing the land into 40-acre tracts and locating the improvements and appraising the value of each little piece.

Mr. President, when men appraise the timber lands of Minnesota they do not divide it up into 40-acre tracts. A skilled man can go through and appraise the timber without surveying, and yet this prairie country, some of it timbered, the commission thinks should be divided into 40-acre tracts and surveyed and staked out in 40-acre tracts, and we are spending more to survey it again than it cost for the original survey. I have failed to find any justification for this vast waste of money. Hundreds of men, as the report shows, are camping over that country, and the inhabitants tell many stories of their indolence and extravagance. Under the head of "Land-appraisal parties" I find this statement:

There remain at this time 3,730,000 acres of land to be appraised in the Creek Nation, 5,350,000 in the Cherokee Nation, 4,000,000 acres in the Choctaw and Chickasaw nations. The commission at this time has seventeen appraisal parties in the field, and it is estimated that the preliminary appraisal may be completed October 1, 1901.

I do not know how many years they have been at it. They do not give the number of acres they have appraised, but I should judge from the number of acres left that they have not appraised much.

It is the plan of the commission to so utilize and direct the movements of the appraisal parties in the field that the classification of the lands of the Creek, Seminole, and Choctaw nations shall be completed September 25 and the Cherokee Nation by October 1, all parties as at present composed to be utilized until the last-named date.

We are used to those prophecies about when they will get through. I remember four years ago we especially directed that they should have the roll completed by the next session of Congress. They have not completed any of the rolls at all, unless it may be that of a little tribe, the Muskogees, the smallest tribe down there, composed of a few hundred people. For the purpose of getting an appropriation, they tell us now they will have the appraisal done this coming fall. If they proceed no more rapidly than they did with the enrollment it will be five, six, perhaps ten, years before it is done.

The estimated expense of each party, based upon past experience, is as follows:

1 appraiser in chief, Choctaw-Chickasaw appraisal, at \$125 per month for nine months.....	\$1,125
1 representative Choctaw Nation, at \$100 per month for nine months.....	900
1 representative Chickasaw Nation, at \$100 per month for nine months.....	900
17 appraisers in charge, at \$110 per month for nine months.....	16,830
68 appraisers, at \$100 per month for nine months.....	61,200
34 surveyors, at \$100 per month for nine months.....	30,600
17 teamsters, at \$35 per month for nine months.....	5,355
17 second teamsters, at \$30 per month for nine months.....	4,590
17 cooks, at \$30 per month for nine months.....	4,590
Subsistence and forage, 17 appraisal parties, with necessary repairs to equipment and incidental expenses, \$250 per month for nine months.....	38,250
Total expense.....	164,340

Instead of these vast aggregations of men—something like 200 men—one man with sense and judgment could pass through these sections, along the line of the 40-acre tracts, with a pocket compass and estimate for every practical purpose in the world, in order to allot and divide the lands among the Indians, the relative value of every 40 acres. Yet here are an army of men who for nine months are to receive the compensation of a hundred and sixty-four thousand dollars, having cooks, and teamsters, and second teamsters, and surveyors, and appraisers, and so on, for no good purpose whatever, in my opinion.

Mr. BUTLER. From what does the Senator read?
Mr. PETTIGREW. I am reading from the report of the committee. It ought all to be read. Then we have "timber estimators."

The amount of timber to be estimated in Indian Territory can not be by the commission arrived at with any degree of accuracy save by actual appraisers in the field. Much of the timbered country is exceedingly mountainous and impenetrable by wagons, and the commission has therefore determined upon the organization of six timber estimating parties, to be supplied with pack trains composed of burros, mules, and packers, which will enter the field at once. The estimated expense thereof is as follows:

6 chief timber estimators, at \$115 each per month, for twelve months.....	\$8,280
36 timber estimators, at \$110 each per month, for twelve months.....	\$47,520
The first six are chief timber estimators. You can hire all the timber estimators you wish for \$75 a month and get the best and most expert men there are in the world.	
6 packers, at \$30 per month each.....	\$4,320
6 teamsters, at \$30 per month each.....	2,160
6 cooks, at \$30 per month each.....	2,160
Subsistence and forage for six timber appraisal parties, necessary repairs to equipment, \$230 per month for twelve months.....	16,500
Total.....	\$1,000

I insist that there is no man in the world who cares a snap about his money who would throw it away in that method. Men who own vast areas of pine timber anywhere, either on the Pacific coast or in Minnesota, employ men for sixty or seventy-five dollars a month. A man goes alone, and he will estimate accurately

the number of feet of timber on every 40 acres. He will go through a section of land in two days' time and give you a complete and perfect report.

Here it is proposed to organize parties with cooks and teamsters and to spend in the next twelve months \$81,000. All we want is to get approximately the value of these lands for the purpose of dividing them among the Indians in severalty. There is no more corrupt and extravagant organization, in my opinion, to-day under this Government than the Dawes Commission, which is wasting our money in the appraisal of these lands.

Then we have "selection survey parties."
The necessity for subdividing sections in the thickly populated districts into quarter quarters has been fully set forth by the commission in its annual reports, and as the work of adjustment of conditions here progresses the necessity therefore increases. There are at present in the field three selection survey parties, two engaged on Choctaw-Chickasaw lands and one in the Seminole country. Plans have been made to start two additional parties at once, making five parties in the field January 1.

The commission believes that at least 5 additional parties will be required to keep this work up with the progress of allotment and its estimate. Item 9 is therefore made to cover 5 survey parties from January 1 to April 1, 1901, and 10 survey parties from April 1, 1901, to June 30, 1902. The expense of such selection survey parties, based upon past experience, is estimated as follows:

5 surveyors in charge, at \$110 per month each, for three months.....	\$1,650
10 surveyors, at \$100 per month each, for three months.....	3,000
10 head chainmen, at \$35 each, for three months.....	1,050
10 rear chainmen, at \$30 each, for three months.....	900
10 moundmen, at \$30 per month each, for three months.....	900

They are going to survey and mound this country into 40-acre tracts.

15 rodsmen, at \$30 per month each, for three months.....	\$1,350
20 axmen, at \$30 per month each, for three months.....	1,800
10 teamsters, at \$30 per month each, for three months.....	900
5 cooks, at \$30 per month each, for three months.....	450
5 second cooks, at \$20 per month each, for three months.....	300
Subsistence, forage, etc., and necessary repairs to equipment, \$250 per month for party, for three months.....	3,750
10 selection survey parties from April 1, 1901, to June 30, 1902:	
10 surveyors in charge, at \$110 per month each.....	16,500
20 surveyors, at \$100 per month.....	30,000
20 head chainmen, at \$35 per month.....	10,500
20 rear chainmen, at \$30 per month.....	9,000
20 moundmen, at \$30 per month.....	9,000
30 rodsmen, at \$30 per month.....	13,500
40 axmen, at \$30 per month.....	18,000
20 teamsters, at \$30 per month.....	9,000
10 head cooks, at \$30 per month.....	4,500
10 second cooks, at \$20 per month.....	3,000
Subsistence, forage, etc., \$250 per month.....	37,500
Total.....	176,550

Then comes "appraisal of mineral property."

The Atoka agreement, being the agreement between the United States and the Choctaws and Chickasaws, ratified by Congress June 28, 1898, excepted no other minerals from allotment save coal and asphalt. In the determination of the value of the lands, therefore, in the Choctaw and Chickasaw nations must be considered all other minerals. The extent of such other mineral deposits is yet unknown to the commission, but unofficial reports have been received indicating deposits in various portions of those tribes, of which investigation must be made and value determined in order that a correct valuation may be placed upon the lands preparatory to allotment. For this purpose the services of men having a theoretical and practical knowledge of minerals must be engaged. The compensation which such experts will require and the amount of time which will necessarily be devoted to a proper examination of such properties can not at this time be foreseen.

But you can depend upon one thing, Mr. President. The time required will be the time the commission continue in existence. They can indefinitely prolong this mineral investigation and will do it just so long as you pay them four or five thousand dollars a year salary. They never will be through with it.

I venture the assertion that before this work is done, if you allow this commission to go on, and they have had their own way so far, there is not a member of this body who will not be in his grave and a new set of men here to deal with this question before the commission has found out all they want to know about the precious minerals in the Indian Territory. The commission go on to say:

This is a very important duty, however, and the commission believes that it should be attended to at the earliest practicable date. The amount estimated by the commission in item 10 of its general estimate is believed to be a reasonable one for this purpose.

I do not know what item 10 is, but I will see.
Item 10. Salaries and expenses incident to the appraisal of mineral property (see statement heretofore appended, marked "Exhibit I"), \$5,000.

Now, that is just simply an introduction. Next year they will discover that the work has expanded and they will want the appropriation expanded.

We have a list of special land appraisers and then a board of special adjusters. For one they want \$8,400 for twelve months and for the other they want \$12,000 for six months.

Then we have the Cherokee allotment office, where there is an army of clerks employed, and they want \$12,480 for that for six months. Then they have the Choctaw-Chickasaw allotment office, and they want \$12,480 for that. In that office there are 1 chief clerk at \$150 per month for six months, 5 clerks at \$100 per month for six months, 6 stenographers at \$100 per month for six months, 4 surveyors at \$100 per month for six months; and none of

these, as I understand it, are under the civil service. These commissioners employ whom they please and spend this money about as they have a mind to.

For my part, Mr. President, I have never seen an account rendered. Nobody pays any attention to it that I can ascertain. Nothing has come to the committee showing what this money has been expended for. But in this one allotting office there are 23 clerks at big salaries. Who looks after the patronage I do not know. What special use is made of it I can not tell. The power, unlimited, without discretion, is here to spend vast sums of money—\$300,000 to \$500,000 a year—and for a purpose, too, which may be necessary, but which can be accomplished for 10 per cent of the money.

Then we have a vast sum for office rent, heat, light, stationery, etc.:

Rent of the general offices of the commission at Muskogee, for the ensuing eighteen months, at \$200 per month.....	\$3,600.00
Rent stock barns and corral, for eighteen months, at \$20 per month.....	360.00
Fuel and light, eighteen months, at \$25 per month.....	450.00
Stationery.....	3,753.00
Printing and binding.....	6,000.00
Traveling and incidental expenses, for eighteen months.....	39,070.97
Total.....	53,233.97

I should like to know how they came to estimate that 97 cents. Generally they estimate a lump sum and deal in round numbers, but when they came to their own expenses for junketing and traveling about they were very particular to say they wanted \$39,070.97.

The above estimate for office rent, heat, light, stationery, etc., is based upon the commission's experience during the past year and may be somewhat increased during the fiscal year ending June 30, 1902.

And so for office rent, fuel, light, stationery, and traveling expenses they have \$53,233.97. Yet they say it may be somewhat increased. This is based upon past experience. I hope they will increase it from 97 cents to a dollar at least, so as to make the round number and the subject easier to handle.

So we have a summary:

Total appropriation for fiscal year ending June 30, 1901.....	\$524,000.00
---	--------------

The last year's appropriation—

Amount expended to January 1, 1901.....	\$181,806.03
Balance unexpended January 1, 1901.....	342,193.97
Estimated appropriation for year ending June 30, 1902.....	324,000.00

Then we have an estimate of expenditures from January 1, 1901, to June 30, 1902, of \$667,193.97. If this goes on for ten years, we shall spend six or seven million dollars for a work that ought to have been done for less than a tenth of the sum. I believe that these lands can be accurately estimated, and I believe honest and capable men can be found who will take the contract for just 10 per cent of what we are paying for it. I feel certain that I can find men entirely competent and abundantly responsible who will take the contract to estimate and appraise those lands—timber and prairie—for 10 per cent of what the Government is paying.

Of course if the people of the United States have \$20,000,000 to throw away to buy people to fight, it makes but little difference how much we throw away in an extravagant expenditure in this case. But I have failed yet to see any argument from these commissioners or others that will justify this remarkable expenditure of money, this great extravagance, this useless work, the payment of this army of men out of the Treasury of the United States. I believe that that amendment should be stricken out from the bill and we should go no further with this work until we know more about it, until some one can give us a good reason why it should be continued.

Mr. JONES of Arkansas. Mr. President, the criticisms of the Senator from South Dakota on the Dawes Commission, I think, are not well founded in any single respect. The Senate can not lose sight of the conditions which confront us in that Territory. We passed a law some years ago called the Curtis law, providing for the division of the land in the Indian Territory. In the Chickasaw, Choctaw, and Creek nations agreements have been made between the Government of the United States and those Indians as to how the division shall take place.

Mr. WELLINGTON. Will the Senator from Arkansas permit me a moment?

Mr. JONES of Arkansas. Certainly.

Mr. WELLINGTON. I think this discussion is of sufficient weight to have at least a quorum of the Senate present. I raise the question of the presence of a quorum, and ask for a roll call.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Aldrich,	Carter,	Foraker,	Jones, Ark.
Allison,	Chandler,	Foster,	Kean,
Bacon,	Clark,	Gallinger,	Kyle,
Bard,	Clay,	Hanna,	Lodge,
Bate,	Cockrell,	Hansbrough,	McComas,
Berry,	Culberson,	Hawley,	McEnery,
Burrows,	Elkins,	Hettfeld,	McLaurin,
Butler,	Fairbanks,	Hoar,	Mallory,

Martin,
Money,
Nelson,
Perkins,
Pettigrew,

Pettus,
Platt, Conn.
Proctor,
Quarles,
Rawlins,

Scott,
Shoup,
Stewart,
Taliaferro,
Teller,

Thurston,
Tillman,
Turley,
Wellington.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present. The Senator from Arkansas will proceed.

Mr. JONES of Arkansas. Mr. President, I say that I do not think the criticisms of the Senator from South Dakota [Mr. PETTIGREW] of the Dawes Commission are well founded in any respect. The Senate is aware of the fact that some time ago we passed a law providing for the division of the land in the Indian Territory amongst the Indian people. Many years ago a patent was made to each of these tribes as a nation for the land that it owns. Congress believed that the time had come when the best interests of those people would be promoted by a division of land amongst them so that each individual should know his individual rights, should own and control his home and develop it in whatever way he saw fit.

Three of the nations have entered into an agreement with the Government of the United States as to the division of their lands, how they shall be divided, and all the details are set out with great care and fullness. The land must be divided amongst these people equitably and fairly, according to value. It is a great country. There are millions of acres of land, varying in value from almost nothing to thirty, or forty, or fifty dollars an acre. It would be grossly unjust to allow certain members of the nation to get their holdings in lands of the highest value, while those who are less active and vigilant would be sent to lands of less value.

The criticism, therefore, of the Senator from South Dakota of the commission for proposing to value the land in 40-acre tracts I think is not well founded. Every 40 acres of this land must have its value ascertained before it will be possible for us to give four or five hundred acres to each individual Indian and divide it among them in proportion to value. The value must be ascertained, and this can not be done without the employment of a large force of men.

The Senator complains that 200 men are being employed for this purpose, and almost in the same breath he complains that the work is not pressed with sufficient rapidity. When you take the extent of that country into consideration, it being larger than many States in the Union, and bear in mind that every single 40 acres in the Territory must be divided according to value among the different citizens of the Territory, it will be seen that it is impossible for the work to be done except by the employment of a very large number of men or else a very long time must be taken in doing it. There is not a member of this body who is a lawyer who ever had anything to do with the division of an estate in a chancery court who does not know how long it takes to value the different parts of a property, and after they are valued to effect a fair and equitable distribution. Such things always take from one to three years where four or five children are involved and a single estate of a few hundred acres is in controversy. Then what must be the length of time necessary when there are 60,000 claimants here, all having interests in this land, and millions of acres of land to be divided among them?

It is absolutely necessary that this valuation shall be made. Mr. President, I am persuaded that there is no man living who would complain more vigorously against a division of the land without proper attention having been given to the value of each 40 acres of land than would the Senator from South Dakota if that was proposed to be done. It is absolutely necessary that it shall be done; and it seems to me, after giving careful attention to the methods, to the detail in which the valuations are being made, that they are economically made and as rapidly made as is possible to have it efficiently done.

One of the criticisms of the Senator from South Dakota was that there was a proposition to value the minerals in the land. In the Chickasaw and Choctaw country the coal was especially reserved from being divided. The men who took the land did not take the coal. The title to the coal remains in those two tribes. But in other localities this is not the case. Will anybody say that land in the Creek country or in the Cherokee country—a tract of country that is underlaid by valuable coal mines—shall be valued according to its surface, and shall be so valued and divided that one man will get an enormously valuable coal mine while his neighbor close by gets land not worth one-hundredth part as much money? That would be grossly and manifestly unjust; and, as I said a moment ago, the Senator from South Dakota would be the first man to complain if a proposition of that kind were pending in Congress.

It is absolutely necessary that everything which enters into the value of the land shall be ascertained. Its minerals, its timber, its fertility, its condition, and everything must be weighed and considered and fairly valued. Otherwise the land can not be divided as we have pledged ourselves to these Indians it shall be divided.

Another complaint of the Senator was that the rolls have not been completed in the Indian Territory. There are 60,000 of these people, and where there are 60,000 men who are Indians by blood, there are, I doubt not, more than 60,000 white people claiming, on one pretext and another, the right to Indian citizenship and the right to participate in the division of the lands that belong to the Indian tribes.

The Senator himself complained some time ago in criticising the conduct of an officer that certain of these applicants who are claiming citizenship had not even had their papers read, and that some cases had been disposed of without being examined. It seems, by a statement of some man who was present, that there was an instance of that kind. Now, when all the applicants come in and claim to be entered upon the rolls, and when you have four or five men charged with the duty of investigating the facts in each individual case, how can the Senate expect that in any short time the applications of forty or fifty or sixty thousand claimants can be disposed of? Each claim must be examined on its own merits; the facts in each case must be known, must be weighed and considered. If this commission should undertake to make up the rolls in this case without giving a fair hearing to all parties in interest, and without giving a fair hearing to all parties claiming to be interested, they would be censured by the Senate, and would be justly condemned.

I think the commission have made haste as rapidly as possible in making up this roll. They have done as much as could be done under the circumstances. It is a large work. It is a stupendous undertaking. It can not be disposed of summarily nor hurriedly. When they do make the rolls, no doubt there will a howl go up not only amongst the Indians that a great many men have been enrolled as citizens who ought not to have been, but the complaint will come here from thousands of men on the outside that they have been denied the right of citizenship. Thousands of cases have already gone to courts to be adjudicated where the commission have refused the rights of citizenship. The appeals had to be prosecuted through the courts. How can the commission make a final report of citizenship here until the thousands of cases which have been appealed from them to the courts have been settled by the courts and they know whether according to judicial decision the applicants are entitled to enrollment or not? So I think these criticisms of the commission are not well founded.

Another criticism the Senator indulged in was as to the number of men who are employed in making these appraisements. Members of the commission were brought before the committee and we asked them their methods. Any man who is at all familiar with estimating the value of land knows the necessity for having some experienced men see every 40 acres of land that is to be valued. The parties are as economically organized, it seems to me, as they can be organized. There are 16 of them in the field all the time. They camp on the ground. They run the lines without any unnecessary expense. They go on each 40-acre section, planting a compass at the corner, and divide each 40 acres and examine it and make a report on tables that are carried with them in the field, giving the exact topographic condition, whether it is timber or prairie land, and everything about it in a perfectly distinct and clear way.

There are 35 classes of land, I believe, classified by these people. They do not undertake to put the valuation on any, because the Senate will see easily that if one appraising party was in one part of the Cherokee Nation and another party two or three hundred miles away in an altogether different tract of country there would be no uniformity in the valuation put by these men on lands in different parts of the country. It is absolutely necessary that the lands shall be classified according to description as to prairie and timber, the kind of timber, and its character.

So there are 35 classes of land made up. When the appraisers see each 40 acres of land, they determine that that 40 acres shall go into one classification, or another 40 acres into another classification, and the question of valuing the land will be a question of appraising the classifications, that one list may not be of certain value and another of another value, but when it is understood to what classification a particular 40 acres belongs to, the value will be ascertained by that fact. I do not see how it could have been intelligently done otherwise.

I have given as careful attention as I could to the details of the work done by the commission, and I say without any sort of hesitancy that I do not believe it could have been more economically and more efficiently done than it has been done.

The question has been privately asked me why it was that the Senate committee raised the House appropriation of \$30,000 to \$300,000. That came from the fact that the Dawes Commission had not made a report of the work done in the first part of the year at the time the bill came up in the House. We appropriated \$520,000 in the last appropriation bill for this survey, but there was no statement made by the commission when the House took up the bill as to what part of that money had been expended and how it had been expended. So the House of Representatives

made no appropriation to continue the survey. They gave \$30,000, but when the Dawes Commission came in with a full report we had an estimate from the Department showing that it was necessary to have \$300,000 more. We simply struck out the \$30,000 and put the \$300,000 in the place of it.

I do not propose to go into all the details of this subject, but when criticisms were indulged in of the Dawes commission and of their management I deemed it but fair and just to those men that I should say what I have said in a brief sort of way, not undertaking to elaborate the facts that are involved in this work.

Mr. STEWART. Mr. President, before I looked into this matter I thought this was a large expenditure of the Dawes Commission, but the more I became familiar with it, the more I became satisfied that it was necessary.

The Senate ought to bear in mind that this is legislation in favor of civilization. I think all legislation making appropriations in gross for the Indian tribes is legislation in favor of barbarism. Whenever we recognize tribes and give them money, we legislate them into barbarism, and we keep them in barbarism while they are in tribal relations. This is to break up the tribal ownership of a great country, with agricultural capacity equal at least to the great State of Indiana, with a salubrious climate, and it is now occupied by a very large number of white people, and more are going there.

Mr. JONES of Arkansas. There are 400,000 people there.

Mr. STEWART. There are 400,000 people there, as the Senator says, and they must have homes. The present condition of things is anomalous.

This is a great suit in chancery to distribute this property. It is their property. It has been recognized as their property, whether rightfully or wrongfully, and the Government has taken that position from the beginning and patented to them their titles. If it can not be broken up there will be savagery there for all time; there will be no government there; no development of a great State. We have got there the land, the air, the climate, everything necessary to make that a very great State; and there are 400,000 people there. It is necessary to have these lands distributed. The commission has gone at it in a very businesslike way, and in the only way possible, because if you divide land belonging to these people you must do it honestly and fairly, and you have got to give each one his share.

There is no possible way of accomplishing that without having every acre of land estimated. That is a great undertaking, but the object to be attained is worth the undertaking. While we are spending millions on millions of money upon the Indian tribes, we have been expending it in favor of barbarism by recognizing them as nations—by giving them money to have big Indian feasts. We have now started in the other line. As I have said, all your appropriations of money to the tribes keep them in barbarism, because the big chiefs will get it, the Indians will recognize them, and they will rule the others as they please.

These people have grown up with the surroundings of civilization, and they are the most civilized of any of the tribes. Large numbers of them are educated people. They have gone as far as they can unless you are going to recognize them as an independent nation. Are you going to let the lands be held and controlled by a few chiefs? To do this in a country occupied by 400,000 people is so contrary to good government, so contrary to every principle of independence and civilization, that we must break up the system. Congress is undertaking to do it now in the only way in which it can be done, and the money has got to be used for that purpose.

So far as I have been able to judge, the commission give a clear account of wherever they go and of exactly what they are doing. I believe they are doing their work honestly and in the only way in which it can be done. So I do not think the commission is subject to criticism. I think the appropriations ought to be made as fast as they can be used economically for the purpose of distributing this land and allowing that country to become a great civilized State, as it will be whenever private ownership of land is there provided for.

Mr. PETTIGREW. Mr. President, we have made agreements with these people in the past by which we were to divide up and allot the lands among the Indians who reside upon them. Every Indian there has his home and his cultivated areas. As to all of these people I have ever seen—and a great many of them come to Washington—you would not know they were Indians at all. They are living on these lands and cultivating them, but the patent runs to the tribe. There is a deed from the Government of the United States to each one of these tribes. Our problem is to divide the lands among individual members of the tribes or bands.

These Indians have rolls. We have paid them vast sums of money per capita, and we have paid them on the rolls they have, which show their tribal citizenship. There is no great problem in making a roll of these nations and getting it correctly. If any inquiry is to be made, it will not take years to do it nor the expenditure of such vast sums of money.

In pursuance of this policy, we appropriated over \$500,000 to survey this country, as the Government surveys all its public lands, as lands are surveyed in the Dakotas, in Iowa, and in Nebraska. That survey is sufficient in order to divide the lands among the people who live upon them.

When I went into the West over thirty years ago, I took a homestead upon the public domain. It was surveyed, as we have surveyed these lands, into sections, into miles square, with a corner every half mile. There was no trouble at all to select forties, a strip a mile long; and my homestead was a mile long, four quarters on a straight line. There was no necessity of any other survey. I had no trouble in finding my boundaries; and so it has been with all the settlers, without a complaint, and they have built up and developed the great States of the West.

Mr. JONES of Arkansas. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Arkansas?

Mr. PETTIGREW. I yield.

Mr. JONES of Arkansas. There is no survey for the purpose of this appraisement. It is simply a tracing of the lines.

Mr. PETTIGREW. No; no moundsmen are to build mounds and subdivide into forties.

Mr. JONES of Arkansas. That is so in the internal subdivisions. It is done there.

Mr. PETTIGREW. If we made that survey, it was abundant. The next thing was to divide the lands among the people and appraise their value. A man of any ordinary intelligence can get approximately the value of a section of prairie land in an hour. He does not desire to have it divided into forties. If he has any sense he can walk over it and tell practically the boundaries of the forties, and determine what each forty is worth. I can pick up hundreds of men in the West who, in an hour's time, will appraise every section of prairie land in that country.

This commission is going to spend more than it costs to survey the country, in the first place. There is to be five or six or seven hundred thousand dollars expended to divide the land into forties, and there are to be employed great bands of men, surveyors, deputy surveyors, chainmen, rodsman, moundsmen, cooks, and teamsters dividing it into forties, putting up the corners of the forties, and then they are to have an army of appraisers to appraise the land. The Senator stated that they have 200 men. They have 735 men employed. Besides, they have offices for which they pay a rental of \$3,600 a year in one town. Then they have armies of clerks. It is the most marvelous piece of extravagance in the history of the Government that I know of on a small scale. I can find responsible parties who will appraise this land and find the boundaries of the forties for 10 per cent of what it is costing this commission to do it; and they will do it well and make money out of it at that.

If it is timber land which is to be appraised, every Minnesota lumberman knows that a man who is used to cruising timber, as they call it, will walk into the center of a forty and tell you within a few feet just how many boards an inch thick and a foot wide in every tree or in all the trees in that forty will make, and he will tell you how many cords of wood it will make. He can determine its value for from twenty-five to fifty or sixty dollars less than the commission are paying this army of 735 men.

Last year we were told that we should appropriate money enough to finish this work, and we appropriated between five and six hundred thousand dollars. Now, the committee want \$300,000 more. The House left it at \$30,000. We were told last year that \$500,000 would finish the work. I said it would not, and I told the committee it would not, because they are pursuing a method which would perpetuate this commission forever, and that the sum of money demanded would be millions instead of the amount we then appropriated. Now, before the year is up, they come here and ask for \$300,000, and next year they will want \$500,000 more.

They also propose to launch into the mineral business. Anybody who knows anything knows there is no gold in the Indian Territory, yet they are to go on prospecting for the precious metals in order to determine their value. How are you going to determine the value of a quarter section of land on which there is a gold mine undeveloped; and if they should find it, how are you going to determine the value of the precious metals underneath the ground in order to divide this country among the Indians according to its value? It is simply absurd. It is one of the methods by which the commission propose to perpetuate their existence.

We have tried this policy before. We had a commission to treat with the tribes of the West. That commission existed for years. It never made but one agreement, and I believe that was not ratified by Congress because it was such a bad one. The members of the commission simply continued to draw their pay under the Government. Finally, I secured the adoption of a provision limiting their existence, and directing that at a certain time the commission should cease, but they came here to Congress and lobbied through a provision continuing the commission for an-

other year. The Senator from Indiana [Mr. FAIRBANKS], who had a friend upon the commission, succeeded in having it perpetuated for another year. At the end of the year the commission was perpetuated six months longer, and then we got rid of it.

Where we create a commission they do nothing except draw their pay and spend what public money they can. This commission is no exception to the rule. They have laid out an elaborate and absurd plan. It is unnecessary. They have spent half a million dollars for surveys which ought not to have been made at all and which are not required, and they are spending a million more for estimates to divide the property among the people who live on it. Who ever contemplated that an item like this would be brought in here?

I have heard, Mr. President—I do not know whether it is true or not, but it is a rumor that comes up here—that this commission is traveling around in special cars. I am going to show that there is some justification for the rumor, in view of the fact that their estimate for "traveling and incidental expenses for eighteen months" amounts to "\$39,070.97," and they say:

The above estimate for office rent, heat, light, stationery, etc.—

Amounting to nearly \$40,000 for traveling expenses—

is based upon the commission's experience during the past year and may be somewhat increased during the fiscal year ending June 30, 1902.

Here is an item of \$39,070.97 for traveling and incidental expenses of this commission for eighteen months. I say we are justified in paying some attention to the rumors which come to us when we see such an item.

Mr. JONES of Arkansas. I wish the Senator would give the source of his information.

Mr. PETTIGREW. I got it from people who live in that country, who are up here lobbying before the committees in favor of claims. I hardly care to give their names, for I do not know how responsible they may be.

Mr. JONES of Arkansas. I will say that the statement to which the Senator refers is absolutely without foundation.

Mr. PETTIGREW. I say there is ground for thinking that there is some foundation for the rumors when we see this item of \$39,070.97 for traveling and incidental expenses.

Mr. JONES of Arkansas. I can tell the Senator that the men who made the statements to which he refers are not reliable.

Mr. PETTIGREW. Perhaps the Senator knows them better than I do. They live down near Arkansas, and some of them went over to Arkansas.

Mr. JONES of Arkansas. I do not know who the men are, but the fact that they tell a deliberate falsehood is the reason why I say they are not reliable.

Mr. PETTIGREW. I do not know about its being a deliberate falsehood. There is no proof to the contrary; and here is corroborative evidence in this item of traveling and incidental expenses of \$39,070.97. What is a commission of five men going to do with an item like that? Who has ever seen last year's itemized account? Nobody that I know of. I am not in possession of the facts and the committee were not in possession of them; and I found a spirit of intolerance against criticism of this commission.

I say that any person familiar with the West knows that this survey of the forties is unnecessary, that this vast expense for this army of 735 men is unnecessary, and that it is an unnecessary employment of the men and a waste of public money. The commission ought to be overhauled. They are absolutely accountable to nobody, so far as I can find out. They do as they choose; they have unlimited latitude to employ whomsoever they please, to fix their own salaries, and spend what they choose for traveling expenses, with little or no check upon them. They seem for some reason or other to have been a favorite organization for the last seven or eight years.

The general office of this commission is at Muscogee, and they pay \$3,600 for rent. I live in a town much larger than Muscogee, and you can rent a building there three stories high, 100 feet deep, and 45 feet wide, elegantly furnished in hard wood, with all modern conveniences, for \$2,000 a year. What is it this commission is doing with accommodations that cost \$3,600 a year rent in Muscogee? What kind of a palatial outfit have they? They seem to be supreme, and no one calls a halt on them.

Then I find these items:

Stationery.....	\$3,000
Printing and binding.....	6,000

What are they printing for this \$6,000? Are they running a printing office and a newspaper, or what are they doing with it? I should like somebody to inform me. I believe it is the duty of Congress to scrutinize the expenditure of public money. Here is a leak that ought to be stopped, and unless there is some evidence brought, other than the bare assertion of confidence in the commission on the part of Senators, it is not satisfactory to me, and I do not believe it will be satisfactory to the people.

We were told last year that \$524,000 would finish the work and wipe it out. We were asked to appropriate for the whole business

at once, and here they come in with an estimate of \$667,193.97 for the coming year.

Mr. THURSTON. Not additional.

Mr. PETTIGREW. No; \$324,000 additional and \$342,193.97 left over.

We have four commissioners at \$5,000 each. That is \$30,000 for a year and a half. Then we find the following:

Item 1. Salaries of four commissioners, one year and six months, at \$5,000 per annum	\$30,000.00
Item 2. Salaries of general office employees, eighteen months, as shown by detailed statement hereto appended, marked "Exhibit A"	77,760.00
Item 3. Salaries and expenses of employees of Seminole allotment office, seventeen months February 1, 1901, to June 30, 1902, as per detailed statement appended hereto, marked "Exhibit B"	17,000.00
Item 4. Salaries and expenses of employees of Choctaw-Chickasaw enrollment office at Atoka, Ind. T., eight months, January 1, 1901, to September 1, 1901, as shown by detailed statement hereto appended, marked "Exhibit C"	8,000.00
Item 5. Salaries and expenses of employees of Creek enrollment party in the field, six months, April 1, 1901, to October 1, 1901, as shown by detailed statement appended hereto, marked "Exhibit D"	6,000.00
Item 6. Salaries and expenses of Mississippi Choctaw identification office in Mississippi, three months, May 1, 1901, to August 1, 1901, as shown by detailed statement appended hereto, marked "Exhibit E"	3,000.00
Item 7. Salaries and expenses of 17 land-appraisal parties, at \$1,000 per month each, nine months, January 1, 1901, to October 1, 1901, as shown by detailed statement hereto appended, marked "Exhibit F"	164,340.00

There is no reason for any such land appraisal parties. One man would be sufficient to report upon the character of every acre of land; and he could easily do it at the rate of a section a day where it is prairie land, and it would only take two or three times as long when it is timber land. I know this, because I have employed men to do such work. I have had thousands of acres of timber land appraised, and have had men travel through it and make their report. They did not survey it. The appraiser carries a pocket compass, and he can step the lines off, counting his steps, and know where he is.

A few years ago we wanted to appraise the timber in a reservation in Minnesota, and under Hoke Smith, then Secretary of the Interior, we sent up an army of men—and paid all the old political debts of Georgia—to appraise that timber. It cost \$360,000. All that money was thrown away. We had to appraise it over again. We went to work at it as this commission are going to work, and unlimited extravagance and foolishness was indulged in. The lumbermen of Minnesota, without anybody hardly knowing that anyone was upon the reservation, sent their appraisers and got a correct appraisal of all the timber of every forty; and these Government appraisers who had been corrupted, turned in an estimate of less than 25 per cent of the timber upon the forties.

The lumbermen would buy it at the Government appraisalment, when they knew there was four times as much timber upon the land as had been estimated. They had made a special arrangement for appraising this timber, and that was the result, and we could not stop it. I objected and protested; I tried to stop it; but it went on, and after much of the timber had been sold at the rate of 25 per cent of what was really there we had to throw up the appraisalment and appraise it over again.

Under this system, without civil service, with political appointments under an irresponsible commission, I venture to say that you will have much the same sort of work, and that these appraisers, handled in this way, will report in many instances far less timber on these lands than they really contain. Here are the different items:

Item 8. Salaries and expenses of 6 timber-appraisalment parties, twelve months, January 1, 1901, to December 31, 1901, as shown by detailed statement appended hereto, marked "Exhibit G"	\$81,000.00
Item 9. Salaries and expenses of 5 selection survey parties, three months, January 1, 1901, to April 1, 1901, and 10 selection survey parties, fifteen months, April 1, 1901, to June 30, 1902, as shown by detailed statement hereto appended, marked "Exhibit H"	176,500.00

Mr. STEWART. Will the Senator from South Dakota yield to me to make a motion?

Mr. PETTIGREW. I will yield to the Senator.

PROPOSED EVENING SESSION.

Mr. STEWART. I move that at half past 5 to-day the Senate take a recess until 8 o'clock for the purpose of reading the District of Columbia code bill, and for no other purpose, no amendments to be acted upon.

The PRESIDING OFFICER. Does the Senator make the motion or ask unanimous consent.

Mr. STEWART. I will ask unanimous consent.

The PRESIDING OFFICER. The Senator from Nevada asks that the Senate at half past 5 take a recess until 8 o'clock for the purpose of reading the bill known as the District of Columbia code bill. Is there any objection?

Mr. BACON. And there is to be no other business?

Mr. STEWART. No other business but the reading of the code bill.

The PRESIDING OFFICER. And no other business to be transacted except the reading of the code bill. Is there objection? Mr. PETTIGREW. I object.

The PRESIDING OFFICER. The Senator from South Dakota objects.

Mr. STEWART. I move, then, that the Senate take a recess from half past 5 until 8 o'clock this evening for the purpose I have named.

The PRESIDING OFFICER. The Senator from Nevada moves that the Senate take a recess from half past 5 to 8 o'clock this evening for the purpose on reassembling of reading the District of Columbia code bill, and that no other business shall be transacted during the evening.

Mr. WELLINGTON. I make the point of order that there is not a quorum present.

Mr. PETTIGREW. And I make the point of order that the motion is not in order. We have a bill pending before the Senate.

Mr. JONES of Arkansas. The want of a quorum being suggested, nothing but the call of the roll is in order.

Mr. PETTIGREW. Of course nothing else is in order but the calling of the roll.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

Bacon,	Gallinger,	McCumber,	Simon,
Bard,	Hansbrough,	McEnery,	Stewart,
Berry,	Hawley,	Martin,	Teller,
Carter,	Heitfeld,	Money,	Thurston,
Chandler,	Hoar,	Nelson,	Tillman,
Clay,	Jones, Ark.	Perkins,	Turley,
Daniel,	Kean,	Pettigrew,	Vest,
Elkins,	Kyle,	Pettus,	Wellington,
Fairbanks,	Lindsay,	Quarles,	Wetmore.
Foraker,	Lodge,	Rawlins,	
Frye,	McComas,	Shoup,	

Mr. QUARLES. I wish to state that my colleague [Mr. SPOONER] is necessarily absent from the Senate.

Mr. WELLINGTON. Mr. President, the roll has been called. Is there a quorum present?

The PRESIDING OFFICER. The clerks are adding up the names, so that the Chair may announce the result.

Mr. WELLINGTON. I should like them to report. If there is not a quorum present, it is not competent to do any business. I move that the Senate adjourn.

The PRESIDING OFFICER. Forty-two Senators have answered to their names. A quorum of the Senate is not present.

Mr. WELLINGTON. I move that the Senate adjourn.

Mr. LODGE. I ask for a call of the Senate.

The PRESIDING OFFICER. The motion of the Senator from Maryland is first in order. The question is on agreeing to the motion that the Senate adjourn.

The motion was not agreed to.

Mr. WELLINGTON. There being no quorum, I demand a call of the roll.

Mr. STEWART. The roll has been called.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. HOAR. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. The point of order is that the last thing that happened was a call of the roll on the suggestion of the absence of a quorum, and the Senator has no right to demand the calling of the roll the second time.

Mr. WELLINGTON. I claim that I have the right to make this request, because unless there is a quorum present and there is a question pending, the Senate is not competent to do anything except to adjourn.

Mr. LODGE. I make the point of order that the roll having been called and the absence of a quorum disclosed, there is no motion in order except a motion to adjourn, which has been voted down, and a motion that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Chair is of the opinion that the point of order is well taken.

Mr. ALLISON. Before that motion is disposed of, I desire to be recorded as present.

Mr. ALDRICH. I ask that my name be called.

Mr. WELLINGTON. Can that be done after the roll has been called and the result announced?

Mr. ALDRICH. Undoubtedly.

The PRESIDING OFFICER. The Chair will state that a call of the Senate disclosed the fact that there was no quorum. A motion to adjourn was then made, and the Senate declined to adjourn.

Mr. PLATT of Connecticut. That is the transaction of business.

Mr. LODGE. I suggest the absence of a quorum. Business has intervened.

The PRESIDING OFFICER. Business has intervened. The Secretary will call the roll.

Mr. WELLINGTON. The Senator from Maryland made the same motion previously.

The PRESIDING OFFICER. The Chair so understands.

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

Aldrich,	Foraker,	Lodge,	Quarles,
Allison,	Frye,	McComas,	Rawlins,
Bacon,	Gallinger,	McCumber,	Shoup,
Bard,	Hale,	McEnery,	Simon,
Berry,	Hansbrough,	Martin,	Stewart,
Burrows,	Hawley,	Money,	Teller,
Butler,	Heitfeld,	Nelson,	Thurston,
Carter,	Hoar,	Perkins,	Tillman,
Chandler,	Jones, Ark.	Pettigrew,	Turley,
Clay,	Kean,	Pettus,	Vest,
Elkins,	Kyle,	Platt, Conn.	Wellington,
Fairbanks,	Lindsay,	Proctor,	Wetmore.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present. The Chair will state for the information of the Senate that the Senator from South Dakota [Mr. PETTIGREW] had the floor and was speaking upon the pending amendment when the Senator from Nevada [Mr. STEWART] requested him to yield the floor. He did so, and the Senator from Nevada made a request which was objected to. Later he made a motion, which the Senator from South Dakota objected to, on the ground that he did not yield the floor for that purpose. The question now is, Will the Senator from South Dakota yield to the Senator from Nevada?

Mr. PETTIGREW. No; certainly not. I do not yield for the purpose of enabling the Senator to make the motion which he intends to make. I yielded that he might make a request—another thing.

Mr. HOAR. I ask the Senator from South Dakota kindly to yield to me that I may ask for the adoption of an order.

Mr. PETTIGREW. I yield for that purpose.

READING OF WASHINGTON'S FAREWELL ADDRESS.

On motion of Mr. HOAR, it was

Ordered, That, unless otherwise directed, on the 23d day of February in each year, or if that shall be on Sunday, then on the day following, immediately after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by a Senator to be designated for the purpose by the presiding officer; and that thereafter the Senate will proceed with its ordinary business.

FORDYCE M. KEITH.

Mr. GALLINGER. Will the Senator from South Dakota yield to me to offer a resolution?

Mr. PETTIGREW. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I submit a concurrent resolution, and as the beneficiary has died since the passage of the bill referred to I trust the resolution will be acted upon immediately.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President is hereby requested to return to the Senate the bill (S. 1456) entitled "An act increasing the pension of Fordyce M. Keith."

PROPOSED REDUCTION OF REVENUE.

Mr. ALDRICH. I ask the Senator from South Dakota to yield to me to make a report.

Mr. PETTIGREW. I yield.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, to report it with an amendment in the nature of a substitute. I ask that the bill and amendment be printed, and I give notice that on the first of next week I shall call up the bill and ask the Senate to consider it.

I desire also to state that the committee have under consideration sundry amendments to the provisions with regard to the sale of stocks and merchandise, which when completed they will present to the Senate in connection therewith.

Mr. COCKRELL. Is there a written report accompanying the bill?

Mr. ALDRICH. There is no written report.

Mr. STEWART. There ought to be a written report.

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

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.

Mr. PETTIGREW. I declined to yield to the Senator from Nevada to make a motion that the Senate take a recess from half past 5 o'clock until 8 o'clock this evening. I did so for the reason

that I think his motion, if it prevailed, would not accomplish the purpose he seeks to accomplish. I do not believe we could secure a quorum this evening, and until we have unanimous consent it seems to me it would be idle to hold an evening session on that measure, and the motion would therefore be absolutely useless.

Mr. STEWART. Will the Senator inform me how I can get unanimous consent while he objects?

Mr. PETTIGREW. I do not see how the Senator can, and the Senator would be equally unfortunate if he succeeded in having his motion adopted, because a quorum would not be present in the evening, and the bill could not be read in the absence of a quorum without unanimous consent. I presume the bill ought to pass. I have not examined it. It establishes a code for the District of Columbia. Lawyers in the Senate who have examined it believe it is a very meritorious measure, but I believe we shall find proper time to enact it into law. In fact, I believe we shall find time during this session to pass every measure that ought to be enacted into law. We will be able to do it practically by unanimous consent. I do not propose to filibuster. It is not necessary.

Mr. THURSTON. I hope the Senator from South Dakota will not compel the Indian appropriation bill to make vicarious atonement for other measures.

Mr. PETTIGREW. No, Mr. President; I shall not do that. It seems to me there is nothing to indicate anything of the sort. I have been discussing for the last hour the Dawes Commission and the expenditures under it. I believe it is a legitimate subject of discussion. A year ago we undertook to appropriate money enough to finish the work the commission was engaged in, and we appropriated \$524,000. The House, in accordance with that understanding, this year appropriated \$30,000, and the Senate committee has increased it to three hundred thousand.

In other words, the commission come here and say that they must have three or four hundred thousand dollars more next year. There is no longer any promise that it will finish the work. It will not finish the work. We will expend upon this work, in the way in which it is being carried on, millions of dollars. It is being extravagantly carried on; carried on in a useless way and in a wasteful method. We are spending, as I said, nearly \$600,000 for surveys that are absolutely unnecessary, because we previously spent over \$500,000 surveying that country as we survey all of the public domain. There are a vast horde of 735 men, not under civil service, tramping over that country. It is unnecessary.

There is an item of expenditure next year, for incidental and traveling expenses for the commission of four men, of \$39,070.97. They might have left off the 97 cents for convenience sake. They wanted to show us how particular they had been. In the absence of any itemized statement as to how it is to be expended, it is certainly the subject of legitimate criticism on the part of the Senate of the United States, which is appropriating the money taken from the people by taxation. We have here this item:

Salaries and expenses incident to the appraisal of mineral property (see statement hereto appended, marked "Exhibit I")..... \$5,000.00

That is simply a starter. We are to employ a lot of mineral experts to hunt for mineral in order to appraise the land. How are you going to know anything about what the land is worth until you open and develop the mines? If we are going into this business through this commission, of course the next thing will be an appropriation for diamond drills, and then for sinking shafts and for development of mineral property. There is no necessity whatever for the appropriation. It simply lays the foundation for another branch of this commission, with an office somewhere, and a horde of clerks and mining experts called from the mineral regions of this country.

What we are aiming to do in the Indian country is to divide the lands belonging to the tribes among the members of the tribes. They are living on the lands. Their homes are there. We want approximately to get at the value of the land and yet give to each Indian the land where he lives. There is no great problem about it, and yet they have been at it for years and years. We are laying the foundation for spending millions of money.

We have these items:

Salaries and expenses of board of special adjusters, July 1, 1901, to January 1, 1902, as shown by detailed statement appended hereto, marked "Exhibit K"..... \$12,000.00
 Salaries and expenses of Cherokee allotment office, six months, January 1, 1902, to June 30, 1902, at \$2,000 per month, as shown by detailed statement hereto appended, marked "Exhibit L"..... 12,480.00
 Salaries and expenses of Choctaw-Chickasaw allotment office, six months, January 1, 1902, to June 30, 1902, at \$2,000 per month, as shown by statement hereto appended, marked "Exhibit M"..... 12,480.00

It makes in all over \$600,000, three hundred and twenty-four thousand of it being in addition to the amount that last year they said was sufficient to do the work. I think we ought to strike out this item of \$300,000 from the bill and leave the \$30,000 which the House proposes shall be appropriated and look into this matter before we go further.

Mr. BUTLER. I should like to ask the Senator if there is any assurance that even this largely increased amount will finish the work?

Mr. PETTIGREW. Oh, none at all. There is every intimation that the mining business is just simply a start—to lay the foundation.

Mr. BUTLER. But rather a new programme is being mapped out.

Mr. PETTIGREW. These commissions always map out enough ahead to keep in existence and draw their salaries. We never had a commission that did not. We never get rid of one until we legislate it out of existence by act of Congress. I have here the "Creek enrollment party:"

As nearly as the commission can ascertain—

Many of their items start off with the same proposition—

As nearly as the commission can ascertain, there remain yet to be enrolled about 2,500 Creek citizens before the citizenship records of that tribe can be closed. Many of these are stubbornly resisting the efforts of the commission to effect their enrollment, and there remains no course which promises success in this direction other than to send an enrollment party into the field with instructions to visit every portion of that nation which may be necessary to ascertain the information essential to the enrollment of the delinquents. It is expected to start this enrollment party not later than April 1, and it is believed that the work can be completed by October 1, 1901. The expense of this party is estimated as follows:

1 clerk, per month.....	\$150
3 clerks, at \$100 per month.....	300
2 stenographers, at \$100 per month.....	200
1 interpreter, at \$60 per month.....	60
2 messengers, at \$60 per month.....	120
1 cook, per month.....	35
1 teamster, per month.....	35
Incidental expenses, such as forage, rations, ferrriage, etc., per month.....	100
Total expense per month.....	1,000

A thousand dollars a month. I do not believe that is necessary. I think it is an outrageous extravagance, and I do not believe there is a single item here that is not in excess of what ought to be expended; and all I have heard in answer to these criticisms is the belief, without any detail, without any specific information, without any itemized accounts to examine, that it is all right somehow. Therefore I hope the amendment proposed on the part of the committee will not be adopted.

Mr. THURSTON. Mr. President, I had not intended to occupy the time of the Senate in the discussion of this amendment, but so much has been said that it is perhaps at least proper if not necessary to make some response.

The Dawes Commission was created some years since for the purpose of undertaking a great and complicated work. The Indian Territory was inhabited, several distinct tribes, so-called nations, of Indians carrying on separate and distinct forms of government, maintaining tribal relations, handling their own incomes and affairs. The Indian Territory is as large as the State of Indiana and as large as a good part of New England. The people thinking of it and speaking of the work of the commission fail to realize this fact.

Under the legislation of Congress it was proposed to break up the separate governments of the Indian nations, to sever their tribal relations, to divide their lands among them equitably and justly, and to put them in a position where they would become citizens and where they could speedily fit themselves for participating more fully in the affairs of the United States. This Indian problem has been a serious one. The general consensus of opinion of those who have studied the subject is that the continuance of the tribal relations stands in the way of civilization; that if we are ever to make anything of our Indians we must break up their tribal organizations, we must divide their lands, we must gradually place each Indian in the possession of a tract of land, and, as far as may be, put him in a position for himself and his descendants to be self-supporting citizens of the United States.

Under our legislation and under the treaties with some of the nations we agreed to divide the lands of the Indian Territory among the Indians, not by metes and bounds, not per acre, as has been the general plan where great tracts of practically uninhabited lands have been divided up, but we agreed, and our legislation so provides, that we would divide this vast tract of territory among these thousands and thousands of Indians so as to give each one his proportionate value. It is therefore necessary not only to divide the lands, not only to establish metes and bounds, but to determine the value of every piece and tract of land in the Indian Territory. Now, that is a colossal undertaking.

For my part, I have heard all that has been said in connection with the work of the Dawes Commission. I have investigated it as far as I could while I have been on the committee, their reports, the character of the work performed, and have advised myself, as far as possible, as to whether or not they were properly proceeding and expeditiously proceeding.

In my judgment, Mr. President, the Dawes Commission has never had any purpose of perpetuating itself in office. I think that charges of that kind are utterly without foundation, unjustified and unjustifiable. I know the high character of some of the gentlemen composing that commission, and I have not the least idea that there is a member of the commission who would so far lower his standard of manhood and honesty and integrity as to

think of perpetuating his tenure of office by delaying the work or carrying it on in an improper manner.

The first work which confronted this commission was to secure an enrollment of the Indian tribes. That enrollment has been carried on under great difficulties. At all times members of the tribes, parts of the tribes, have protested against the action of Congress. They have sought to prevent the breaking up of their organizations as nations. They have tried to stand in the way of the allotments of their lands, and they have put difficulties in the way of the commission from the beginning up to the present time.

The rolls of these people have nearly all been completed. Considerable yet remains to be done as to the rolls, because great difficulties have been experienced in passing upon the claims of many persons who insisted that they were entitled to enrollment in the various tribes. Matters have gone into the courts. The decisions of the courts and the delays of the courts have cast additional obstacles in the way of the prosecution of the work, but the work has been carried on, as I believe, expeditiously and fairly.

Now, we have come to a point where we must divide the lands according to value. To do that fairly you must send out men qualified for the work—men of character, men of information, men who can judge of all the surrounding circumstances connected with each tract of land. You require men of high character. I have examined the salary list of the commission, so fully set forth in their report to Congress, and I do not believe that they have provided for the excessive payment of a single individual. In fact, Mr. President, I do not believe that the United States of America pays men in any branch of its service as great sums as the same men could earn in separate and individual employments. My experience is that the employees of the United States, both by the Dawes Commission and by the departments of the Government in all branches of the service, are underpaid rather than overpaid.

Now, these surveying parties must be sent out. The commission must operate through many of them, or else they will delay this work for years and years. The only way to close up the work within a reasonable period of time is to put as many surveying and appraising parties into the field as they can work to advantage.

One year ago the commission made us estimates of the amount that they could expend in a year or a year and a half of time in the work of appraisement. They said to us that something like \$650,000 or \$660,000 would enable them, as far as they were advised, to carry on the work of appraisement and to complete it. We did not give them all they asked. As the Senator from South Dakota said, we were of the opinion that they could not complete the work in the fiscal year. We cut their estimate down about one-third, I think, possibly not more than one-fourth. We gave them an appropriation of \$500,000 for all their expenses, including the work of appraisement. They had asked, as I now recollect, about \$650,000 or \$660,000.

Mr. President, they have met with many difficulties since the 1st day of July, when their appropriation became available. They have been organizing parties; they have been putting them in the field; they have been making these appraisements; they are getting the data together on which to act; they are increasing the number of their parties as fast as they can; but they have not been able to expend, and they will not be able to expend in this fiscal year, more than about one-half or a little more than one-half the amount we appropriated for them in the last bill. Therefore, when they come to us and say that \$600,000 is still necessary to prosecute this work for the eighteen months commencing on the 1st of January last, they are only asking that, in addition to the unexpended appropriation of the last bill, we shall give them \$300,000.

The reason why this item was left out of the House bill—and I have it from the members of the committee—is that although this amount was estimated for by the Secretary of the Interior, yet the House committee did not have the report or the data from the commission itself on which they could base a judgment as to whether or not that amount of money was desirable, and therefore, that report not being forthcoming up to the time they reported the bill to the House, the item did not go into the bill.

But, Mr. President, we are bound in good faith to carry on this work and to carry it on as rapidly as may be. It is possible, if one great proprietor owned the Indian Territory and had to do this work, that by personal supervision he could very greatly lessen the expenses. I do not doubt but what the Senator from South Dakota, if he were put in charge of this whole undertaking as a personal matter, could perhaps reduce the expenses of the prosecution of this necessary work.

But, Mr. President, the Government can only proceed through certain officials and in certain ways. We have picked out the best men available. The men have been picked out; they are in the field; they are familiar with this work. Their salary list is not excessive for the character of work required. They are

proceeding as rapidly as possible. When the Senator from South Dakota says we should cut off this appropriation, he simply means a further continuance of the commission much beyond the time that the commission will continue if they proceed with this work and have this appropriation to carry it on with. The Senator does not propose, and nobody has proposed, to repeal the law creating the commission and to stop this work where it is, to leave it incomplete and unfinished, to say that we made a mistake, and leave the Indian Territory in the chaotic condition that would follow.

The only way to complete this work—to put an end to this commission—is to appropriate from time to time every dollar of money that the commission can possibly use to advantage. To reduce the appropriation simply means to continue the commission in idleness and postpone the day for the completion of the work itself.

Now, Mr. President, as a part of my remarks I ask to have printed in the RECORD the report of this commission.

The PRESIDENT pro tempore. Without objection, it will be printed as requested.

The matter referred to is as follows:

FIVE TRIBES COMMISSION—DETAILED ESTIMATE OF APPROPRIATION FOR EIGHTEEN MONTHS FROM JANUARY 1, 1901, TO JUNE 30, 1902.

Estimate of amount required by Five Tribes Commission for the period of time extending from January 1, 1901, to June 30, 1902, being for six months of the fiscal year ending June 30, 1901, and the entire ensuing year.

Item 1. Salaries of four commissioners, one year and six months, at \$5,000 per annum	\$30,000.00
Item 2. Salaries of general office employees, eighteen months, as shown by detailed statement hereto appended, marked "Exhibit A"	77,760.00
Item 3. Salaries and expenses of employees of Seminole allotment office, seventeen months, February 1, 1901, to June 30, 1902, as per detailed statement appended hereto, marked "Exhibit B"	17,000.00
Item 4. Salaries and expenses of employees of Choctaw-Chickasaw enrollment office at Atoka, Ind. T., eight months, January 1, 1901, to September 1, 1901, as shown by detailed statement hereto appended, marked "Exhibit C"	8,000.00
Item 5. Salaries and expenses of employees of Creek enrollment party in the field, six months, April 1, 1901, to October 1, 1901, as shown by detailed statement appended hereto, marked "Exhibit D"	6,000.00
Item 6. Salaries and expenses of Mississippi Choctaw identification office in Mississippi, three months, May 1, 1901, to August 1, 1901, as shown by detailed statement appended hereto, marked "Exhibit E"	3,000.00
Item 7. Salaries and expenses of 17 land-appraisal parties, at \$1,000 per month each, nine months, January 1, 1901, to October 1, 1901, as shown by detailed statement hereto appended, marked "Exhibit F"	164,340.00
Item 8. Salaries and expenses of 6 timber-appraisal parties, twelve months, January 1, 1901, to December 31, 1901, as shown by detailed statement appended hereto, marked "Exhibit G"	81,000.00
Item 9. Salaries and expenses of 5 selection survey parties, three months, January 1, 1901, to April 1, 1901, and 10 selection survey parties, fifteen months, April 1, 1901, to June 30, 1902, as shown by detailed statement hereto appended, marked "Exhibit H"	176,500.00
Item 10. Salaries and expenses incident to the appraisal of mineral property (see statement hereto appended, marked "Exhibit I")	5,000.00
Item 11. Salaries and expenses of special land appraisers, one year, July 1, 1901, to June 30, 1902, at \$700 per month, as shown by detailed statement hereto appended, marked "Exhibit J"	8,400.00
Item 12. Salaries and expenses of board of special adjusters, July 1, 1901, to January 1, 1902, as shown by detailed statement appended hereto, marked "Exhibit K"	12,000.00
Item 13. Salaries and expenses of Cherokee allotment office, six months, January 1, 1902, to June 30, 1902, at \$2,000 per month, as shown by detailed statement hereto appended, marked "Exhibit L"	12,480.00
Item 14. Salaries and expenses of Choctaw-Chickasaw allotment office, six months, January 1, 1902, to June 30, 1902, at \$2,000 per month, as shown by statement hereto appended, marked "Exhibit M"	12,480.00
Item 15. Office rent, heat, light, stationery, printing and binding, traveling and incidental expenses, eighteen months, shown in detail by statement appended hereto, marked "Exhibit N"	53,233.97

**EXHIBIT A.
GENERAL OFFICE.**

The general office is composed of the secretary's office, disbursing office, Creek allotment office, Cherokee enrollment, Choctaw-Chickasaw enrollment. The number of employees and salaries paid these officers are as follows:

1 secretary, at \$1,980 per annum, eighteen months	\$2,970
1 disbursing officer, at \$3 per diem (detailed from office of Secretary of Interior), \$90 per month for eighteen months	1,620
2 clerks, at \$150 per month each	3,000
4 clerks, at \$125 per month each	5,000
15 clerks and draftsmen, at \$100 per month each	15,000
6 stenographers, at \$100 per month each	6,000
1 clerk, at \$85 per month	1,530
5 clerks, at \$75 per month each	3,750
4 stenographers, at \$75 per month each	3,000
1 interpreter and stenographer, at \$60 per month	1,080
1 carpenter, at \$60 per month	1,080
1 clerk, at \$60 per month	1,080
1 teamster, in charge of commission's stock corrals, at \$60 per month	1,080
1 teamster, at \$35 per month	630
1 janitor, at \$35 per month	630
1 messenger, at \$30 per month	540
1 cook, at \$35 per month	630
1 cook, at \$30 per month	540
Total	77,760

The commission can add but little to this statement to show the necessity for the employment of this number of clerks which can not be readily ascertained from its sixth and seventh annual reports.

The above statement of employees indicates merely the number on duty at the general office at the present time, and it is not at all improbable that the number will have to be increased during the ensuing year to some extent, but as the commission can not with any degree of accuracy anticipate the amount of work which may devolve upon the general office, an increased number has not been provided for in this estimate. That this number of clerks and other employees will be required during the ensuing year is well assured, for the reason the records of field work, including surveying, appraisal of lands, estimate of timber, enrollment cases, mineral estimates, etc., must have a proper record and be reported to the general office. It will be understood that the commission has been maintaining an enrollment party in the field in the Cherokee Nation during the past summer, which work is now in progress at the general office of the commission at Muscogee, and that the clerks and stenographers for this duty are covered by the above schedule.

EXHIBIT B.

SEMINOLE ALLOTMENT OFFICE.

The commission, on December 24, forwarded, for departmental approval, the completed roll of Seminole citizens. There are no contested cases in this nation, and the roll as submitted will become at once final upon approval by the Secretary. As soon as the same shall have been approved and returned to the office, which the commission anticipates will be not later than February 1, 1901, the work of allotment, in conformity with the agreement of October 7, 1899, may be at once commenced.

The commission, therefore, contemplates the establishment of an allotment office in that nation upon that date. The amount of work which will devolve upon the commission at the outset of this branch of the service can not be anticipated, and a definite estimate, therefore, can not be made of the number of clerks, stenographers, interpreters, etc., that will be required to transact the business incident thereto. The following, however, is believed by the commission to be a fair estimate of the expense, showing in detail the amount covered by the

Commission's general estimate:	
1 chief clerk, at \$150 per month	\$150
2 clerks, at \$100 per month	200
2 stenographers, at \$100 per month	200
2 surveyors, at \$100 per month	200
1 interpreter, at \$60 per month	60
1 marshal, at \$60 per month	60
1 janitor, at \$30 per month	30
Office rent	25
Incidental expense, light, heat, etc.	75
Total per month	1,000

It is not improbable that this, in common with every other branch of the work, may require a greater expenditure than the commission has anticipated, and if so the same will be covered from the incidental fund indicated on the commission's general estimate.

EXHIBIT C.

CHOCTAW-CHICKASAW ENROLLMENT OFFICE AT ATOKA.

As indicated by the commission's general estimate, item 4, the commission plans to establish an office at Atoka for the purpose of completing the enrollment of the Choctaws and Chickasaws. The commission's sixth and seventh annual reports fully set forth the methods by which this work is done. Quite a large number of citizens remain yet to be enrolled in the Choctaw and Chickasaw nations, aside from the great number of applicants who apply as Mississippi Choctaws and otherwise. It has not been found possible to induce many of the citizens of those tribes to appear before the commission for enrollment during its hearings at points within those tribes, and as the rules of the Secretary require that they shall appear before the commission within the tribe in which membership is claimed, it has been found necessary to establish a centrally located office convenient of access. Not only is this for the benefit of those to be enrolled, but because no other means known to the commission will secure their enrollment other than to inaugurate an aggressive movement looking to that end.

The following is a detailed statement of expense estimated by the commission to be necessary for such work:

Office rent	\$25
3 clerks, at \$100 per month (1 chief clerk detailed from general office, Muscogee)	300
4 stenographers, at \$100 per month	400
2 interpreters, at \$60 per month	120
1 marshal, at \$60 per month	60
1 janitor, at \$30 per month	30
Incidental expense	65
Total per month	1,000

It is believed that enrollment of the Choctaws and Chickasaws can be completed by September 1, 1901, providing proper provision is made for closing the rolls of those tribes.

The commission's general estimate, therefore, is made to cover eight months, at \$1,000 per month, or \$8,000.

EXHIBIT D.

CREEK ENROLLMENT PARTY.

As nearly as the commission can ascertain, there remain yet to be enrolled about 2,500 Creek citizens before the citizenship records of that tribe can be closed. Many of these are stubbornly resisting the efforts of the commission to effect their enrollment, and there remains no course which promises success in this direction other than to send an enrollment party into the field with instructions to visit every portion of that nation which may be necessary to ascertain the information essential to the enrollment of the delinquents. It is expected to start this enrollment party not later than April 1, and it is believed that the work can be completed by October 1, 1901. The expense of this party is estimated as follows:

1 clerk, per month	\$150
3 clerks, at \$100 per month	300
2 stenographers, at \$100 per month	200
1 interpreter, at \$60 per month	60
2 messengers, at \$60 per month	120
1 cook, per month	35
1 teamster, per month	35
Incidental expenses, such as forage, rations, ferrriage, etc., per month	100
Total expense per month	1,000

The messengers for which estimate is made in the above statement will act in the nature of marshals, and will be required to visit inaccessible and outlying districts to summon delinquents before the enrollment party.

EXHIBIT E.

MISSISSIPPI CHOCTAW IDENTIFICATION OFFICE IN MISSISSIPPI.

Under the act of Congress of June 23, 1898, the commission was empowered to determine the identity of Mississippi Choctaws claiming rights under article 14 of the treaty of 1830. There remains yet quite a large number of applicants in that State, to whom the commission believes a hearing should be extended, and, as a short session has been found by experience to be impracticable, it is designed to open an office at some point convenient to the district in which the majority of these claimants are resident, and continue the same for a period of three months, commencing May 1, 1901, and extending to August 1, 1901. The full-blood Indians are slow to respond to invitations to appear before the commission for identification, and it is not believed that any other plan will meet with the results which the Government expects to attain.

The expense for this work in detail is estimated as follows:

1 clerk, at \$150 per month.....	\$150
2 clerks, at \$100 per month.....	200
3 stenographers, at \$100 per month.....	300
1 interpreter, at \$50 per month.....	60
2 messengers, at \$60 per month.....	120
Office rent.....	25
1 janitor, at \$30 per month.....	30
Incidental expense.....	115
Total per month.....	1,000

The services of the two messengers for which estimate is above made are needed to serve summons and to search for and bring in witnesses, etc., acting in the capacity of marshals.

EXHIBIT F.

LAND-APPRAISEMENT PARTIES.

There remain at this time 3,730,000 acres of land to be appraised in the Creek Nation, 5,350,000 in the Cherokee Nation, 4,000,000 acres in the Choctaw and Chickasaw nations. The commission at this time has 17 appraisal parties in the field, and it is estimated that the preliminary appraisement may be completed October 1, 1901. It is the plan of the commission to so utilize and direct the movements of the appraisal parties in the field that the classification of the lands of the Creek, Seminole, and Choctaw nations shall be completed September 25 and the Cherokee Nation by October 1, all parties as at present composed to be utilized until the last-named date.

The estimated expense of each party, based upon past experience, is as follows:

1 appraiser in chief, Choctaw-Chickasaw appraisement, at \$125 per month for nine months.....	\$1,125
1 representative Choctaw Nation, at \$100 per month for nine months.....	900
1 representative Chickasaw Nation, at \$100 per month for nine months.....	900
17 appraisers in charge, at \$110 per month for nine months.....	16,830
68 appraisers, at \$100 per month for nine months.....	61,200
34 surveyors, at \$100 per month for nine months.....	30,600
17 teamsters, at \$35 per month for nine months.....	5,355
17 second teamsters, at \$30 per month for nine months.....	4,590
17 cooks, at \$30 per month for nine months.....	4,590
Subsistence and forage, 17 appraisal parties, with necessary repairs to equipment and incidental expenses, \$250 per month for nine months.....	38,250
Total expense.....	164,340

EXHIBIT G.

TIMBER ESTIMATORS.

The amount of timber to be estimated in Indian Territory can not be by the commission arrived at with any degree of accuracy save by actual appraisers in the field. Much of the timbered country is exceedingly mountainous and impenetrable by wagons, and the commission has, therefore, determined upon the organization of six timber-estimating parties to be supplied with pack trains composed of burros, mules, and packers, which will enter the field at once. The estimated expense thereof is as follows:

6 chief timber estimators, at \$115 each per month, for twelve months.....	\$8,280
36 timber estimators, at \$110 each per month, for twelve months.....	47,520
6 packers, at \$30 per month each.....	4,320
6 teamsters, at \$30 per month each.....	2,160
6 cooks, at \$30 per month each.....	2,160
Subsistence and forage for six timber appraisal parties, necessary repairs to equipment, \$250 per month for twelve months.....	16,560
Total.....	81,000

EXHIBIT H.

SELECTION SURVEY PARTIES.

The necessity for subdividing sections in the thickly populated districts into quarter quarters has been fully set forth by the commission in its annual reports, and as the work of adjustment of conditions here progresses, the necessity therefor increases. There are at present in the field three selection survey parties, two engaged on Choctaw-Chickasaw lands and one in the Seminole country. Plans have been made to start two additional parties at once, making five parties in the field January 1.

The commission believes that at least five additional parties will be required to keep this work up with the progress of allotment and its estimate. Item 9 is therefore made to cover five survey parties from January 1 to April 1, 1901, and ten survey parties from April 1, 1901, to June 30, 1902. The expense of such selection survey parties, based upon past experience, is estimated as follows:

5 surveyors in charge, at \$110 per month each, for three months.....	\$1,650
10 surveyors, at \$100 per month each, for three months.....	3,000
10 head chainmen, at \$35 each, for three months.....	1,050
10 rear chainmen, at \$30 each, for three months.....	900
10 moundmen, at \$30 per month each, for three months.....	900
15 rodsmen, at \$30 per month each, for three months.....	1,350
20 axmen, at \$30 per month each, for three months.....	1,800
10 teamsters, at \$30 per month each, for three months.....	900
5 cooks, at \$30 per month each, for three months.....	450
5 second cooks, at \$20 per month each, for three months.....	300
Subsistence, forage, etc., and necessary repairs to equipment, \$250 per month for party, for three months.....	3,750

10 selection survey parties from April 1, 1901, to June 30, 1902:

10 surveyors in charge, at \$110 per month each.....	\$16,500
20 surveyors, at \$100 per month.....	30,000
20 head chainmen, at \$35 per month.....	10,500
20 rear chainmen, at \$30 per month.....	9,000
20 moundmen, at \$30 per month.....	9,000
30 rodsmen, at \$30 per month.....	13,500
40 axmen, at \$30 per month.....	18,000
20 teamsters, at \$30 per month.....	9,000
10 head cooks, at \$30 per month.....	4,500
10 second cooks, at \$20 per month.....	3,000
Subsistence, forage, etc., \$250 per month.....	37,500
Total.....	176,550

In the agreement between the United States and the Choctaws and Chickasaws, ratified by Congress June 23, 1898, the following provision occurs:

"That the said Choctaw and Chickasaw freedmen who may be entitled to allotments of 40 acres each shall be entitled each to land equal in value to 40 acres of the average land of the two nations."

Also:

"That the Commission to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined, in such manner as shall hereafter be provided by act of Congress.

"That the lands allotted to the Choctaw and Chickasaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw and Chickasaw tribe so as to reduce the allotment to the Choctaws and Chickasaws by the value of the same."

In estimating the number of selection survey parties which will be required during the ensuing fiscal year, the commission contemplates the segregation of the land intended to be set aside for Choctaw and Chickasaw freedmen as provided for in the agreement referred to.

EXHIBIT I.

APPRAISAL OF MINERAL PROPERTY.

The Atoka agreement, being the agreement between the United States and the Choctaws and Chickasaws, ratified by Congress June 23, 1898, excepted no other minerals from allotment save coal and asphalt.

In the determination of the value of the lands, therefore, in the Choctaw and Chickasaw nations must be considered all other materials. The extent of such other mineral deposits is yet unknown to the commission, but unofficial reports have been received indicating deposits in various portions of those tribes, of which investigation must be made and value determined in order that a correct valuation may be placed upon the lands preparatory to allotment. For this purpose the services of men having a theoretical and practical knowledge of minerals must be engaged. The compensation which such experts will require and the amount of time which will necessarily be devoted to a proper examination of such properties can not at this time be foreseen. This is a very important duty, however, and the commission believes that it should be attended to at the earliest practicable date. The amount estimated by the commission in item 10 of its general estimate is believed to be a reasonable one for this purpose.

EXHIBIT J.

SPECIAL LAND APPRAISERS.

Among other complications which confront the commission, and which must be adjusted before final allotment can take place in any instance where the properties may be thus affected, is that where lands have been appraised under the direction of this commission and from which thereafter stone may have been quarried, minerals other than coal and asphalt mined, or the surface denuded of timber of commercial value under contracts approved by the Department through the United States Indian agent. It will be seen that a revaluation must be made of such tracts, and as contracts are continually being made for the disposition of timber, etc., it is believed to be necessary upon the completion of the appraisal of the lands now in progress to organize at least one party of special land appraisers, whose duty it shall be to visit such tracts and revalue the land from which such timber, stone, or other valuable material has been sold, and report their findings to the commission. This is work which can not be ended so long as continued contracts are made or until final allotment is completed.

It is estimated that the expense of this party may be reasonably estimated as follows:

2 appraisers, at \$100 per month.....	\$200
1 surveyor-appraiser, at \$100 per month.....	100
2 Choctaw and Chickasaw representatives, at \$100 each.....	200
1 teamster, at \$35.....	35
1 cook, at \$30.....	30
Subsistence, forage, etc.....	135
Total for 1 month.....	700
Total for 12 months.....	8,400

EXHIBIT K.

BOARD OF SPECIAL ADJUSTERS.

The agreement of April 23, 1897, with the Choctaws and Chickasaws provides as follows:

"That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes, so far as possible, a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands."

Pending agreements, as well as legislation heretofore enacted with reference to the lands of the other tribes, contemplate that in appraising lands consideration shall be given to their location as well as to other factors which would affect values.

Owing to the growth of cities, the construction of railroads, the improvements generally made throughout the Territory, as well as the impracticability of securing through its regular land-appraisement parties a true value of lands, considered from the standpoint of proximity to towns, railroads, etc., the commission, in its instructions to its land appraisers, directed that all lands should be appraised without regard to their location or proximity to market. In all other respects the land appraisers in the field are classifying such lands.

It now remains the duty of this commission to determine the value of lands adjacent to towns, considered from the standpoint of proximity to market in conjunction with the classification placed thereon by the appraisal parties. There are in the Indian Territory approximately 385 towns, the lands adjacent to which must be thus considered. For the purpose it is tentatively planned to organize a board of special adjusters, to consist of 12 men, whose duty it shall be, under the direction of the commission, to visit in separate parties the localities requiring special examination, make findings of values, and report same to the commission.

It is believed that in this manner the exigencies described can be met and an equalization of values reached. The commission has, therefore, under item 12 of its general estimate, named as the amount necessary for performing this work \$12,000, which, in detail, is distributed as follows:

12 adjusters, at \$125 per month, for 6 months.....	\$9,000
Expenses, 6 months.....	3,000
Total	12,000

EXHIBIT L.

CHEROKEE ALLOTMENT OFFICE.

The commission expects that the roll of Cherokee citizens will be completed by January 1, 1902, and, as the work of allotment must be entered upon in that nation immediately upon the completion of the citizenship rolls, the commission anticipates the establishment of an allotment office in that tribe by January 1, 1902, the expenses of which, for the six months ending June 30, 1902, at \$2,000 per month, will amount to \$12,000. This amount is estimated in detail, as follows:

1 chief clerk, at \$150 per month, for six months.....	\$900
5 clerks, at \$100 per month, for six months.....	3,000
6 stenographers, at \$100 per month, for six months.....	3,600
4 surveyors, at \$100 per month, for six months.....	2,400
2 rodmen, at \$35 per month, for six months.....	420
2 interpreters, at \$60 per month, for six months.....	720
1 marshal, at \$60 per month, for six months.....	360
1 janitor, at \$30 per month, for six months.....	180
Office rent.....	300
Incidental expenses for six months.....	600
Total	12,480

It may be noted that the membership of the Cherokee Nation is about 35,000. The competition for homes is very strong, and the work of the land office for the first six months will be exceedingly heavy. The above estimate is considered by the commission to be very moderate in view of all the circumstances.

EXHIBIT M.

CHOCTAW-CHICKASAW ALLOTMENT OFFICE.

The commission expects to be able to close the rolls of the citizens of the Choctaw and Chickasaw nations by December 31, 1901, and with this in view the establishment of an allotment office for those tribes is placed for January 1, 1902. The expense of such office for the six months ending June 30, 1902, as shown by item 14 of the commission's general estimate, is shown to be \$12,000. This estimate in detail is made up as follows:

1 chief clerk, at \$150 per month, for six months.....	\$900
5 clerks, at \$100 per month, for six months.....	3,000
6 stenographers, at \$100 per month, for six months.....	3,600
4 surveyors, at \$100 per month, for six months.....	2,400
2 rodmen, at \$35 per month, for six months.....	420
2 interpreters, at \$60 per month, for six months.....	720
1 marshal, at \$60 per month, for six months.....	360
1 janitor, at \$30 per month, for six months.....	180
Office rent for six months.....	300
Incidental expenses for six months.....	600
Total	12,480

The membership of the Choctaw and Chickasaw tribes in the aggregate is approximately 84,000, and the work which will devolve upon the allotment office for the first six months will be exceedingly heavy. The appropriation estimated that will be necessary for this work, as indicated above, is considered by the commission very moderate.

EXHIBIT N.

OFFICE RENT, HEAT, LIGHT, STATIONERY, ETC.

Rent of the general offices of the commission at Muskogee for the ensuing eighteen months, at \$200 per month.....	\$3,600.00
Rent stock barns and corral for eighteen months, at \$20 per month.....	360.00
Fuel and light, eighteen months, at \$25 per month.....	450.00
Stationery.....	3,753.00
Printing and binding.....	6,000.00
Traveling and incidental expenses for eighteen months.....	39,070.97
Total	53,233.97

The above estimate for office rent, heat, light, stationery, etc., is based upon the commission's experience during the past year and may be somewhat increased during the fiscal year ending June 30, 1902.

The amount estimated for traveling and incidental expenses of the commission embraced in the above estimate is believed by the commission to be a moderate one, in view of the magnitude of the work which the commission has in hand.

It will be understood that under this item is embraced all purchases of whatever character in the way of horses, wagons, mules, and general camp equipment which may be needed; also expenses of transportation of field parties from one point to another and their subsistence when required.

Attention is invited to the fact that, unlike those branches of Government work which are permanent in character and for which by the experience of former years accurate estimates for future requirements may be made, this commission, by reason of the complicated anomalous conditions which exist, can not closely estimate the amount of appropriation which will be required to perform the duties which may devolve upon it.

SUMMARY.

Total appropriation fiscal year ending June 30, 1901.....	\$524,000.00
Amount expended to January 1, 1901.....	181,806.03
Balance unexpended January 1, 1901.....	342,193.97
Estimated appropriation for year ending June 30, 1902.....	324,000.00
	667,193.97

Estimated expense January 1, 1901, to June 30, 1902.

Item 1.....	\$30,000.00	Item 10.....	\$5,000.00
Item 2.....	77,760.00	Item 11.....	8,400.00
Item 3.....	17,000.00	Item 12.....	12,000.00
Item 4.....	8,000.00	Item 13.....	12,480.00
Item 5.....	6,000.00	Item 14.....	12,480.00
Item 6.....	3,000.00	Item 15.....	53,233.97
Item 7.....	164,340.00		
Item 8.....	81,000.00		667,193.97
Item 9.....	176,500.00		

Letter from Chairman Dawes.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Pittsfield, Mass., December 29, 1900.

MY DEAR SIR: I am in receipt of a letter from the Secretary requesting my appearance, with Mr. Bixby, before your committee on Monday in reference to appropriations for the Commission to the Five Tribes. I regret that a serious illness of Mrs. D. has compelled me to telegraph him that leaving here at this time would be so painful that I must be excused.

I have thought, however, that, though Mr. Bixby is so familiar with every detail that I could be of but little service in pointing out specific needs, yet I might be of some aid in making plain some of the difficulties encountered as the work progresses, which involved delay and expense beyond expectation when it was undertaken. No one realized in the beginning to what extent the invasion of the Indian Territory by civilization had so changed all conditions in relative values, in invested business enterprises, in homes of noncitizens so permanent as to make uprooting impossible, and a white element, overpowering in numbers the entire citizenship and ownership of the Territory, made the equal allotment of its lands among its citizens by any system of equality next to an impossibility.

The difficulties encountered by the commission from these causes have multiplied at every step in the progress of their work, causing increasing expenditures in necessary help and in every way imaginable, as well as delay, calculated to create impatience and complaint. But the commission have believed that their work is in some sense the building of the foundation of a State, and the manner in which it shall be done will permanently affect, for good or ill, the future of a great Commonwealth, and that it is its duty to omit nothing possible for the promotion of the best results. A careful study of what they have thus far done is necessary to a correct judgment of its value. They submit to that test with confidence in the sincerity of this endeavor and in its wisdom.

I invite your inspection of the citizenship roll of the Seminole tribe, just filed with the Secretary for his approval, and to the amount of such work in all the other tribes required of the commission before one step can be taken in allotment. But the most difficult task of all imposed on the commission, not thought of in the beginning, is the requirement that they must allot an equality of value over a territory as large as the State of Indiana, every acre of which is affected by a myriad of business influences not taken into account, because not existing in any other allotment, of which the commission must have personal knowledge or their judgment of relative values would be worth nothing.

A great change of environment must be noted in determining the future progress of the work, and one requiring great care lest it work injury of a serious character. In the beginning the commission encountered opposition at every step and from all quarters, and progress was very slow and expenditure very inconsiderable. A change, hardly perceptible at first, but now very great and general, has come over the people with whom we now have to deal. Actuated by different motives, a large majority of them are in a great hurry and are pushing the commission on all sides to finish up. The progressive, most intelligent, and wise among them are turning their faces to the future, and are cooperating, with a great desire to have the present uncertainties, which are paralyzing all activities, brought to as speedy an end as possible. That class, which had got altogether too large control of affairs for revenue, seeing the inevitable end, are now ready to make the most of the short time before them in the new opportunities the change may afford. On all sides, from various motives, good and bad, there is a great pressure upon the commission to set up a State, as if the thing could be done by a fiat. There is great danger under these influences that hasty or unwise measures may be adopted.

The commission should, in my opinion, have at hand all the means they can economically use in a patient and thorough building up of these people. What they can so use in the manner they are now carrying it on Mr. Bixby, who is familiar with every detail, can inform you, and I have not indited this long letter in any apprehension that there would be need of it, but to second what he may present, in which all members of the commission are in accord.

I am, with great respect, truly yours,

H. L. DAWES.

HON. JOHN M. THURSTON,
Chairman Indian Committee, Senate.

Mr. PETTIGREW. Mr. President, if we are going to appropriate money, we ought to appropriate it as we appropriate it for other purposes. There ought to be an itemized statement, and we ought to appropriate the items. Instead of that we appropriate \$300,000 in addition to the sum of \$300,000 more already unexpended. We say to these four men practically, "You can spend it as you please." That they are spending it extravagantly there is no question, and employing a vast number of people more than is necessary. They are wasting, in my opinion, not less than 80 per cent of all the money we appropriate. From what I know of the work they have to do—and I am familiar with lands and land values—I am satisfied that the appraisal of these lands can be done for 10 per cent of what it costs this commission to do it. The survey, which will cost over half a million dollars, is absolutely unnecessary. I do not care to discuss the item longer; I am well aware that the committees prevail; and I am going to offer to insert at the end, after the word "law," line 18, the following:

And said commission shall at once make an itemized statement to the Secretary of the Interior of all their expenditures up to January 1, 1901, and annually thereafter.

Mr. THURSTON. I see no objection to that amendment. Let the Secretary report the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert after the word "law," in line 18, page 39, the following:

And said commission shall at once make an itemized statement to the Secretary of the Interior of all their expenditures up to January 1, 1901, and annually thereafter.

Mr. JONES of Arkansas. Mr. President, all this money has to be accounted for and passed upon by the Treasury Department. Itemized statements have to be made about every single item. It is done in the Treasury Department, though, and not in the Interior Department. It seems to me this is simply providing for the employment of an additional corps of clerks to make up duplicate reports to the Government of accounts which are already passed on by the officers of the Government having jurisdiction of the matter. It seems to be a waste of energy and a waste of money to inaugurate this system now, when there is already a system of accounting as perfect in this matter as there is in any other matter of the expenditure of public money.

Mr. PETTIGREW. There is no itemized statement of their expenditures that I know anything about. I have often asked for it. There may be vouchers sent in for their expenditures, but that does not mean an itemized statement which would be available for investigation and for personal scan in drawing a bill appropriating money in the future. I think it is very important that the committee should have before it an itemized statement of this expenditure before any further appropriation is made.

Mr. JONES of Arkansas. The committee could without any trouble have a copy of all the reports when they are passed on at the Comptroller's Office, as every solitary dollar of public money that goes out for any purpose must be passed upon. In the very nature of things this money has to be scrutinized and passed on by Government officials just as every other dollar of money expended is.

However, I do not care, as far as I am concerned. If it will satisfy the Senator to add an additional expense and put more work on the commission, I shall not object; but I think it is entirely useless.

Mr. PETTIGREW. Of course, Mr. President, we could get from the Treasury Department the vast number perhaps of vouchers and have a bulky pile of papers to sort over and sift through and examine, but I would rather have an itemized statement and save a little of the time of the committee and of the Senate.

Mr. THURSTON. I will not object to the amendment.

Mr. JONES of Arkansas. I think it ought to be at the discretion of the Secretary of the Interior. Let him require this to be done, and let it be done when he authorizes it. If there is no occasion for it, I do not see any reason why he should be compelled to have it done.

Mr. PETTIGREW. The Constitution provides that itemized statements shall be made to Congress, from time to time, of the expenditures of all public money. That provision was placed in the Constitution itself by the founders of this Government as a safeguard against extravagant expenditures, and when it is objected that an itemized statement shall not be furnished to the body that appropriates the money, except in the discretion of the Secretary of the Interior, then I begin to fear there is a desire to cover up something.

Mr. JONES of Arkansas. The Senator, then, is negligent in discharging his public duty when he does not make it to cover all the other expenditures of money under all other appropriation bills, because if there is not already an itemized account of all these expenditures made and filed in the Treasury Department it ought to be done, not only about the expenditures of the Dawes Commission, but about every other expenditure of all the hundreds of millions of dollars that are being spent under all the other appropriation bills.

Mr. TELLER. It is done.

Mr. JONES of Arkansas. Certainly it is, and it always has been done, as it is with the Dawes Commission. This is simply a duplication of work already fully provided, when we have a full account of the expenditure of all this money.

The PRESIDENT pro tempore. Is there objection to receiving the amendment of the Senator from South Dakota [Mr. PETTIGREW]? The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment in line 13 was not agreed to. It will be stated.

The SECRETARY. On page 39, line 13, before the word "dollars," strike out "thirty thousand" and insert "three hundred thousand;" so as to read:

For expenses of commissioners and necessary expenses of employees, and \$3 per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, \$300,000.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment in line 15 will be stated.

The SECRETARY. In line 15, before the word "thousand," strike out "fifty-four," and insert "three hundred and twenty-four;" so as to make the total read:

In all, \$324,000.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment offered by the Senator from South Dakota comes after that?

Mr. PETTIGREW. Yes; after the word "law," in line 18.

The PRESIDENT pro tempore. That is already agreed to. The next amendment of the committee will be stated.

The next amendment of the Committee on Indian Affairs was to insert the following additional proviso after the word "law," in line 18.

And provided further, That not to exceed \$7,500 of the above amount may be used in the temporary employment in the office of the Commissioner of Indian Affairs of two clerks, at the rate of \$1,400 per annum, who shall be competent to examine records in disputed citizenship cases and law contests growing out of the work of said commission, and in the temporary employment in said office of three competent stenographers, at the rate of \$1,200 each per annum. Said sums, aggregating \$7,500, to be immediately available.

Mr. PETTIGREW. I should like to have that amendment passed over temporarily.

Mr. THURSTON. There is no objection to that.

Mr. JONES of Arkansas. All right.

The PRESIDENT pro tempore. The amendment will be passed over if there be no objection.

The next amendment of the Committee on Indian Affairs was, on page 40, after line 4, to strike out:

That the Commissioner of the General Land Office is hereby authorized and directed to dispose of the Choctaw orphan lands in the State of Mississippi as other public lands are disposed of.

The amendment was agreed to.

The next amendment was, on page 40, after line 18, to insert:

For the purpose of carrying out the provisions of the act of June 7, 1897, "that the Secretary of the Interior shall, within one year after the passage of this act, establish and thereafter maintain at the city of Omaha, in the State of Nebraska, a warehouse for Indian supplies, from which distributions shall be made to such Indian tribes of the West and Northwest as the Secretary of the Interior may direct," \$8,000.

The amendment was agreed to.

The next amendment was, on page 43, in line 13, to strike out the word "[Reimbursable]."

The amendment was agreed to.

Mr. WELLINGTON. Mr. President, there is evidently not a quorum of the Senate present. I therefore move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Maryland suggests that there is not a quorum present. The Secretary will call the roll.

Mr. COCKRELL. The Senator from Maryland moved to adjourn.

The PRESIDENT pro tempore. But he suggested first that there was no quorum present.

Mr. WELLINGTON. I have moved to adjourn.

Mr. COCKRELL. The Senate can adjourn without the presence of a quorum.

The PRESIDENT pro tempore. The Chair is aware of that fact. Still, when the suggestion is made that there is not a quorum present the rule makes it the duty of the Chair to have the roll called.

Mr. WELLINGTON. The Senator from Maryland made that suggestion because he thought it was only competent for the Senate to adjourn under those circumstances, and he coupled with it a motion that the Senate do now adjourn.

The PRESIDENT pro tempore. Does the Senator from Maryland withdraw the suggestion that there is no quorum present?

Mr. WELLINGTON. The Senator will withdraw the suggestion, to please the Chair, and make the motion.

The PRESIDENT pro tempore. The Senator from Maryland moves that the Senate do now adjourn.

The motion was not agreed to.

Mr. WELLINGTON. Then, I raise the point that there is not a quorum present, and ask that there be a roll call.

The PRESIDENT pro tempore. The Senator from Maryland suggests that there is not a quorum present. The Secretary will call the roll.

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

Aldrich,	Daniel,	McEnery,	Simon,
Allison,	Fairbanks,	Martin,	Stewart,
Bard,	Frye,	Perkins,	Teller,
Bate,	Hansbrough,	Pettigrew,	Thurston,
Berry,	Hawley,	Pettus,	Tillman,
Burrows,	Jones, Ark.	Platt, Conn.!	Turley,
Butler,	Kean,	Rawlins,	Wellington,
Chandler,	Kyle,	Scott,	Wetmore.
Cockrell,	Lodge,	Shoup,	

The PRESIDENT pro tempore. Thirty-five Senators have answered to their names on the roll call. There is not a quorum present.

Mr. CHANDLER. I move that the Sergeant-at-Arms be directed to request the attendance of absent members.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Sergeant-at-Arms be directed to request the attendance of absent members. The question is on agreeing to the motion.

The motion was agreed to.

Mr. TELLER. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 25, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 24, 1901.

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

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

RECORD.

Mr. BOUTELL of Illinois. Mr. Speaker, I desire to correct the RECORD. Yesterday, in a colloquy with the gentleman from Kentucky [Mr. WHEELER], I asked him his opinion in reference to the modification or abrogation of the Rush-Bagot convention, and he replied that under certain circumstances he would be in favor of its modification or abrogation. I then asked him if this question had been considered by the Naval Committee, and he answered:

Not since I have been on the committee.

The RECORD reads:

I am glad to hear the gentleman so express himself.

My remark was that I was glad to hear the gentleman was personally in favor of the modification or abrogation of the treaty, and not that the Naval Committee had failed to consider it. What I meant was that this committee ought to consider and report a modification of that convention.

BRONZE STATUE OF SPINNER.

Mr. McCLEARY. Mr. Speaker, I ask immediate consideration for the privileged resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk be directed to request the Senate to transmit to the House a duplicate of engrossed copy of Senate resolution No. 60, "Granting permission for the erection of a bronze statue in Washington, D. C., in honor of General Francis E. Spinner, late Treasurer of the United States," the original copy having been lost.

The question was taken; and the resolution was agreed to.

On motion of Mr. McCLEARY, a motion to reconsider the vote by which the resolution was passed was laid on the table.

DUPLICATE COPY OF SENATE CONCURRENT RESOLUTION.

Mr. DALZELL. Mr. Speaker, I offer the following resolution. The SPEAKER. The gentleman from Pennsylvania offers the following privileged resolution.

The Clerk read as follows:

Resolved, That the Clerk be directed to request the Senate to transmit to the House a duplicate engrossed copy of Senate concurrent resolution No. 87, relating to counting the electoral vote, the original engrossed copy of said resolution having been lost.

The resolution was agreed to.

COUNTING THE ELECTORAL VOTE.

Mr. DALZELL. Mr. Speaker, in connection with the same subject-matter I offer the following resolution from the Committee on Rules.

The Clerk read as follows:

Resolved, That on Wednesday, February 13, 1901, the whole of the gallery, except that which is designated as Executive, diplomatic, and reporters' galleries, and two sections of the east end of the public gallery, shall be reserved for the use of the families of Senators, Members of the House of Representatives, Delegates, and their visitors.

The Doorkeeper shall strictly enforce this order.

The Speaker shall issue to each Senator, Member of the House of Representatives, and Delegate two cards of admission, and only persons holding these cards shall be admitted.

The question was taken; and the resolution was agreed to.

On motion of Mr. DALZELL, a motion to reconsider the several votes by which the foregoing resolutions were agreed to was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MOODY of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, and the Clerk will proceed with the reading.

Mr. RIXEY. Mr. Chairman, I was unavoidably absent yesterday in Annapolis, in the discharge of public duties, when this bill was being considered in general debate. I had desired to make some remarks in the general debate, but will content myself by asking permission to extend those remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Naval training station, California: Maintenance of naval apprentice training station, Yerba Buena Island, California, namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferrriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials, and maintenance of same; heating, lighting, and furniture; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones, and all other contingent expenses, \$30,000.

Mr. WM. ALDEN SMITH. Mr. Chairman, in the course of the debate yesterday upon the naval appropriation bill the gentleman from Illinois [Mr. BOUTELL] interrupted the gentleman from Kentucky [Mr. WHEELER] to ask him regarding a modification of the treaty, or supposed treaty, of 1817 between Great Britain and the United States in relation to naval armament upon the Great Lakes. I was interested in the inquiry of the gentleman from Illinois, and regarded it as having a most important bearing upon the commercial development of the States and cities bordering upon the Great Lakes.

After the war of 1812 between Great Britain and the United States and the ratification of the treaty of Ghent the peaceful relations growing out of that war were only disturbed by the number of war ships policing the great lakes of Ontario, St. Clair, Michigan, and Superior. James Monroe, then Secretary of State, regarded these naval forces upon the Great Lakes as a source of constant irritation to the two countries, and likely, in the event of any attempt to rival each other in tonnage and equipment, to lead to misunderstanding, and possibly war. He therefore, at the suggestion of the President, took the initiative in undertaking to lessen the armament kept upon the Great Lakes by England and America and fixed an agreement for the conduct of the two countries in that regard.

I have carefully examined all the correspondence between Secretary Monroe and John Quincy Adams, who was then our minister to England, and Lord Castlereagh, representing the English Government in the negotiations. I am deeply impressed with the wisdom of our Government in taking such steps as were necessary to reduce the armament and to fix a maximum armament for the Great Lakes. At that time the army of the English colonies of Nova Scotia and Canada more than equaled the number of troops authorized and maintained in the United States. Such armament as our own country kept upon the lakes had relation solely to the navigation within our limits. There was no necessity for war ships upon these lakes more than sufficient to maintain the revenue service.

Pressed by our Government, England finally agreed that there should be 1 vessel on Lake Ontario, not exceeding 100 tons burden and one 18-pounder cannon, and on the upper lakes 2 vessels, and on Lake Champlain 1 vessel, of like burden and force, it being specially understood that all other armed vessels on these lakes should be forthwith dismantled, and, likewise, that neither party should build and arm any other vessels on the shores of these lakes.

The object of this arrangement was to cause a suspension of further construction by England of armed vessels upon the lakes, and was, as I said in the beginning, wholesome and wise on the part of our Government. At that time this vast lake region was the home of the Indians. There were no such cities as Chicago, Milwaukee, Duluth, Detroit, Cleveland, Toledo, Grand Rapids, and Bay City, and the places now occupied by these busy marts of commerce and trade were only known and recognized as the trading posts or gathering places for the tribes of Indians that infested the Northwestern States.

I do not dissent in any particular from the wisdom of that action, and wish it distinctly and emphatically understood by the members of the House of Representatives that I have no desire whatever to see naval war ships floating upon the waters of the Great Lakes; indeed, I do not think them necessary and would not vote a dollar of the public money for that purpose. What I desire and insist upon is the right of these great cities, and others that I could name, fortunately situated upon the shores of these inland seas, to make war ships, cruisers, and torpedo boats for the Government, if they desire to do so.

I seriously object to this inhibition upon our commerce, this restriction upon our trade. The treaty which I have referred to is subject to alteration or amendment upon six months' notice being given, and, in my judgment, the time has arrived and passed when a modification of this treaty should be undertaken, not in the interest of war, but in the interest of the peaceful pursuit of commercial development. In the proclamation of President Monroe dated April 28, 1818, is contained the authority to annul this stipulation whenever it may seem desirable by either party. I would not have it all annulled, but only such portion as forbids us to build ships deemed necessary by the Navy Department of our Government.

Mr. FOSS. I would like to ask the gentleman from Michigan whether he thinks this is a matter which may properly come under the jurisdiction of the Committee on Naval Affairs or the Committee on Foreign Affairs.

Mr. WM. ALDEN SMITH. I think it is properly a matter that should receive its initiative from the Naval Committee or from the Navy Department. The State Department, under the Administration of President Harrison, after a most voluminous review of the history of this Rush-Bagot treaty, advised that it bore heavily upon the lake States, and that it might with propriety be modified; but the Navy Department has never seen fit to do anything about the matter, and I bring the question up now because we are appropriating money for the construction of ships and are limited in our choice of contractors to those living upon the seaboard.

Originally it was planned with a desire to maintain and secure continuous peace between Great Britain and the United States, but that peace can be as readily secured and as easily maintained where the utmost freedom of commerce exists as by inhibitions of this character, which are irritating in themselves and often the cause of commercial misunderstanding. These States bordering upon the Great Lakes have all the material necessary to build ships of war; they have the skilled workmen and splendid facilities for carrying on great industries of this character. The shipyards of Wheeler & Co., at Bay City, have built larger crafts than some of the cruisers and gunboats authorized by this law, and have delivered them upon the seaboard through the Welland Canal by the courtesy of the English Government.

This great shipbuilding concern bid for some of the work of the Navy Department under the last Democratic Administration, and, in his own handwriting, President Cleveland rejected the bid of Wheeler & Co. because of this ancient understanding between the two Governments that no war ships would thereafter be constructed about the Great Lakes. Must we, living on the shores of these lakes, rest forever under a restriction of this character? When will the States of Michigan and Illinois and Ohio and Indiana and Wisconsin and Minnesota attain sufficient importance, in the eyes of the Navy Department, to be permitted to compete for work of this character?

It is an unfair and an unjust distinction. It ought no longer to exist, and the same wisdom and foresight which planned it originally for the country's safety ought now to be able to modify it in the interest of the commercial growth and development of the region affected. The Government of the United States is interested in this matter. We would find larger competition in bidding for our naval vessels. The bid rejected by President Cleveland was the lowest bid, and was a fair and competent one, and yet this shipyard upon the Great Lakes could be given none of this work because of the condition to which I have referred.

We have outgrown this treaty. It is not necessary to our peace. It is not essential to the maintenance of either our friendly or political relations with Great Britain. President Lincoln gave notice to the English government in 1864 of a desire on the part of the United States to annul that agreement at the expiration of six months from the date of his notice, and Congress ratified it by act February 9, 1865. The death of Mr. Lincoln terminated the negotiations, and I believe the notice was afterwards withdrawn.

It is more important that it should be annulled to-day than ever before, and I speak of it now because I deem it important and because I desire that shipbuilding institutions upon the Great Lakes and communities who desire to establish such plants may be encouraged so to do in the midst of every favorable condition, rather than discouraged by a treaty which had its birth before any of the States surrounding the lakes were known and recognized or entitled to a place upon the map of our country; and I ask, in the interest of the utmost freedom of commerce, that the Navy Department give consideration to this question of the modification of the treaty of Rush and Bagot preventing cities upon the Great Lakes from a fair opportunity to compete for this work. [Applause.]

Mr. MANN. Mr. Chairman, I can not at all agree with the opinion of the gentleman from Michigan [Mr. WM. ALDEN SMITH] as to the desirability of the abrogation of the convention of 1818.

Mr. WM. ALDEN SMITH. A modification.

Mr. MANN. While I do not know that it is a live question on

this bill, in view of what he has said, I think it is proper to call attention of the committee to the extraordinary development of the commerce on the Great Lakes, largely, in my opinion, because of the safety of that commerce from the attack of any foreign foe. If there were war ships on the lakes to-day owned by Great Britain, it would be a menace to every city. It is impossible to fortify Chicago, or Buffalo, or Cleveland, or any of the other large cities on the lakes, owing to their situation on the lake shore.

Mr. WM. ALDEN SMITH. I should like to interrupt the gentleman right there.

Mr. MANN. If the gentleman wants to ask a question.

Mr. WM. ALDEN SMITH. I think the gentleman must have misunderstood me; I do not desire to have war ships floating on the Great Lakes—

Mr. MANN. If the gentleman will contain himself in patience, I will address myself to his proposition that we should permit the construction of war ships upon the Great Lakes. It is impossible to construct them without having them on the lakes after they are constructed. If we construct war ships on our side of the lakes, what is to prevent Great Britain from constructing great naval shipyards on the other side of the lakes? And if Great Britain can construct her war ships on the lakes, she can keep them in position in the docks and in the construction department until they are ready to be used.

If a war should be threatened between this country and England and both sides had a naval construction plant situated on the Great Lakes, it would mean that both sides would be holding these ships in reserve for use in case of war, and that would be a menace to the commerce on the lakes. But it is said there is no danger of any war with England. Very well. It might be an advantage to the country to have competition on the lakes; but with the possibilities that we might some day have a conflict with Canada or Great Britain, this is an absolute provision of safety for our country that there should be no war vessel on the lakes, as is provided in the present convention now in force.

I protest, Mr. Chairman, against any proposition to allow war vessels of any kind upon the Great Lakes, because that would be to threaten the commerce now developing there more rapidly than any place in the world.

It would mean the threatening of the cities upon the lakes. If you put war vessels upon the Great Lakes, the next proposition before the House will be to construct fortifications somewhere. If Great Britain can maintain a war ship upon the Great Lakes; if Great Britain can construct a war ship upon the Great Lakes, it is a menace to the city of Chicago; it is a menace to the city of Buffalo. What is the response to that? Why, that Chicago must have war vessels for her protection; that Buffalo must have war vessels for her protection; all the great cities upon the lakes must have vessels for their protection. The only safe way is to maintain the convention of 1818 and keep all kinds of war vessels off the lakes. [Applause.]

Mr. BOUTELL of Illinois. Mr. Chairman, I would like to suggest to my colleague from Chicago that if we are to adhere literally to the terms of the Rush-Bagot convention we must remove from the lakes even the picturesque but obsolete old gunboat *Michigan*, which has floated the American flag on the Great Lakes for fifty-seven years. There is a great deal of misapprehension respecting this Rush-Bagot convention. The present understanding between the United States and Great Britain concerning the building and maintenance of gunboats on the lakes is based upon a simple exchange of notes between the representatives of the two powers.

Mr. GROSVENOR. Were we not afterwards, under the treaty, authorized to keep one war vessel on the lakes?

Mr. BOUTELL of Illinois. There is no treaty on the subject; but I was just about to read the provisions in the notes. After the close of the war of 1812, when the Great Lakes and Lake Champlain were covered with the old wooden fighting vessels, in order to procure as speedy a disarmament on both sides as possible, representatives of Great Britain and the United States by correspondence attempted to arrive at some general plan of disarmament. This correspondence culminated in a letter from Charles Bagot, the British representative in the United States, dated Washington, April 28, 1817. In that letter he says:

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees that the naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—

On Lake Ontario, to 1 vessel not exceeding 100 tons burden and armed with one 18-pound cannon.

On the upper lakes, to 2 vessels not exceeding like burden each and armed with like force.

On the waters of Lake Champlain, to 1 vessel not exceeding like burden and armed with like force.

And His Royal Highness agrees that all other armed vessels on these lakes shall be forthwith dismantled and that no other vessels of war shall be built or armed.

On the 29th of April, 1817, Richard Rush, our Secretary of State, replied to the letter of the British representative, accepting the terms thereof as satisfactory to the United States, and from 1817

down to the present time this convention has theoretically been considered in force and binding upon both parties. But from the date of the receipt of Mr. Rush's letter it has not been strictly observed at all times either in letter or in spirit by either party. The Canadians, when they had their difficulties in the later thirties and early forties, had quite a fleet on the lakes, and this was then a subject of correspondence between the two countries.

Mr. WM. ALDEN SMITH. The Navy Department has observed it.

Mr. BOUTELL of Illinois. Not fully and at all times, as I will point out. During our civil war we also felt constrained to have some armed vessels on the lakes, and our action met with some resistance on the part of Great Britain and led to some considerable correspondence. But since 1844 there has been on our part a standing violation of the terms of this convention, or rather a floating violation. In 1841 there was built in the city of Pittsburg the old-fashioned side-wheel steam vessel called the *Michigan*. In the summer of 1844 it was taken down piecemeal to Erie and there launched. This boat had a registered tonnage of 498 tons. It was armed with two 8-inch guns and four 32-pounder carronades, and the dear old *Michigan* still floats the American flag on the upper lakes.

Now, it seems to me that we should, in the interest of the Naval Reserves of the lake States, be allowed to have one modern vessel of the smallest class on the upper lakes and one vessel of the same class on the lower lakes; and I think that Canada would appreciate the same privilege. Our shipbuilding firms on the lakes should also be allowed to compete for the construction of such Government boats as can be taken through the canals to the ocean. This convention at present shuts them out from such competition.

It will be seen from what I have said that, so far as the maintenance of vessels on the lakes is concerned, the Rush-Bagot convention has never been strictly observed. Whereas under that convention we are only allowed to have a vessel of 100 tons burden, we have had since 1844 one of 500 tons burden.

In 1892, by resolution of the Senate, the Secretary of State was called upon to make a report in reference to the advisability of modifying or abrogating this convention.

[Here he haggard fell.]

Mr. DALZELL. I ask unanimous consent that the gentleman from Illinois may continue for five minutes.

There was no objection.

Mr. BOUTELL of Illinois. In compliance with that resolution President Harrison sent to the Senate an exhaustive report prepared by the Secretary of State, Mr. Foster, containing all the facts and all the correspondence on this subject. This is known as Executive Document No. 9 of the Senate, second session Fifty-second Congress. I will insert this report in full in the RECORD, as it is now out of print, but at the present time simply wish to read a few paragraphs which show the attitude of the State Department in 1892.

This entire report, Mr. Chairman, is certainly most interesting reading as showing how two great nations have maintained an understanding on a subject of importance sufficiently great to be made a matter of treaty agreement by the mere exchange of executive notes.

In closing his report Mr. Foster says:

In 1817 the problem that presented itself to the negotiators was one of immediate reciprocal disarmament rather than of future limitation. A desperate war had just closed, and its animosities still rankled despite the signature of a treaty of peace. The navies of the late contestants were on the lakes, incapable of removal thence and unfitted for the peaceful mission of commerce. Their maintenance was as dangerous as it was useless and costly. The treaty of Ghent was silent in regard to disarmament; but upon the lakes only by disarmament could the menace of fresh conflicts on trivial occasion be averted from that quarter. All these considerations abundantly appear as a motive of President Monroe's proposals to restrict the armaments on the coterminous inland seas. They were in fact destroyed, no naval force worthy of the name being preserved. The little sailing vessels still permitted could not even act together. Ontario was separated from Erie by an impassable natural barrier. Offensive and defensive means of warfare were alike removed, leaving only the necessary instrumentalities for protecting the revenues and controlling the savages on either side the frontier.

If as early as 1844 the Secretary of the Navy held that the sole consideration of steamers having taken the place of sailing craft for warlike purposes would justify a revision of the agreement; if the House of Representatives in 1864 regarded the opening of the Canadian canals as introducing an inequality incompatible with its engagements; and if, as Mr. Seward held in 1864, the informal arrangement of April, 1817, could scarcely have anticipated such a condition of things as the maintenance of a marine force adequate to cope with domestic troubles or civil war on either side, it seems most desirable now, in view of the long lapse of time and the vast changes wrought in these and other no less important regards, that the arrangement now grown obsolete in practice and surviving in the letter only as a declared guaranty of international peace should be modified to fit the new order of things, and with such adaptation to the exigencies of the future as prudence may forecast.

It may be permissible to adduce a simple illustration of the unfitness of the arrangement of 1817 to meet the modern conditions of intercourse. But recently the offer of a shipbuilding establishment on one of the lakes to construct one of the smaller vessels of our new Navy, to be taken thence by the Welland and River canals to the Atlantic for service on our seaboard, was not considered, because the construction of such a vessel on the lakes might be held to contravene the arrangement of 1817.

Now, this same state of facts exists at the present time, and al-

though many of the shipyards of the upper and lower lakes are capable of building boats for our American Navy that can be taken through the canal to tide water, and although these shipbuilders on the lakes have often been the lowest bidders on Government contracts, the bids of all of the lake shipyards have been uniformly rejected through the desire on the part of our Government to adhere literally and in spirit to that part of the convention referred to, which says we must not build gunboats on the lakes, whereas, as a matter of fact, ever since the exchange of these notes we have been violating the provisions of the convention or agreement so far as relates to the tonnage and armament of the boats that may be maintained on the lakes.

And the point that I wish to make—and which I wish to make perfectly clear to the committee—is that, in my opinion, it is in the interest of both the Government of Great Britain and the United States to so modify this convention that the terms which we finally agree upon shall be embodied in a permanent treaty, and that the treaty shall permit the maintenance by each power of at least one modern gunboat on the upper lakes and one on the lower lakes, and that each party to the treaty may have the privilege of building any boats on the lakes that may be taken, unarmed, to the ocean.

In closing, I wish to make a special plea for the maintenance of a modern gunboat on the lakes for the training of the naval militia of the States that touch the waters of the great Northwestern lakes.

During the last war with Spain the naval militia of every State bordering upon the lakes could be found on the fighting ships of our Navy, and I may say, Mr. Chairman, that no soldiers in that conflict had a more honorable or creditable record than the naval reserves who had their training on the Great Lakes, and yet the only fighting vessel they ever had an opportunity of seeing was the old obsolete paddle-wheel steamer *Michigan*, which we have been maintaining for over half a century, not as an instrument of offense or defense, but as a naval curiosity.

Now, sir, the time has come, in my judgment when we should so modify this convention or agreement as to enable the United States Government to keep two small modern gunboats on the lakes if for no other purpose than the training, in the annual cruises, of the naval militia of the lake States. And we should put an end to the unjust discrimination which this convention makes against the shipbuilders on the Great Lakes. [Applause.]

APPENDIX.

[Senate Ex. Doc. No. 9, Fifty-second Congress, second session.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, IN RESPONSE TO SENATE RESOLUTION OF APRIL 11, 1892, RELATIVE TO THE AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN CONCERNING THE NAVAL FORCES TO BE MAINTAINED ON THE GREAT LAKES.

December 7, 1892.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate:

In response to the resolution of the Senate of April 11, 1892, requesting information in regard to the agreement between the United States and Great Britain of 1817, concerning the naval forces to be maintained by the two Governments on the Great Lakes, I transmit herewith a report of the Secretary of State and accompanying papers giving all the information existing in that Department in regard to the agreement in question.

BENJ. HARRISON.

EXECUTIVE MANSION, December 7, 1892.

To the President:

The Secretary of State, to whom was communicated a resolution adopted on the 11th of April, 1892, by the Senate of the United States, in the following words:

"Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate whether the agreement entered into between the United States and Great Britain in the year 1817, covering the question of the naval force to be maintained by the two governments on the Great Lakes of the United States, is now held to be in force by the Department of State, and what, if any, action has been taken by our Government to revive or put in force the terms of said agreement, and if so, under what authority or action on the part of our Government such agreement has been held to be in force since the giving of the required formal notice by the President to Great Britain in December, 1864, of a desire on the part of the United States to annul said agreement at the expiration of the six months from the date of said formal notice, and the ratification of said notice by the act of Congress of February, 9, 1865."

has the honor to submit to the President a report in response to said resolution, in order that it may be laid before the Senate, should the President deem it not incompatible with public interests so to do.

A statement of the circumstances preceding and attending the negotiation of the agreement of April 28-29, 1817, seems proper to the fuller understanding of the questions presented:

I.

After the restoration of peace between the United States and Great Britain by the treaty of Ghent, in 1814, several dangerous sources of disagreement between the two countries were found to exist in the restless and even hostile spirit of the Indians on the frontier, in the unneighborly conduct of the British officers in Canada, in the impressment of seamen, in commercial intercourse, in the enjoyment of common rights of fishery on the Nova Scotian and Newfoundland coasts, and in the maintenance by Great Britain of an excessive armament on the Great Lakes. All of these matters were the occasion of frequent instructions by Mr. Monroe, then Secretary of State, to Mr. John Quincy Adams, minister to London, looking to their adjustment by conventional arrangements. The subjects being associated and discussed together, the references to the question of the armament on the lakes and its

restriction in the common interest of the two countries are for the most part incidental to the general negotiation for the regulation of the rights of fishing, which had then assumed an overshadowing importance. The present report will aim to separate the discussion of the question of the naval armaments and exhibit it in connected sequence, so far as the records will permit.

The first reference to the matter appears to have been made during the summer of 1815, when Mr. Adams, under date of August 29, transmitted to the Department of State some British newspapers in which it was announced that His Majesty's cabinet had determined not only to maintain but to augment its armed naval force on the Great Lakes. Mr. Monroe thereupon proposed a mutual restriction of the naval force to be maintained on the lakes by both parties, in an instruction addressed to Mr. Adams, dated November 16, 1815, as follows (Mr. Monroe to Mr. Adams, November 16, 1815):

"The information you give of orders having been issued by the British Government to increase its naval force on the lakes is confirmed by intelligence from that quarter of measures having been actually adopted for the purpose. It is evident, if each party augments its force there, with a view to obtain the ascendancy over the other, that vast expense will be incurred and the danger of collision augmented in like degree. The President is sincerely desirous to prevent an evil which it is presumed is equally to be deprecated by both Governments. He therefore authorizes you to propose to the British Government such an arrangement respecting the naval force to be kept on the lakes by both Governments as will demonstrate their pacific policy and secure their peace. He is willing to confine it, on each side, to a certain moderate number of armed vessels, and the smaller the number the more agreeable to him; or to abstain altogether from an armed force beyond that used for revenue. You will bring this subject under the consideration of the British Government immediately after the receipt of this letter."

In a conference with Lord Castlereagh on January 25, 1816, Mr. Adams submitted the proposal, and briefly mentioned having done so in a dispatch written to Mr. Monroe January 31, 1816, in which he said (Mr. Adams to Mr. Monroe, January 31, 1816):

"With regard to the other topics embraced in the conference, I can only now state in a summary manner that I think the proposal for mutually disarming on the lakes of Canada, which I made conformably to your instructions, will not be accepted."

On the 8th of February, however, Mr. Adams wrote to Mr. Monroe more fully, reporting his presentation of the proposal and the views of Lord Castlereagh thereon, as follows (Mr. Adams to Mr. Monroe, February 8, 1816):

"By way of introduction to the proposals which I was instructed to make to this Government in relation to the naval armaments on the Canadian lakes, I observed to Lord Castlereagh, at the conference with him on the 25th ultimo, that next to the subject of seamen and impressment the most dangerous source of disagreement between the two countries arose in Canada. It had occasioned much mutual ill will heretofore and might give rise to great and frequent animosities hereafter unless guarded against by the vigilance, firmness, and decidedly pacific dispositions of the two Governments; that there were continual tendencies to bad neighborhood and even to acts of hostility in that quarter, proceeding from three distinct causes—the Indians, the temper of the British local authorities, and the British armaments on the lakes.

"But the most important circumstance was the increase of the British armaments upon the Canadian lakes since the peace. Such armaments on one side rendered similar and counter armaments on the other indispensable. Both Governments would thus be subjected to heavy and, in time of peace, useless expenses; and every additional armament would create new and very dangerous incitements to mutual irritation and acts of hostility. That the American Government, anxious above all for the preservation of peace, had authorized me to propose a reduction of the armaments upon the lakes on both sides. The extent of this reduction the President left at the pleasure of Great Britain, observing that the greater it would be the more it would conform to his preference, and that it would best of all suit the United States if the armaments should be confined to what is necessary for the protection of the revenue. Lord Castlereagh admitted that the proposal was perfectly fair, and assured me that so far as it manifested pacific and amicable dispositions it would meet with the sincerest reciprocal dispositions on the part of this Government.

"He inquired if it was meant to include in this proposition the destruction of the armed vessels already existing there. I answered that as it was not so expressed in my instructions I did not understand them to include that; but if the principle should be acceptable to Great Britain there would be ample time to consult the American Government with regard to details. The immediate agreement which I was directed to propose was that there should be no new armament on either side. He replied that as to keeping a number of armed vessels parading about upon the lakes in time of peace it would be ridiculous and absurd. There could be no motive for it, and everything beyond what should be necessary to guard against smuggling would be calculated only to produce mischief; that he would submit the proposal to the consideration of His Majesty's Government. But we were aware that Great Britain was on that point the weaker party, and therefore it was that she had proposed at the negotiation of Ghent that the whole of the lakes, including the shores, should belong to one party. In that case there would have been a large and wide natural separation between the two territories, and there would have been no necessity for armaments.

"He expressed a strong predilection in favor of such broad natural boundaries, and appeared to consider the necessity for Great Britain to keep up considerable naval force on her side of the lakes as resulting from the objections made on the part of the United States to the expedient for preserving the future peace between the two countries proposed by Great Britain upon that occasion. He said that just before the conclusion of the peace Great Britain had been under the necessity of making extraordinary exertions and to build a number of new vessels upon the lakes to enable her to maintain her footing there; and when I remarked that this was not what had drawn the animadversion of the American Government, but the new armaments—vessels of war begun and built since the peace—he replied that we had so much the advantage over them there by our position that a mutual stipulation against arming during the peace would be unequal and disadvantageous in its operation to Great Britain; for as the hands of both parties would by such an engagement be tied until war should have commenced, the Americans by their proximity would be able to prepare armaments for attack much sooner than those of the British could be prepared for defense.

"I urged that as at all events the state of the armaments during peace, on one side, must be the measure of those on the other, this advantage of proximity must be nearly the same whether they are great or small; that the agreement to forbear arming in time of peace would rather diminish than add to it, and that a war could not break out, on the part of the United States, suddenly or without such a previous state of the relations between the two nations as would give the British Government warning to be prepared for the event and to take such measures as might enable them to arm on the lakes when the war commenced quite as rapidly and effectually as the United States could do on their side. But although Lord Castlereagh promised to submit the proposal to the cabinet, his own disinclination to accede to it was so strongly marked that I can not flatter myself it will be accepted.

The utmost that they may be induced to consent to may be an arrangement to limit the force which either party shall keep in actual service upon the lakes."

With his dispatch, No. 36, of March 22, 1816, Mr. Adams sent a copy of a note addressed by him under date of March 21 to Lord Castlereagh concerning several pending questions, and said: "I have repeated the proposal for disarming on the lakes, but without hopes of success." In that note to the British secretary of foreign affairs Mr. Adams said (Mr. Adams to Viscount Castlereagh, March 21, 1816):

"On this occasion the undersigned begs leave to remind Lord Castlereagh of the proposition which, by instruction from the American Government, he had the honor of making to his lordship on the 25th of January last, relative to naval armaments upon the North American lakes. It is the sincere wish and, so far as depends upon them, the determined intention of the American Government, that the peace so happily restored between the two countries should be cemented by every suitable measure of conciliation and by that mutual reliance upon good faith far better adapted to the maintenance of national harmony than the jealous and exasperating defiance of complete armor.

"The undersigned mentioned to his lordship the incident of an American merchant vessel having been fired upon by a British armed vessel upon Lake Erie. The increase of naval armaments on one side upon the lakes, during peace, will necessitate the like increase on the other, and besides causing an aggravation of useless expense to both parties must operate as a continual stimulus of suspicion and of ill will upon the inhabitants and local authorities of the borders against those of their neighbors. The moral and political tendency of such a system must be to war and not to peace. The American Government proposes mutually to reduce, to the same extent, all naval armaments upon those lakes. The degree to which they shall be reduced is left at the option of Great Britain. The greater the reduction, the more acceptable it will be to the President of the United States; and most acceptable of all, should it be agreed to maintain, on either side, during the peace, no other force than such as may be necessary for the collection of the revenue.

"In submitting again this proposal to the consideration of His Majesty's Government, the undersigned will not merely ask for a return to that frank and unsuspecting confidence in which it originated and of which it is the proof. If it be fitting that the maxims of a more guarded and cautious policy should also be called to share in the deliberation, he will request Lord Castlereagh to bear in mind that the whole military peace establishment of the United States scarcely equals the number of troops intended to be maintained by Great Britain in the colonies of Nova Scotia and Canada alone, and that no act of offensive hostility against any foreign nation can be authorized by the Executive of the United States without the sanction of a previous act of Congress, in whom alone is vested by the Constitution the power of declaring war. With these securities against the possibility of a sudden or unforeseen attack from the United States upon the British North American colonies, added to those which Great Britain must derive from the great superiority of the British power upon the ocean, and from the removal of all the real and even of the principal of the apprehended causes of the late unhappy contest between the two nations, the undersigned may confidently hope that this proposal mutually and equally to disarm upon the American lakes will be received and entertained in the same spirit in which it was made, as a pledge of intentions sincerely friendly and earnestly bent upon the permanent preservation of peace."

Nine days later Mr. Adams, under date of March 30, 1816, wrote to Mr. Monroe as follows (Mr. Adams to Mr. Monroe, March 30, 1816):

"Lord Castlereagh has not yet replied to any other of my late notes. You may, however, consider it as certain that the proposal to disarm upon the lakes will not be accepted. In all the late debates in Parliament upon what they call their military and naval peace establishment, the prospect of a new war with the United States has been distinctly held up by the ministers and admitted by the opposition as a solid reason for enormous and unparalleled expenditure and preparation in Canada and Nova Scotia. We hear nothing now about the five frigates and the bits of striped bunting. The strain is on a higher mood. Lord Castlereagh talks of the great and growing military power of the United States. The Marquis of Lansdowne, an opposition leader and one of the loudest trumpeters for retrenchment and economy, still commends the ministers for having been beaten into the policy of having a naval superiority upon the lakes. And one of the lords of the Admiralty told the House of Commons last Monday that bumboat expeditions and pinchbeck administrations would no longer do for Canada; that Englishmen must lay their account for fighting battles in fleets of three-deckers on the North American lakes. All this is upon the principle of preserving peace by being prepared for war. But it shows to demonstration what will be the fate of the proposal for disarming."

In those days of slow communication between the two countries by monthly sailing packets, two months often passed before a dispatch of instruction reached its destination. Mr. Adams's dispatch of March 22, 1816, was thus acknowledged and his note of the 21st of that month to Lord Castlereagh approved by Mr. Monroe on the 21st of May following (Mr. Monroe to Mr. Adams, May 21, 1816):

"It is hoped that your proposition respecting the naval force to be retained on the lakes will be more successful than you had reason to expect from the remarks of Lord Castlereagh in your conference with him and his omission to answer your note on the subject at the date of your last letter to me. The proposition, in the manner and extent, was in strict conformity with the views of the President. He would, however, be satisfied to prevent the augmentation of the force, leaving it on both sides in the present state, and when it is considered that Great Britain has the ascendancy on Lake Ontario, which bears more immediately on Canada, and that the United States have it on Erie and Huron, which is important only in relation to the savages within our limits, it is not perceived on what ground it can be refused."

Mr. Monroe's anticipation of a favorable result despite Mr. Adams's forebodings of failure was speedily confirmed, and, indeed, even while he was thus expressing his hopes of a better disposition on the part of the British Government, a dispatch from Mr. Adams was already on its way across the ocean, reporting Lord Castlereagh's acceptance of the proposition in principle. Under date of April 15, 1816, Mr. Adams wrote (Mr. Adams to Mr. Monroe, April 15, 1816):

"At the request of Lord Castlereagh I called upon him last Tuesday, when he informed me that the British Government were prepared to make an arrangement of the questions relating to the fisheries and to meet that of the Government of the United States relative to naval armaments on the North American lakes, so far as to avoid everything like a contention between the two parties which should have the strongest force there. He asked me if I considered my power adequate and if I had instructions that would authorize me now to conclude an agreement upon those points. I told him that I did not consider my power as extending to the first, and should not feel myself warranted in concluding an article upon the second without further instructions.

"With regard to the force upon the lakes, he said excepting the vessels which might be necessary to convey troops occasionally from station to

station, the British Government did not wish to have any ships in commission or in active service; and all the armed vessels now existing there might be laid up, as it was called here, in ordinary. I said that understanding it as now agreed that no new or additional force should be commenced upon the lakes on either side for the present, and all the effects of a positive engagement as existing from this time, there would be ample time for the concerting of an express article which might be satisfactory to both Governments, and in many respects it might be most convenient that this should be concluded at Washington. I therefore readily assented to his suggestion and wished that a power and instructions should be sent out to Mr. Bagot upon both the points, which I trust will immediately be done."

Lord Castlereagh appears to have acted promptly upon Mr. Adams's suggestion, and the necessary authority and instructions were forwarded to the British minister at Washington, the Right Honorable Charles Bagot, who had previously presented his credentials to the President on March 21, 1816. Conferences seem to have followed between Mr. Bagot and the Secretary of State in regard to the several pending questions, and particularly that of the lake armaments. On July 8, 1816, Mr. Monroe wrote to Mr. Adams (Mr. Monroe to Mr. Adams, July 8, 1816):

"Mr. Bagot has received a power to arrange the difference respecting the taking and curing and drying fish on the shores of the British colonies, but whether it authorizes such an arrangement as will be useful and satisfactory to us I am as yet uninformed. He has also a power to regulate the naval force to be maintained on the lakes on each side, the nature and extent of which I have also yet to learn. This power to Mr. Bagot will diminish as to these objects the authority which has been sent to you. In every other respect your power will remain in full force and, we hope, produce the salutary effect contemplated by it."

The "power" thus referred to was dated May 21, 1816, and differed from the formal type of a full power in being addressed to Mr. Adams himself, not to the representatives of the Government with which he was to negotiate. It did not in terms contemplate any arrangement for the restriction or disarmament of the respective naval forces on the lakes, but generally authorized him to negotiate a special convention for the commerce between the United States and the British colonies in North America and the West Indies, and also to adopt such regulations with respect to seamen and for other purposes as may be calculated to promote the advantage of both nations. So far as related to the question of the armaments to be maintained on the lakes, Mr. Adams's connection with the matter thereupon ceased.

Mr. Bagot's powers would seem to have been express, although no record of their terms is found. He speedily opened the negotiation thus transferred to Washington by addressing to Mr. Monroe the following note, dated July 26, 1816 (Mr. Bagot to Mr. Monroe, July 26, 1816):

"Mr. Adams having intimated to His Majesty's Government that it was the wish of the Government of the United States that some understanding should be had or agreement entered into between the two countries in regard to their naval armaments upon the lakes, which, while it tended to diminish the expenses of each country, might diminish also the chances of collision and prevent any feelings of jealousy, I have the honor to acquaint you that I have received Lord Castlereagh's instructions to assure you that His Royal Highness the Prince Regent will cheerfully adopt, in the spirit of Mr. Adams's suggestion, any reasonable system which may contribute to the attainment of objects so desirable to both states. Mr. Adams not having entered into any detailed explanation of the precise views of his Government for giving effect to the principle which he had offered for consideration, the British Government is unacquainted with the particular arrangements which the Government of the United States would propose to make for this purpose, but I have been instructed to assure you of the general disposition of His Royal Highness the Prince Regent to listen with satisfaction to any proposal which may secure such ends and of his readiness to act in a spirit of the most entire confidence upon the principle which has been suggested by Mr. Adams."

Mr. Monroe replied to Mr. Bagot, fully setting forth the views and desires of the Government of the United States, his note being dated August 2, 1816, as follows (Mr. Monroe to Mr. Bagot, August 2, 1816):

"I have had the honor to receive your letter of the 26th of July, by which you inform me that Mr. Adams had intimated to your Government the desire of the President to arrange by compact the naval force which should be retained on the lakes by both nations, with a view to lessen equally the expense of each and likewise to guard against collision, but that he had not explained in sufficient detail the proposal which he had been authorized to make to lead at that time to any practical result. You assure me that His Royal Highness the Prince Regent is well disposed to the object, and that in concert with this Government he is willing to adopt such measures as may be deemed expedient to give it effect.

"The President being satisfied that if each nation should maintain on the lakes a large naval force it would expose both to considerable and useless expense, while it would multiply the risks of collision between them, instructed Mr. Adams, shortly after the peace, to make the proposal which you mention, in the hope, from the amicable spirit in which it was conceived and the advantage which it was believed both parties would derive from it, that it might be carried into immediate effect. It is very satisfactory to the President to find that your Government approves the principle on which proposal is founded and that His Royal Highness the Prince Regent is willing to act on it.

"I infer from your letter that you are desirous of obtaining a precise project, either for the purpose of acting on it here immediately, in conformity with the powers already given you, or of transmitting it to your Government for its consideration. Whether it be for the one or the other purpose, I am instructed to afford all the facility that I may be able, though it would undoubtedly be more agreeable to the President that the arrangement should be made and executed with the least delay possible.

"I have the honor now to state that the President is willing, in the spirit of the peace which so happily exists between the two nations, and until the proposed arrangement shall be canceled in the manner hereinafter suggested, to confine the naval force to be maintained on the lakes on each side to the following vessels, that is: On Lake Ontario to one vessel not exceeding 100 tons burden and one 18-pound cannon, and on the Upper Lakes to two vessels of like burden and force, and on the waters of Lake Champlain to one vessel not exceeding the like burden and force; and that all other armed vessels on those lakes shall be forthwith dismantled, and likewise that neither party shall build or arm any other vessel on the shores of those lakes.

"That the naval force thus retained by each party on the lakes shall be restricted in its duty to the protection of its revenue laws, the transportation of troops and goods, and to such other services as will in no respect interfere with the armed vessels of the other party.

"That should either of the parties be of opinion hereafter that this arrangement did not accomplish the object intended by it, and be desirous of annulling it, and give notice thereof, it shall be void and of no effect after the expiration of — months from the date of such notice.

"If this project corresponds with the views of your Government, and you are authorized to accede to it under any modifications which you may propose and in which we can agree, I am instructed to give it immediate effect, either by convention, the interchange of notes, or in any form which may be

thought best adapted to the ends proposed. If, on the other hand, you consider it your duty to submit this project to your Government for consideration, and to await its sanction before you can adopt it, and have power to make, ad interim, any provisional reciprocal arrangement having the same objects in view, I shall be happy to digest with you such provisional arrangement and to carry it reciprocally into effect for such time and in such manner as may be agreed on; or, should your power be adequate, I am ready to concur in an immediate suspension of any further construction or equipments of armed vessels for any of the waters above named."

To this proposal and inquiry Mr. Bagot replied, on August 6, 1816, announcing his inability, under his instructions, to come to an immediate agreement. He said (Mr. Bagot to Mr. Monroe, August 6, 1816):

"The general coincidence of sentiment which exists between our Governments in regard to entering into some arrangement upon this subject gives reason to hope that the several parts of it will become matter of easy adjustment; but as, in the consideration of any precise proposition to this effect, reference must necessarily be had to various points connected with the internal administration of His Majesty's provinces and to the naval assistance which the ordinary business of a peace establishment may require, I am not authorized to conclude definitely any agreement as to details without previously submitting it to my Government.

"I shall therefore immediately forward for consideration the proposal contained in your letter; but I shall, in the meantime, willingly take upon myself to give effect to any arrangement upon which we may eventually agree, for the purpose of suspending the further construction and equipment of armed vessels upon the lakes, and of generally abstaining from exertion in those quarters."

Besides this correspondence, it would seem that Mr. Monroe and Mr. Bagot held several conferences on the subject, for, under date of August 13, 1816, Mr. Monroe wrote an instruction to Mr. Adams at London, in which he said (Mr. Monroe to Mr. Adams, August 13, 1816):

"In consequence of instructions to Mr. Bagot, I have had several communications with him relative to the naval force to be retained on the lakes by each power, and also respecting the right of curing and drying fish on the shores of the British Provinces, northward of the United States, without having concluded a definite arrangement on either subject.

"On the first it appeared that Mr. Bagot's power was limited to a right to agree to suspend the further augmentation of the naval force on those waters without fixing its maximum by any rational standard to the number of vessels, for example, which would be necessary for the support of the revenue laws, and that he was bound to communicate to his Government any precise proposition which might be made to that effect, and to await its order respecting it. I made to him such a proposition, having in view the object mentioned, as well as the other important objects of economy and a desire to avoid irritation and collision. The affair terminated in an agreement on the point to which alone his power extended, and an understanding that he should transmit the specific proposition to his Government for consideration. On this point several notes have passed between us. * * * It is probable that the arrangement of these two interests will again rest with you. The advantage of it, as you are already authorized to treat on other important subjects, is obvious."

The latest of the communications thus referred to is a note which on the previous day, August 12, Mr. Monroe had addressed to Mr. Bagot, for the purpose of closing with his provisional plan for suspending the augmentation of the respective naval forces on the lakes, as follows (Mr. Monroe to Mr. Bagot, August 12, 1816):

"I have had the honor to receive your letter of the 6th of this month, by which you inform me that, although you have full confidence that an agreement will finally be entered into by our Governments to limit in a satisfactory manner the naval force to be maintained by them on the lakes, you consider it your duty to submit to your Government the project which I lately communicated to you to that effect, and to await its orders before you can proceed to make a definitive arrangement on the subject. You intimate, however, that you are willing to give effect to any arrangement on which we may agree for suspending in the meantime the further construction and equipment of armed vessels on the lakes and for abstaining from further exertion there.

"To this delay no objection is entertained, provided such a provisional arrangement is made as may accomplish the just objects which our Governments have in view. This arrangement, however, like the other, should be equal. In the same spirit, therefore, I now propose the regulations stated in my former note, to be adopted as a provisional arrangement. If your powers authorize, and you approve those regulations, on being assured that you will adopt a similar measure, an order will be immediately issued by this Government for carrying them fully into effect.

"If your powers do not extend to this object, but are confined exclusively to the suspension of the further augmentation of the naval force on the lakes, I have then to observe that on receiving from you a statement of the force which your Government now has on the lakes, with an assurance that its further augmentation shall be suspended, an order will be immediately issued by this Government for confining the naval force of the United States there strictly within the same limit." * * *

Mr. Bagot replied the next day, August 13, 1816, practically closing the provisional arrangement to suspend the further increase of the forces on the lakes, by saying (Mr. Bagot to Mr. Monroe, August 13, 1816):

"For the same reasons which I have assigned in the letter which I had the honor to address to you on the 6th instant, I conceive that I am not authorized to make, even provisionally, any precise agreement as to the exact manner in which the respective naval forces upon the lakes shall be limited, as in any such agreement, whether permanent or provisional, reference must equally be had to the arrangement of a peace establishment and the ordinary administration of His Majesty's provinces.

"I am not in possession of a correct statement of His Majesty's naval force now in commission upon the lakes, but I will take the earliest means of procuring and communicating to you the most accurate information upon this point; and I can in the meantime give you the assurance that all further augmentation of it will be immediately suspended."

Two points are to be borne in mind in examining the preceding correspondence—that Mr. Bagot's powers, while explicit as to the subjects of negotiation, do not appear to have authorized him to conclude any formal convention as to either the agreement to mutually limit the naval forces on the lakes or the pending questions in regard to the Newfoundland fisheries; and that as to the latter question Mr. Monroe's negotiations with Mr. Bagot did not result in any conventional agreement, the treaty of October 20, 1818, having been in the end negotiated and signed at London by Mr. Gallatin and Mr. Rush on behalf of the United States and Mr. Robinson and Mr. Goulburn on behalf of Great Britain as special plenipotentiaries. As has been said, no record is found in the Department of State of the text of Mr. Bagot's or Mr. Monroe's powers to negotiate on either of the subjects they considered; but the internal evidence of the correspondence exchanged, as well as the shape eventually taken by the agreement to restrict the respective armaments on the lakes, indicates that the powers of the negotiators in this regard did not go beyond a simple agreement or arrangement to that end and stopped short of authority to conclude a formal treaty.

The matter rested in abeyance until the following November, probably owing to Mr. Bagot having sought from the home Government, and not from the British authorities in the provinces, the promised information in regard to the exact force then maintained by Great Britain on the lakes. Under date of November 4, 1816, Mr. Bagot wrote to Mr. Monroe (Mr. Bagot to Mr. Monroe, November 4, 1816):

"In conformity with the arrangement made between us in our correspondence of the 12th and 13th of August last, I have now the honor to inclose to you an account of the actual state of His Majesty's naval force upon the lakes; and to acquaint you that its further augmentation is suspended until the sentiments of His Majesty's Government upon the project contained in your note of the 5th (2d) of August, and which I transmitted to Lord Castlereagh, are known."

The statement accompanying this note showed twenty-eight vessels afloat on the lakes (including Lake Champlain), besides two 74-gun ships on the stocks on Lake Ontario, and the "keel, stem, and sternpost of a frigate laid down at the Isle aux Noix" on Lake Champlain. Of this formidable force, thirteen were "laid up in ordinary," one "condemned as unfit for service," one "hauled up in the mud and condemned likewise," one used "for current duties only, and unfit for actual service," one "carrying no guns," and one used for transporting stores, leaving an effective armed force of ten vessels, as follows:

On Lake Ontario: *Prince Regent*, 60 guns, in commission but unequipped, being used merely as a barrack or receiving ship; *Montreal*, 6 guns, in commission as a transport on Lake Erie; *Tecumseh*, 4 guns; *Newark*, 4 guns; *Huron*, 1 gun; *Sauk*, 1 gun. Used principally as transports.

On Lake Huron: *Confiance*, 1 gun; *Surprise*, 1 gun. Used for purposes of transport only.

On Lake Champlain: A gunboat, 4 guns; a gunboat, 3 guns. Used as guard boats.

On November 7, 1816, Mr. Monroe replied, accepting Mr. Bagot's communication as in conformity to one of the propositions theretofore made on behalf of the United States, and adding (Mr. Monroe to Mr. Bagot, November 7, 1816):

"I have now the honor to inclose to you an account of the actual state of the naval force of the United States on the lakes, and to assure you that orders will be immediately given by this Government to prevent any augmentation of it beyond the limit of the British naval force on those waters."

The counter statement of the actual force of the United States on the lakes is not yet found on record in the Department of State.

Here, again, the matter rested for a time, not, however, to Mr. Monroe's satisfaction, for, under date of November 14, 1816, he wrote to Mr. Adams (Mr. Monroe to Mr. Adams, November 14, 1816):

"The transfer of the negotiation from London to this city for the regulation of the naval force on the lakes on each side, and the limited powers that were given to Mr. Bagot, had much the appearance that the object was to amuse us rather than to adopt any effectual measure for that purpose. The supply in the interim of Canada with a vast amount of cannon and munitions of war is a circumstance which has not escaped attention."

Mr. Monroe's proposition of August 2, 1816, for a specific and equal limitation of the respective naval forces on the lakes did not take definite shape until the spring of the ensuing year, when a formal agreement was entered into by means of the diplomatic device known as an exchange of notes, on the 25th and 29th of April, 1817. The notes so exchanged read as follows:

WASHINGTON, April 28, 1817

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to acquaint Mr. Rush that, having laid before His Majesty's Government the correspondence which passed last year between the Secretary of the Department of State and the undersigned upon the subject of a proposal to reduce the naval force of the respective countries upon the American lakes, he has received the commands of His Royal Highness the Prince Regent to acquaint the Government of the United States that His Royal Highness is willing to accede to the proposition made to the undersigned by the Secretary of the Department of State in his note of the 2d of August last.

His Royal Highness, acting in the name and on the behalf of His Majesty, agrees that the naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is—

On Lake Ontario, to one vessel not exceeding 100 tons burden and armed with one 18-pound cannon.

On the upper lakes, to two vessels not exceeding like burden each and armed with like force.

On the waters of Lake Champlain, to one vessel not exceeding like burden and armed with like force.

And His Royal Highness agrees that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. His Royal Highness further agrees that if either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned has it in command from His Royal Highness the Prince Regent to acquaint the American Government that His Royal Highness has issued orders to His Majesty's officers on the lakes, directing that the naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned has the honor to renew to Mr. Rush the assurances of his highest consideration.

CHARLES BAGOT.

DEPARTMENT OF STATE, April 29, 1817.

The undersigned, acting Secretary of State, has the honor to acknowledge the receipt of Mr. Bagot's note of the 28th of this month, informing him that, having laid before the Government of His Britannic Majesty the correspondence which passed between the Secretary of State and himself upon the subject of a proposal to reduce the naval force of the two countries upon the American lakes, he has received the commands of His Royal Highness the Prince Regent to inform this Government that His Royal Highness was willing to accede to the proposition made by the Secretary of State in his note of the 2d of August last.

The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note, the undersigned, by direction of the President, has the honor to state that this Government, cherishing the same sentiments expressed in the note of the 2d of August, agrees that the naval force to be maintained upon the lakes by the United States and Great Britain shall henceforth be confined to the following vessels on each side; that is—

On Lake Ontario to 1 vessel not exceeding 100 tons burden, and armed with one 18-pound cannon. On the upper lakes to 2 vessels not exceeding the like burden each, and armed with like force, and on the waters of Lake Champlain to 1 vessel not exceeding like burden and armed with like force.

And it agrees that all other armed vessels on these lakes shall be forthwith dismantled, and that no other vessels of war shall be there built or armed. And it further agrees that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The undersigned is also directed by the President to state that proper orders will be forthwith issued by this Government to restrict the naval force thus limited to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

The undersigned eagerly avails himself of this opportunity to tender to Mr. Bagot the assurances of his distinguished consideration and respect.

RICHARD RUSH.

The arrangement thus effected seems not to have suggested at the time any doubts as to its regularity or efficiency or as to the entire competence of the executive branch of the Government to enter into it and carry out its terms. Mr. Rush on April 30, 1817, sent to Mr. Crowninshield, the Secretary of the Navy, a copy of his note of the preceding day to Mr. Bagot, which he describes as "a stipulation which has been entered into with the British Government relative to the reduction of the naval force upon the lakes," and, in conformity with the President's desire, requested the issuance by the Navy Department of "such orders as may be necessary for giving all the contemplated effect to the stipulation in question." This was promptly done, and on the 2d of May the Secretary of the Navy instructed the several naval commanders on Lake Erie and the upper lakes, Lake Ontario and Lake Champlain, to confine the force in actual or occasional service within the limits defined in the arrangement. Under these orders the schooner *Lady of the Lake*, 89 tons, was assigned to Lake Ontario, the smaller schooners *Porcupine* and *Ghent* to the upper lakes, and the galley *Allen* to Lake Champlain.

It was not until nearly a year later that any uncertainty appears to have arisen as to the character of the arrangement, suggesting that it might in fact so far partake of the nature of a foreign treaty as to call for the advice and consent of the Senate. The occasion of this suggestion is not disclosed by an examination of the correspondence on file in the Department of State, nor is any reference to the subject found in the Journals of Congress for that session. Out of abundant caution, in view of his constitutional relations to the Senate in regard to matters of foreign intercourse, President Monroe communicated to that body on April 6, 1818, the correspondence exchanged on the subject of the naval armaments on the lakes, with the following message:

To the Senate of the United States:

An arrangement having been made and concluded between this Government and that of Great Britain, with respect to the naval armament of the two Governments, respectively, on the lakes, I lay before the Senate a copy of the correspondence upon that subject, including the stipulations mutually agreed upon by the two parties. I submit it to the consideration of the Senate whether this is such an arrangement as the Executive is competent to enter into by the powers vested in it by the Constitution, or is such a one as requires the advice and consent of the Senate, and in the latter case, for their advice and consent, should it be approved.

JAMES MONROE.

APRIL 6, 1818.

This message, with an accompanying selection of the correspondence on the subject, is printed in the folio collection of American State Papers, Vol. IV, page 232 et seq., as Document No. 301, Fifteenth Congress, first session.

Upon being received, in executive session, on April 6, 1818, the message and documents were read and referred to the Committee on Foreign Relations to consider and report thereon. On April 13 Mr. Barbour, from that committee, reported a favorable resolution, as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate do approve of, and consent to, the arrangement made in April, 1817, and contained in the President's message of the 6th of April, 1818, between the United States and His Britannic Majesty, relative to the naval force of the respective nations to be maintained on the lakes; and recommend that the same be carried into effect by the President of the United States."

It was read a second time and considered as in Committee of the Whole; and no amendments having been proposed, it was reported, and ordered to a third reading, on the ensuing Thursday, the 16th of April, when it was agreed to by the unanimous affirmative vote of 30 Senators. It was further ordered that the Secretary of the Senate "lay the foregoing resolution before the President of the United States."

Following the usual routine in such cases, the arrangement was ratified and proclaimed by the President on April 23, 1818, the specific stipulations of the agreement being extracted from the correspondence exchanged between Mr. Rush and Mr. Bagot the year before, and embodied in the text of the proclamation, as follows:

"BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

"Whereas an arrangement was entered into at the city of Washington, in the month of April, in the year of our Lord 1817, between Richard Rush, esq., at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States, and the Right Hon. Charles Bagot, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of His Britannic Majesty, which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—

"On Lake Ontario, to one vessel, not exceeding 100 tons burden, and armed with one 18-pound cannon.

"On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

"On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

"All other armed vessels on those lakes shall be forthwith dismantled and no other vessels of war shall be there built or armed.

"If either party should be hereafter desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

"The naval force so to be limited shall be restricted to such service as will in no respect interfere with the proper duties of the armed vessels of the other party."

"And whereas the Senate of the United States have approved of the said arrangement and recommended that it should be carried into effect, the same having also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty;

"Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

"Given under my hand, at the city of Washington, this 28th day of April,

in the year of our Lord 1818, and of the independence of the United States the forty-second.

"By the President:

"JOHN QUINCY ADAMS, *Secretary of State.*"

This proclamation was not published in the collection of Statutes at Large until some forty years later, when it appeared in company with a number of similarly belated proclamations. (Statutes, XI, 766.)

Although the proclamation recites that the arrangement in addition to the approval of the Senate had "also received the sanction of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty," no record is found of any communication of such ratifying sanction to the Government of the United States, or any declaration other than that contained in Mr. Bagot's note to Mr. Rush of April 18, 1818. No trace of any confirmatory order in council is found in the British printed collections, and no evidence exists that the arrangement received on the part of Great Britain the formalities usually accorded to a treaty. The only publication of it in the British and Foreign State Papers is on pages 1200, 1201, volume 5, 1817-18, where the President's proclamation is textually reproduced. The proclamation does not appear even to have been officially communicated to the British minister, Mr. Bagot, by the Secretary of State.

It seems evident, therefore, that at no time during the negotiations or at its completion did the arrangement in question take the shape of a formal international treaty. As between the United States and Great Britain it never passed beyond the stage of an agreement by exchange of notes, to which each party proceeded to give effect in the manner permitted or prescribed in its own domestic sphere of action. The procedure of the Senate in advising and consenting to it, and of the President in proclaiming it, was wholly municipal. No exchange of ratifications took place. The agreement became effective, by means of executive orders on each side, from the date of the original exchange of notes.

It may be proper here to observe that the resort of an exchange of diplomatic notes has often sufficed, without any further formality of ratification or exchange of ratifications, or even of proclamation, to effect purposes more usually accomplished by the more complex machinery of treaties. A striking proof of this is found in the relations between the United States and Great Britain.

On December 9, 1850, in a conference held at the foreign office in London between the United States minister, Abbott Lawrence, and Lord Palmerston, it was agreed that the Canadian territory of Horse-shoe Reef, in the Niagara River, should be ceded to the United States for the purpose of erecting a light-house thereon. A memorandum, or protocol, of this agreement, was drawn up and signed by Mr. Lawrence and Lord Palmerston. On receipt of this protocol, Mr. Webster, January 17, 1851, instructed Mr. Lawrence to "address a note to the British secretary of state for foreign affairs, acquainting him that the arrangement referred to is approved by this Government." Mr. Lawrence did so on the 10th of February, 1851, and the acknowledgment of his note by the British secretary of state closed the transaction. No ratification occurred on either side. Congress appropriated money for the erection of a light-house, which was built; and the United States thus possesses and exercises full jurisdiction over territory acquired by cession from a foreign power without a treaty.

Another instance occurred with Spain in 1871. Negotiations had been pending for more than a year at Madrid for the settlement of certain claims of citizens of the United States on account of wrongs and injuries committed by the authorities of Spain in the island of Cuba. An understanding as to the basis of settlement having been reached by successive steps in conference and by correspondence, General Sickles, on February 11, 1871, addressed to the Spanish minister of state, Don Cristino Martos, a note formulating his understanding of the agreement. Señor Martos replied, February 12, 1871, by simply acknowledging receipt of General Sickles's statement, and adding: "I take pleasure in informing you that I entirely concur in the contents of the said memorandum. No treaty, or protocol even, was signed by the empowered representatives, and no exchange of ratification or proclamation took place. The settlement was reported to Congress for its information, appropriations were voted to carry on the arbitration, an international commission was organized, and after nearly twelve years of labor, during which 140 cases were examined, awards against Spain were made to the amount of \$1,293,450 55, and duly paid to the United States, all this being accomplished by a mere exchange of notes.

In the two instances thus cited the arrangements entered into were not self-executing within the normal functions of the executive branch of the Government, but required legislation and appropriation by Congress to carry them into effect, as, indeed, they would have required had the engagements taken the form of a treaty, ratified on both sides and duly exchanged and proclaimed on both sides. The arrangement of 1817 for the mutual reduction and restriction of the respective armed naval forces on the Great Lakes was self-executory, requiring neither legislation nor appropriation at the time to render it effective on the part of either the United States or Great Britain. As has been seen, the executive orders of the Secretary of the Navy sufficed for full compliance with its terms for a year after its adoption. The existing legislation gave to the Secretary of the Navy ample discretion as to the force to be employed on the lakes. The appropriations for the maintenance of such force were general in their terms.

By the act of June 12, 1878, there was appropriated "For the construction and repair of certain vessels on the lakes, in the service of Government, and the pay and subsistence of the officers and crews of the same, \$16,700." (Statutes, I, 564.) By the act of March 3, 1813, supplementary to the act for increasing the Navy, in view of pending hostilities with Great Britain, the President was "authorized to have built, or procured, such a number of sloops of war, or other armed vessels, to be manned, equipped, and commissioned, as the public service may require, on the lakes." (Statutes, II, 821.) By the additional appropriation act of April 18, 1814, it was enacted "That the sum of \$625,000 be, and the same is hereby, appropriated for the purpose of defraying the expenses which have been or may be incurred in building and equipping vessels of war on Lakes Ontario and Champlain," to be paid out of certain designated or available appropriations. (Statutes, III, 139.)

Immediately upon the exchange and proclamation of the treaty of Ghent, by which peace was restored, it was provided, by the act of February 27, 1815, "That the President of the United States be, and he hereby is, authorized to cause all the armed vessels thereof on the lakes, except such as he may deem necessary to enforce the proper execution of the revenue laws, to be sold or laid up, as he may judge most conducive to the public interest; such vessels being first divested of their armament, tackle, and furniture, which are to be carefully preserved." (Statutes, III, 217.) At the time, therefore, of the arrangement of 1817 the force to be maintained by the United States upon the lakes was discretionary with the Executive. Nor was this discretion impaired by succeeding legislation. A still further reduction of the lake force was permitted by the act of March 3, 1825, which authorized the President "to cause to be sold, at such time and in such manner as he shall judge best for the public interest, * * * the whole of the public vessels upon Lakes Erie, Ontario, and Champlain, except the ships of the line *New Orleans* and *Chippewa*, now on the stocks under cover at Sacketts Harbor." (Statutes, IV, 131.)

"JAMES MONROE.

The earliest legislation in any way confirmatory or recognitory of the arrangement of 1817 is found in the act of September 9, 1841, which appropriated "For the construction or armament of such armed steamers or other vessels for defense on the northwestern lakes as the President may think proper and as may be authorized by the existing stipulations between this and the British Government, \$100,000." (Statutes, V, 460.) It thus appears that during the first fifty years of national legislation the number, character, and distribution of the naval vessels of the United States on the Great Lakes and Lake Champlain was left by Congress to the discretion of the President, within the limits of appropriations actually made.

A similar discretion appears to have been exercised by the British Government. No exact statement of the assignment of British naval vessels for service on the lakes is found of record other than the list communicated by Mr. Bagot to Mr. Rush, November 4, 1816, which, as a maximum of force, considerably exceeded the subsequent assignment of the United States war vessels by the Secretary of the Navy after the conclusion of the arrangement of 1817. It would seem that the respective naval forces on the lakes remained in substantial equilibrium for many years thereafter. At any rate it is unlikely that the force of the United States should have been allowed to degenerate, even to the extent of almost complete disappearance, under the authority of the act of March 3, 1825, above quoted, if the British force had not kept pace with it in decline. Indeed, as will hereafter be seen, an officer so well qualified as General Brady, by reason of his important command on the northeastern frontier, did not know, in 1840, that any understanding whatsoever existed between the United States and Great Britain regulating their respective naval forces on the lakes.

II.

In 1838 attention was particularly drawn to the subject of the lake armaments by the occurrence of disturbances in Canada and the apprehension of organized hostilities against the authority of the Crown on the part of the so-called "Canadian Patriots." Alarmed at their strength, and desirous of taking more effective steps to protect the long and exposed lake frontiers of Canada from attack, the British Government began to increase its naval force on the lakes. Prior to 1838 no British armed vessel had been maintained above Detroit during many years, while the force on Lakes Erie and Ontario was small and inadequate to cope with the apprehended danger.

In the month of January, 1838, a considerable number of the "Canadian Patriots" gained possession of Navy Island (belonging to Canada), in the Niagara River, whence to make a descent upon the opposite Canadian shore. The British authorities hired two or three lake schooners and armed and manned them for the purpose of frustrating the threatened invasion. These vessels do not appear to have emerged from the river into Lake Erie as cruisers while so armed and manned, but to have been discharged as soon as that particular danger had passed away. Later, in the summer and autumn of 1838, the authorities in Upper Canada employed one or more armed steamers, hired for the purpose and manned with a certain number of troops, to cruise on Lake Erie against apprehended incursions from the United States shores by the "patriots." And after the burning of the British merchant steamer *Sir Robert Peel*, on the St. Lawrence, in 1838, and up to the close of navigation in that year, the Canadian authorities employed several hired steamers, besides barges, all armed and manned, cruising against parties of the "Canadian Patriots," principally on the St. Lawrence River, but, as would seem, at times emerging upon the Canadian waters of Lake Ontario. (Report of General Scott to the Secretary of War, March 23, 1840.)

In view of these defensive armaments being in excess of those permitted by the arrangement of 1817, Mr. Forsyth, then Secretary of State, in the latter part of 1838, invited the British minister, Mr. Fox, to a personal interview, and called his attention to the disregard by Her Majesty's colonial authorities of the conventional arrangement between the two countries as to the extent of their respective naval armaments upon the lakes. Subsequently Mr. Fox addressed to the Secretary of State the following note:

WASHINGTON, November 25, 1838.

SIR: I am informed by Her Majesty's authorities in Upper and Lower Canada that, in consequence of the unlawful and piratical acts of hostility to which these provinces are at present exposed, it has been found necessary to equip under the British flag a more extensive naval armament upon the lakes and rivers which include the boundary line between the British and American possessions, than either Government would be authorized to maintain according to the stipulations of the convention of 1817.

I certainly do not apprehend that any objection against this proceeding is likely to be raised on the part of the United States. But, in order to prevent the possibility of misapprehension in any quarter, I think it expedient to assure you that the armament is equipped for the sole purpose, as above expressed, of guarding Her Majesty's provinces against a manifest and acknowledged danger; and it will be discontinued at the earliest possible period after the causes which now create that danger cease to exist.

I have the honor to be, with great respect and consideration, sir, your most obedient and humble servant,

H. S. FOX.

This note does not appear to have been answered or even acknowledged by Mr. Forsyth. It is probable that, with the close of navigation in the St. Lawrence and the cessation during the winter of active operations by the "Canadian Patriots," the immediate necessity of formal action upon the British request, either by acquiescing in the proposed augmentation of the Canadian naval force on the lakes, or by denying it as incompatible with the existing stipulations, had passed. In fact, according to a report of General Scott, the season of 1839 was "a tranquil one," and he did not hear of a single armed British vessel on Lake Erie. (General Scott to the Secretary of War, March 23, 1840.)

This fact, coupled with the assurance given by Mr. Fox that the extraordinary armaments resorted to in 1838 would be discontinued at the earliest possible period after the causes which had created the danger should have ceased to exist, may explain Mr. Forsyth's silence until the autumn of 1839, when he "made known, verbally, to Mr. Fox that, the causes assigned in his note no longer existing, the President expected that the British armament upon the lakes would be placed upon the footing prescribed by the convention. Mr. Fox engaged to communicate without delay to his Government the substance of the conversation between them, and expressed his own conviction that, if the winter then ensuing passed without renewed attempts to disturb the tranquility of the Canadas, there could be no sufficient motive for either Government maintaining a force beyond that authorized by the convention of 1817." (Report of Mr. Forsyth to the President, March 13, 1840.)

The movements set on foot by the "Canadian Patriots," who at times directed their operations from the territory of the United States or took refuge therein after defeat or when menaced by a superior force, had come to an end in 1839, and in his annual message to Congress, December 24, Mr. Van Buren stated that "there is every reason to believe that disturbances like those which lately agitated the neighboring British provinces will not again prove the sources of border contentions or interpose obstacles to the continuance of that good understanding which it is the mutual interest of Great Britain and the United States to preserve and maintain." He added:

"On a review of the occurrences on both sides of the line it is satisfactory

to reflect that in almost every complaint against our country the offense may be traced to immigrants from the provinces who have sought refuge here. In the few instances in which they were aided by citizens of the United States, the acts of these misguided men were not only in direct contravention of the laws and well-known wishes of their own Government, but met with the decided disapprobation of the people of the United States. I regret to state the appearance of a different spirit among Her Majesty's subjects in the Canadas. The sentiments of hostility to our people and institutions which have been so frequently expressed there, and the disregard of our rights which have been manifested on some occasions, have, I am sorry to say, been applauded and encouraged by the people, and even by some of the local authorities of the provinces. The chief officers in Canada fortunately have not entertained the same feeling, and have probably prevented excesses that must have been fatal to the peace of the two countries."

Whether moved by the hostile spirit of resentment for past grievances, to which President Van Buren alludes, or by the lesson taught by the events of the past year and by the consciousness that the exposed and undefended condition of the Canadian lake and river frontier might invite renewed disturbance of public tranquility by the "Canadian Patriots" and their adherents, it is certain that large military preparations took place in Canada during the spring of 1838 and far into 1839. Some 13,000 fresh troops were sent to Canada. Fort William Henry, at Kingston; Fort Wellington, opposite Ogdensburg; Fort Mississauga, nearly facing Fort Niagara; and the fortifications on the Canadian shores and at the approaches to the St. Clair River, were strengthened, and extensive barracks erected at various points. In naval matters, too, activity was shown in the building of a Government steamer at Niagara City, in the purchase of two steamboats from citizens of Buffalo for service on Lake Erie, and in the building of a steamer on Lake Ontario. Rumors of other military preparations and of the building of other armed vessels on the lakes were rife, and the attitude of the British authorities in Canada seemed to menace the United States by a display of force much greater than any on the American side.

These conspicuous preparations naturally attracted considerable attention in the public mind and in Congress. Upon motion of Mr. Crary, on March 9, 1840, the House of Representatives—

Resolved, That the President of the United States be requested to communicate to this House, if compatible with the public service, whether the Government of Great Britain have expressed to the Government of the United States a desire to annul the arrangement entered into between the two Governments in the month of April, 1817, respecting the naval force to be maintained upon the American lakes; and that, if said arrangements be not annulled, whether there has been any violation of the same by the authorities of Great Britain."

A resolution introduced by Mr. Doty, calling for information as to "new military works being constructed and garrisoned with regular and militia troops by the English Government on that (Canadian) frontier," was at the same time debated and tabled under the rule. A more comprehensive resolution was moved by Mr. Fillmore, and adopted by the House on the 6th of April following, requesting the President to communicate "any information in possession of the executive department showing the military preparation of Great Britain, by introducing troops into Canada or New Brunswick, or erecting or repairing fortifications on our northern and northeastern boundary, or by preparing naval armaments on any of the great northern lakes or the waters connected with them, and what preparations, if any, have been made by this Government to put the United States, and especially the northern and northeastern frontiers, in a posture of defense against Great Britain in case of war."

These several resolutions called forth three messages in reply, all bearing on the question of the armament on the lakes. The first, under date of March 28, 1840, responded to the resolution of March 9, and transmitted the above-cited note from the British minister, Mr. Fox, of November 25, 1838, as being "the only communication on file in this (the State) Department on the subject." With the report of the Secretary of State was transmitted a report from the Secretary of War, communicating the report above mentioned of Major-General Scott of March 23, 1840, on the general subject of the armament on the lakes in connection with the measures of defense adopted in 1838 against the movements of the "Canadian Patriots." (House Ex. Doc. No. 163, Twenty-sixth Congress, first session.)

Another message in response to the same resolution of March 9, 1840, was sent to the House by the President on the 29th June following, accompanied by a report from the Secretary of War, conveying a special report from Gen. Alexander Macomb, dated June 26, 1840, in relation to the British naval preparations. (House Ex. Doc. No. 246, Twenty-sixth Congress, first session.) Another message was sent in by President Van Buren, on the same day as the last, June 29, 1840, in response to the resolution of April 6, in regard to the reported military armaments of the British Government on the northern and northeastern frontier, communicating in like manner a report of the Secretary of War and a detailed statement from General Macomb. (House Ex. Doc. No. 246, Twenty-sixth Congress, first session.) These three messages are annexed hereto for more convenient reference.

Although it thus appeared that the Government of Great Britain had not in fact manifested any desire to annul the arrangement of April, 1817, and that the extraordinary defensive measures in 1838 had been merely temporary, and had been abandoned when the immediate occasion thereof had ceased, it continued to be the general feeling of Congress that steps were necessary, in view of the vexatious occurrences of the past years, to strengthen the military and naval defenses of the United States against the possibility of troubles arising with Great Britain. The Journals of Congress at that time teem with resolutions of inquiry and bills introduced looking to the adoption of defensive measures on the lakes and along the seaboard as well. The country was financially prosperous, and the surplus revenues were an incentive to expenditures for national protection. This disposition found expression in the fortification bill, which later became an act, September 9, 1841. The debates upon the measure show that the condition of the lake defenses attracted considerable attention in view of the measures lately taken and then reported to be in progress on the Canadian side.

On August 3, 1841, Senator Allen, of Ohio, moved an amendment to the fortification bill, for the construction or armament of armed steamers, or other vessels for defense, on the Northwestern lakes. This proposition was debated at some length on the day of its introduction and on the following day. Mr. Allen explained that he had not offered it with a view to benefit any particular section of the country, but that, having understood the British had two armed steamers on Lake Erie, he "thought armed steamers were necessary to watch armed steamers." Mr. Evans referred to the existing arrangement as prohibiting the construction of armed vessels by either power on the lakes. Mr. Woodbridge said he was not aware that the British Government had violated the treaty in this respect; that during the troubles of the recent insurrection that Government had employed vessels to assist in putting it down, but he had understood it was with the assent of our own Government this was done.

Mr. Allen maintained that his amendment was demanded "for the defense of Lake Erie and for the purpose of making our force equal to that of the British Government, whose steamers were cruising about our coast, prying into its exposed parts." Mr. Preston regarded the project as wild and ineffi-

cient. Mr. Allen at length consented to modify his amendment, to provide for the construction or armament of such vessels on the Northwestern lakes as the President might think most proper, and as should "be authorized by the existing stipulations between this and the British Government;" in which form the amendment was adopted, and it eventually became part of the fortification act of September 9, 1841. (Statutes, V. 460.)

Very shortly after the passage of that act Mr. Webster formally brought the matter of the reported increase of the British armament on the lakes to the attention of Mr. Fox, Her Majesty's minister, by a note dated September 25, 1841, in which, after reciting the terms of the agreement of 1817, and the communication addressed to him by Mr. Fox on November 25, 1838, he said (Mr. Webster to Mr. Fox, September 25, 1841):

"The Government of the United States, being thus assured that the armament of which information was thus given, was for a special and temporary purpose, did not consider your communication as notice of the intention on the part of your Government to abandon the arrangement of 1817.

"We are now informed that two large steam vessels fitted for warlike service, of 400 or 500 tons burden, and capable of carrying fifteen or twenty guns, are built, partially equipped, and ready to receive ordnance, and now lie at Chippewa. The Government of the United States does not allow itself to doubt that the object of this preparation is purely defensive, and intended only to guard against attacks like that of 1838; but as far as it exceeds the amount of force which either Government is permitted to maintain, by the stipulations of 1817, it seems proper to call the attention of the British Government to the subject, to the end that both parties may have a clear understanding upon it. It is hoped, therefore, that if not already instructed respecting the object of the armament you will inquire at the proper source, to the end that you may be able to give explicit assurances to this Government that these vessels of war, if, unhappily, it shall be found necessary to use them at all, will be confined to the sole and precise purpose of guarding Her Majesty's provinces against hostile attacks."

Two months having passed without any response from the British minister, Mr. Webster addressed Mr. Fox anew and even more formally on the subject on the 29th of November. His note may conveniently be quoted in full:

DEPARTMENT OF STATE,
Washington, 29th November, 1841.

HENRY S. FOX, Esq., etc.:

The undersigned, Secretary of State of the United States, has the honor of calling the attention of Mr. Fox, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, to a letter addressed to him by the undersigned on the 25th of September last, on the subject of two steam vessels of war which were understood to be built or purchased and in the process of equipment, at Chippewa, in Canada, and respectfully to invite as early a reply to that letter as Mr. Fox's information and instructions may enable him to give. It was the object of the convention of 1817 to prevent, both on the part of the United States and England, the necessity of maintaining expensive naval armaments on the lakes, to place the parties on a footing of perfect equality, and to remove causes of jealousy and apprehension on the borders, on the conclusion of the war, by a mutual agreement to disarm on both sides, so far as the waters of the lakes were concerned.

It is obvious that a rigid compliance with the terms of the convention by both parties can alone accomplish the purposes intended by it. The convention interdicted the building as well as the equipment of vessels of war beyond the fixed limit. The United States have not been disposed to make complaint of the temporary deviation from this agreement by the British Government in 1838, under what was supposed to be a case of clear and urgent necessity for present self-defense. But it can not be expected that either party should acquiesce in the preparation by the other of naval means beyond the limit fixed in the stipulation, and which are of a nature fitting them for offensive as well as defensive use upon the ground of a vague and indefinite apprehension of future danger. The undersigned doubts not that Mr. Fox will see the great importance as well as the great delicacy of this subject. Having thus again called Mr. Fox's attention to it, the undersigned concludes by observing that the United States can not consent to any inequality in regard to the strictness with which the convention of 1817 is to be observed by the parties, whether with respect to the amount of naval force or the time of its preparation or equipment. The reasons for this are obvious, and must immediately force themselves upon Mr. Fox's consideration.

The undersigned avails himself of this occasion, etc.
DAN'L WEBSTER.

Mr. Fox replied on the following day, November 30, 1841, giving the desired assurance that the vessels of war in service on the lakes had been equipped "for the sole purpose of guarding Her Majesty's provinces against hostile attack." His reply may also be given in full, as bearing upon the subsequent question of the termination of the arrangement of 1817:

WASHINGTON, November 30, 1841.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, in which, referring to a previous communication addressed to me on the 25th of last September, you call my attention officially to the naval armament at present employed by Her Majesty's authorities on the Canadian lakes.

I was under the impression that at an informal conversation which occurred at the period of your addressing me the first of these communications I had sufficiently explained to you that I considered the statement contained in my official letter to Mr. Forsyth of the 25th of November, 1838, upon the subject of the increased British armament then fitting out upon the lakes, as applying equally to the circumstances of the present time, it being unfortunately notorious that Her Majesty's provinces are now, as then, threatened with hostile incursion by combinations of armed men unlawfully organized and prepared for war within the frontier of the United States; and it being found by experience that the efforts of the United States Government, though directed in good faith to suppress those unlawful combinations, are not attended with the wished-for success.

I shall refer the communications which you have addressed to me to Her Majesty's Government at home, with the view of learning the pleasure of Her Majesty's Government in regard to the continuance or annulment, after due notice, of the convention of 1817; and in the meantime I have no difficulty in giving you the assurance which in your letter of the 25th of September you state the United States Government desires to receive, that the British vessels of war now serving on the Canadian lakes have been equipped for the sole purpose of guarding Her Majesty's provinces against hostile attack.

I avail myself of this occasion, etc.,

H. S. FOX.

This phase of the matter then terminated, and no record is found of any communication, as foreshadowed by Mr. Fox, of the pleasure of Her Majesty's Government touching the continuance or annulment of the arrangement of 1817.

Soon after the passage of the fortifications act of 1841, and in execution of the authority therein given to the President to build and equip war vessels for service on the lakes, the Secretary of the Navy initiated steps for the construction of an iron steamer for service on the upper lakes, and during

the next two years there was constructed at Pittsburg the side-wheel bark *Michigan*, which was removed in sections to Erie and there completed and floated in the summer of 1844. Her registered tonnage was 498, and her armament then consisted of two 8-inch guns and four 32-pound carronades. This drew forth a remonstrance from the British Government.

Under date of July 23, 1844, Mr. Packenham, Her Majesty's minister, addressed Mr. Calhoun, representing that at that moment the naval armament of the United States on the lakes greatly exceeded that to which the two countries reciprocally restricted themselves by the agreement of 1817, especially in regard to number and caliber of guns, as to which he instanced recent advertisements for ordnance supplies for service on the lakes, calling for a number of 32-pound chambered cannon and ammunition for the same, while the agreement only permitted the use of 18-pounders. Mr. Packenham admitted that as a fact, not long before, when the Canadian provinces were threatened with invasion by parties unlawfully organized within the United States, Great Britain had, in her own defense, maintained a naval force on the lakes in excess of the stipulations of the agreement of 1817, but an explanation had been given of the necessity of that departure from the existing engagement which had appeared to satisfy the Government of the United States, and when a change in the attitude and disposition of the people on the frontier had become sufficiently evident to permit a feeling of security against aggression the British force had been reduced to the prescribed limits. He added:

"At the present moment there are happily no circumstances on either side to justify or require any departure from the strict fulfillment of that agreement, and it therefore becomes by all means desirable that it should be fulfilled to the letter by both the contracting parties."

In view of all this, Mr. Packenham stated the desire of Her Majesty's Government "to receive satisfactory explanation as to the intentions of the United States Government with reference to the fulfillment of the agreement of 1817." The answer of Mr. Calhoun, under date of September 5, 1844, merely acknowledges Mr. Packenham's note as having been promptly referred for consideration to the Secretary of the Navy, and transmits a copy of the Navy Department's reply.

Secretary Mason's letter, under date of September 4, 1844, states that he is not aware that the United States naval force on Ontario and Huron exceeds that to which the United States and Great Britain reciprocally restricted themselves by the agreement of 1817. As to Lake Erie, one steamer, the *Michigan*, had been constructed, under authority of the act of September 9, 1841, and was then lying at Erie completed, with her armament on board, ready for a cruise. In consequence of the remonstrance of Her Britannic Majesty's minister the commander of the *Michigan* had been ordered not to leave the port of Erie on a cruise until further orders. Mr. Mason's letter goes on to say (Mr. Mason to Mr. Calhoun, September 4, 1844):

"You will perceive that the orders were given for the construction of this vessel at a time when the British Government had in commission a larger force than that authorized by the agreement of April, 1817; but there is nothing on the records of the Department to show that there was a purpose of disregarding the restrictions of that agreement. I have reason to believe that Her Majesty's Government has still in commission on the northwestern lakes a much larger force, both in number and tonnage, than that authorized by the agreement. I transmit copies of two letters received on that subject. The vessels mentioned in the letter of Passed Midshipman Lambert as in commission and commanded by officers of the royal navy are borne on the navy list of the royal navy published by authority of the admiralty, and although they are reported to be pierced for a larger number of guns, they appear by the list to mount only one gun each. But the restriction is as imperative as to tonnage and number as to armament. It is worthy of remark that at the date of the agreement between the two Governments steamers were in use to a very limited extent as passenger vessels, and perhaps not at all as ships of war. The restriction as to tonnage would probably not have been adopted if their use had been anticipated. No effective steamer for any purpose, it is believed, would be built of a tonnage of 100 tons.

"I would respectfully suggest that this consideration would justify a revision of the agreement on the subject, and also that if it is considered that the British vessels are not inconsistent with the agreement by reason of the armament being limited to one gun each, the armament of the steamer *Michigan* can be readily reduced to that number."

The accompanying reports mentioned by Secretary Mason are indefinite. Lieutenant Parmelee learns that there is a powerful British steamer, "with her armament taken out," at Penetanguishia, on Lake Huron, while Passed Midshipman Lambert reports the recent launch at Kingston of a wooden steamer, the *Cherokee*, of some 600 tons, capable of being fitted for service in twelve days, and able to mount from 16 to 24 guns; the presence in commission at Toronto of the iron steamer *Mohawk*, rated at from 4 to 6 guns; the schooner *Montreal*, on Lake Ontario, and on the upper lakes the iron steamer *Minus* and the schooner *Experiment*, both commanded by officers of the royal navy.

This report of the Secretary of the Navy is both suggestive and valuable, because expressly noting the great change of circumstances that had taken place on the lakes between 1817 and 1844, the substitution of iron for wood in steamer building, and the advance in ordnance and armament. His proposition for a revision of the agreement to adapt it to more modern exigencies does not appear to have been followed up, and correspondence on the general subject ceased for many years.

It was next revived by a formal inquiry addressed by Lord Napier to Mr. Cass on April 8, 1857, from which it appears that the presence of the *Michigan* in the upper lakes, which had passed unnoticed during the thirteen preceding years, had attracted renewed attention. He wrote as follows (Lord Napier to Mr. Cass, April 9, 1857):

"In conformity with the directions of the Earl of Clarendon, I have the honor to solicit your attention to a subject affecting the execution of the treaty of 1817 between Great Britain and the United States for the regulation of the establishments of the two countries on the lakes.

"It has been submitted to Her Majesty's Government by the governor of Canada that an American armed vessel, qualified as a revenue cruiser, lies in the Detroit River, from which it makes frequent excursions into all the accessible lakes. This ship was alleged to be of the burden of 800 tons, custom-house measurement, and to be furnished with a 68-pound Paixhan gun, dimensions and armament inconsistent with the terms of the treaty above mentioned, which sanctions vessels of 100 tons only, armed with one 18-pounder.

"These circumstances having been brought to the knowledge of Mr. Dallas by the Earl of Clarendon, the American minister was enabled to state to his lordship that the vessel in question, by name the *Michigan*, was armed only with an 18-pound gun, but that she was of a greater measurement than is compatible with the provisions of the convention.

"In making this communication to you on the part of Her Majesty's Government, I venture to suggest to you the expediency of further inquiry, in order that measures may be taken for the correction of any infringement of the engagements of 1817 which may have occurred."

No record is found of any written reply on the part of Mr. Cass. The minister's inquiry, and especially his pointed exception to the qualification of the steamer at Detroit as a "revenue cruiser," and his implied claim that the

employment of revenue cutters, as distinct from naval vessels, fell under the prohibitions of the agreement of 1817, may indeed have been embarrassing in view of the fact that the United States had maintained two small revenue cutters on the lakes for some years before, and at that time the building of other and smaller cutters for that service, in replacement of those then existing, was authorized by existing law. Section 2 of the sundry civil appropriation act of August 18, 1856, provided:

"That the Secretary of the Treasury be, and he is hereby, authorized to cause to be sold at public auction the revenue cutter *Ingham*, now stationed at Detroit, and the *Harrison*, now stationed at Oswego, and in lieu thereof to cause to be built six cutters for the protection of the revenue on the lakes of the burden of about 50 tons each; and that the sum of \$45,000 be, and the same is hereby, appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, in addition to the proceeds of the sale above authorized."

Lord Napier's note having been referred to the Secretary of the Treasury, Mr. Cobb replied, April 13, 1857, that "there are no revenue cutters stationed on either of the lakes. The steamer *Michigan*, referred to in the communication of Lord Napier, is a naval vessel, under the control of the Navy Department." In fact, by this time the two cutters previously stationed on the lakes had already been sold under authority of the foregoing enactment—the *Ingham* at Detroit, October 8, 1856, to Wm. H. Patton, for \$1,441, and the *Harrison* at Oswego, to Messrs. Merry & Gay, for \$1,690.

The building of the six small cutters for revenue service on the lakes would seem to have been begun about this time, and to have so far progressed by the summer of 1858 as to attract the attention of the British authorities. On July 2, 1858, in an informal and personal note to Mr. Cass, Lord Napier wrote (Lord Napier to Mr. Cass, July 2, 1858):

"When I next meet you it will be my duty to ask you verbally for an explanation on a matter which has reached Her Majesty's Government from Canada. It is reported there that the Federal Government have placed on the lakes six new armed cutters, and it is apprehended that should such be the case this measure may not square with the mutual obligations of the two countries contained in the treaty of 1817. You would oblige me very much by inquiring whether the vessels alluded to have been built and whether they are destined for the purpose alleged."

The verbal inquiry thus foreshadowed was made a few days later, when Lord Napier left with Mr. Cass an undated memorandum of its purport, as follows:

"Memorandum: Are any vessels of war or revenue vessels about to be placed on the lakes?"

"If there be vessels in course of construction for this purpose, what is their number and what is the tonnage and armament of each?"

"Are these vessels built in virtue of a specific appropriation by Congress, and when was that appropriation taken?"

No trace of any action upon or in reply to this inquiry is found of record.

III.

The breaking out of the war of the rebellion in 1861 and the strenuous efforts put forth to strengthen the defenses of the United States on the water as on land naturally caused our naval armament and preparations to be watched with much care by the representatives of foreign powers. Great Britain was, of course, chiefly interested in this defensive movement, by reason of the popular manifestations of English and Canadian sympathy with the Confederate cause.

On August 31, 1861, Lord Lyons addressed Mr. Seward, stating that the attention of Her Majesty's Government had been drawn to the size and armament of the naval force maintained by the United States on the lakes above Niagara Falls; that the tonnage of that force, "and certainly the armament of the steamer *Michigan*, would seem to be in excess of the limit stipulated in the arrangement of 1817;" and that he was instructed to represent the matter to the Government of the United States.

Mr. Seward, after consultation with the Secretary of the Navy, replied, September 12, that the naval force of the United States on the upper lakes consisted of the steamer *Michigan*, of 582 tons, carrying one gun of 8-inch caliber, and that the vessel was then, as theretofore, used exclusively for the purpose of recruiting for the Navy, with artillery practice for the newly recruited seamen. The naval force in question had not been increased, as the information received by the British Government seemed to have led it to apprehend. He added:

"It is not supposed by this Government that their retaining of the steamer in question upon the lakes is a violation of their arrangement of 1817. But if the British Government thinks otherwise, we shall be happy to consider its views in that respect."

The invitation thus conveyed was not then accepted, and the matter dropped for a time.

In 1864 the efforts of certain Confederate agents, stationed in and operating from Canadian territory, occasioned great disquietude to the Government of the United States, and constrained the exercise of considerable vigilance on the northern frontier to prevent communication between those agents and their confederates in the United States. The inadequacy of the limited naval force on the Canadian frontier to meet the constant exigencies of the hour became apparent.

In the House of Representatives, on June 13, 1864, Mr. Spalding introduced a joint resolution (H. R. 91) with a view to terminating the arrangement of 1817. It was referred to the Committee on Naval Affairs, and on June 18 was reported back without amendment. Pending the question on its engrossment, Mr. Elihu B. Washburne submitted an amendment, which was agreed to. The resolution was thereupon read a third time and passed. Careful search fails to show the original text as moved by Mr. Spalding, but as the resolution passed the House, with Mr. Washburne's amendment, it is worthy of note that the preamble recites, as justifying notice of termination, that—

"The treaty of 1817, as to the naval force upon the lakes, was designed as a temporary arrangement only, and although equal and just at the time it was made, has become greatly unequal through the construction of [by] Great Britain of sundry ship canals; and whereas the vast interests of commerce upon the northwestern lakes, and the security of cities and towns situated on their American borders, manifestly require the establishment of one or more navy-yards wherein ships may be fitted and prepared for naval warfare; and whereas the United States Government, unlike that of Great Britain, is destitute of ship canals for the transmission of gunboats from the Atlantic Ocean to the western lakes," etc.

In this form the resolution went to the Senate, where it failed of consideration during that session.

The incident, however, did not escape the watchful eye of Lord Lyons, who seems to have reported it home for instructions, which were soon sent him. He accordingly wrote to Mr. Seward, under date of August 4, 1864, stating that the attention of Her Majesty's Government had been drawn to the motion made in Congress during the recent session with a view to putting an end to the arrangement between Great Britain and the United States, limiting the naval force to be maintained upon the American lakes, and adding:

"This arrangement has worked satisfactorily for nearly half a century. It has preserved both nations from a vast amount of inconvenience and expense, and (which is of infinitely more importance) it has warded off occasions

of disagreement and quarrel. Her Majesty's Government would view the abrogation of it with great regret and no little alarm."

Mr. Seward replied the next day, August 5, 1864, informing Lord Lyons that the motion made in Congress and referred to in his note "did not prevail," and adding: "There is at present no intention to abrogate the arrangement which has been so long in force. I will thank your lordship to assure Her Majesty's Government that timely notice will be given if these views should change."

Soon afterwards, on September 26, 1864, Mr. F. W. Seward, Acting Secretary of State, notified Mr. Burnley, in charge of the British legation during Lord Lyons's absence, that, owing to recent hostile and piratical proceedings on the lakes between the United States and Her Majesty's possessions, it had been deemed necessary for the present to increase the "observing force" of the United States in those lakes; "that the arrangement is temporary, and will be discontinued so soon as circumstances permit;" and that the vessels to be employed on that service would be under instructions to respect British rights in all cases.

It is noticeable that in announcing such a temporary increase of naval armament on the lakes and in assigning the reasons therefor, Mr. Seward closely followed the precedent set by Mr. Fox's similar notification in 1838, when the Canadian peace was threatened by hostile ventures. Mr. Burnley does not seem to have recalled the pertinent parallel, for in his note of acknowledgment, on September 23, he said:

"Without wishing to prejudice the question, I must leave it to Her Majesty's Government to decide as to whether such a measure, although only temporary in its effect, can be warranted by treaty stipulations."

To this intimation and reservation on Mr. Burnley's part Mr. Seward made no direct response; but on the 1st of October, 1864, he wrote to Mr. Burnley, referring to previous correspondence on the subject, and announcing that—

"It has been deemed advisable at this juncture to charter the steam propeller *Hector* for revenue-cutter purposes on the lakes. Any excess which may be thus occasioned, however, in the armament of United States vessels in that quarter over the limit fixed by the arrangement of April, 1817, will be temporary only; and as it has been made necessary by an emergency probably not then foreseen, may not be regarded as contrary to the spirit of the stipulation of that instrument."

Mr. Burnley acknowledged receipt of this notification October 4, 1864, saying that he had forwarded copies to Her Majesty's Government.

On the 10th of October following Mr. Seward transmitted to Mr. Charles Francis Adams the notes exchanged with Lord Lyons August 4 and 5 and with Mr. Burnley September 26 and 23, 1864, with the simple direction "to make the needful explanations to Earl Russell on the subject." On the same day Mr. Seward informed Mr. Burnley, in connection with "the proposed temporary increase of the observing force of the United States on the American lakes," that the correspondence had been sent to Mr. Adams with instructions "to make explanations to Earl Russell, which it is not doubted will prove satisfactory to Her Majesty's Government."

Without, however, awaiting the result of the explanations Mr. Adams had been directed to make to Earl Russell, or the expression of the opinions of Her Majesty's Government on the subject in consequence of Mr. Burnley's report of the incident, Mr. Seward determined to plant the question on a positive and unmistakable footing, by notifying the British Government that the right of self-preservation would be exercised to the full by the increase of the defensive armament on the Great Lakes to any necessary limit, and, if need were, by terminating the arrangement of April, 1817, should it be found incompatible with measures needful to the public safety.

On the 24th of October, 1864, Mr. Seward forwarded to Mr. Adams a comprehensive and explicit instruction to this end, passing in review the recent occurrences proving the inadequacy and inefficiency of the British laws and regulations applicable to the enforcement of the obligations of friendly neutrality on the Canadian borders and the repeated failures of the British authorities to check the constant abuses of Canadian territory as a base for hostile designs against the peace of the United States. Instances of such unfriendly acts are cited, such as the seizure of the *Chesapeake* by Braine upon the high seas; the capture of the *Philo Parsons* and *Island Queen* by an armed band from Malden, on the Canadian shore of the mouth of the St. Clair River below Detroit, in connection with a plot to release the insurgent officers confined on Johnsons Island, and the raid upon St. Albans, Vt., by a band of desperate men from Canada. After commenting on the insufficiency of the British neutrality act, as proven by these occurrences, and the slight heed paid in Canada to the Queen's proclamation of warning, Mr. Seward takes up the question of our defensive measures on the lakes as follows (Mr. Seward to Mr. Adams, October 24, 1864):

"It is obvious that at the time of the informal arrangement between the two Governments of April, 1817, limiting their naval force on the lakes, a condition of things like the present could scarcely have been anticipated. The object of that arrangement was to prevent either party from keeping in commission the considerable naval force which they both had employed in that quarter during the war then recently closed. If peace was expected to continue, the force was an unnecessary burden to both parties; but, on the contrary, if war should suddenly be renewed, one or the other might, in anticipation of that event, have clandestinely or otherwise so augmented its force as to insure to it a dangerous advantage. Believing that these were the views entertained at the time the arrangement was entered into, and that neither the United States nor Great Britain expected to relinquish their right to self-defense in the event of a civil war in the territories of either by the limitation referred to, the Secretary of the Treasury, as you will see from the correspondence (a copy of which is inclosed), has chartered two propellers, one on Lake Erie and the other on Lake Ontario, for the purpose of checking and suppressing depredations on our trade and territory in that region similar to those above mentioned.

"It is, however, impossible to resist the conviction that peace can not be reliably maintained upon the border unless more effective measures shall be adopted to secure that end than those that have hitherto been used by both Governments."

"It is now my duty to instruct you to give notice to Earl Russell, in conformity with the treaty reservation of that right, that at the expiration of six months after you shall have made this communication the United States will deem themselves at liberty to increase the naval armament upon the lakes if, in their judgment, the condition of affairs in that quarter shall then require it; and you will be careful to advise us of the day on which this notice is given. You will assure the Earl, however, that this proceeding is adopted only as a necessary measure of national defense, and not only with no purpose of hostility, but, on the other hand, with a desire no less earnest than heretofore to preserve the most friendly relations with Great Britain. Moreover, this Government will in every case direct its best efforts to prevent invasion of British territory, whether by way of popular retaliation or otherwise. It is not for us to indicate the means Her Majesty's Government should adopt to maintain neutrality on their side of the border.

"Nor are we able to conceive of any remedy adequate to the present ex-

gency but the recognition by Her Majesty's Government of the just and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government."

It is to be noted that Mr. Seward characterized the arrangement of 1817 as "informal," a circumstance which may serve to throw light on his subsequent action in regard to it.

Mr. Seward's instruction was recast by Mr. Adams, the language and arrangement of the original being substantially adhered to, in the form of a note to Earl Russell, which, being dated November 23, 1864, was delivered at the foreign office "at five minutes past 6 o'clock that evening," and on November 25 Mr. Adams duly reported his compliance with Mr. Seward's orders.

The British answer was conveyed to Mr. Seward through the medium of the British chargé, Mr. Burnley, on December 17, 1864, by means of a brief note transmitting copy of an instruction addressed by Lord Russell to Lord Lyons, under date of November 26, 1864. Although described by Mr. Burnley as "relative to the intention of the United States Government, in conformity with the treaty reservation right, to increase their naval armament upon the North American lakes," the note of Lord Russell is an elaborate controversion of Mr. Seward's general line of argument and a defense of the declared indisposition of Her Majesty's Government either to deny to the Southern States belligerent rights, or to propose to Parliament to make the laws of the United Kingdom generally more strict, or to refuse asylum to persons in hostility with a government or nation with whom Her Majesty is at peace. Counter charges of excessive exercise of belligerent rights by the United States were made. The reference to the pivotal point of Mr. Seward's communication, the stipulated six months' notice of the termination of the agreement of 1817, is very brief, and reads as follows (Lord Russell to Lord Lyons, November 26, 1864):

"It is perfectly competent to the United States to give notice that at the end of six months that Government will be at liberty to increase their naval force on the lakes. It is certainly true that while both nations are disarmed on the lakes marauders or depredators may destroy or capture unarmed vessels belonging to either party. Her Majesty will, of course, be at liberty also to increase her naval force on the lakes at the expiration of the six months after notice if she should think fit so to do. But it is to be hoped that when peace is restored the former agreement, which was formed upon just and wise considerations, may be renewed, as one that must be advantageous to both parties."

On January 10, 1865, Mr. Seward wrote to Mr. Burnley, briefly acknowledging the receipt of the British reply, and promising "attentive consideration" to the views and suggestions presented to this Government by Earl Russell.

Meanwhile the critical condition of affairs on the Canadian border and the apparent inability, if not indisposition, of the provincial authorities to enforce observance of neutrality in that quarter, was not slow to attract the earnest attention of Congress. On the assembling of Congress in December, 1864, much feeling was displayed by reason of the recent St. Albans raid, and on December 14 the publication of the news that the raiders had been discharged on the previous day for want of jurisdiction led Senator Chandler to move a resolution directing the Committee on Military Affairs "to inquire into the expediency of immediately enlisting an army corps to watch and defend our territory bordering on the lakes and Canadian line from all hostile demonstrations." Mr. Sumner followed this up the next day, December 15, 1864, by submitting the following resolution, which was considered by unanimous consent and agreed to:

"Resolved, That the President of the United States be requested, if not inconsistent with the public interest, to furnish to the Senate any information on the files of the Department of State concerning the paper published in the volume of Treaties and entitled "Arrangement between the United States and Great Britain between Richard Rush, esq., Acting Secretary of State, and Charles Bagot, His Britannic Majesty's envoy extraordinary," relating to the naval force to be maintained upon the American lakes."

The message of President Lincoln, of January 9, 1865, in compliance with this resolution, merely transmitted a brief report of the Secretary of State, of even date, referring to the publication in the folio volume of American State Papers of the correspondence between Messrs. Monroe and Rush and Mr. Bagot, whereby the arrangement of April 23-29, 1817, was concluded. Mr. Seward added:

"From these papers it will be seen that the limitation of the force to be maintained was sought by this Government. Although the convention seems somewhat informal as published in the Revised Statutes, yet upon consulting the original papers it appears to have been duly approved by the Senate, ratified by the President, and proclaimed as law."

This message was referred, January 12, 1865, in the regular order of business, to the Senate Committee on Foreign Relations, of which Mr. Sumner was chairman.

There was then pending, in that committee, Mr. Spalding's resolution (H. Res. 91) of the preceding session, which, as amended by Mr. Washburne, had passed the House of Representatives on the 18th June, 1864, for the giving of notice of the termination of the arrangement of 1817.

Being aware of the fact that, in the meantime, such notice of termination had been given in diplomatic correspondence with Her Majesty's Government, Mr. Sumner, on January 10, 1865, requested a copy of it, as "necessary to determine the character of the legislation which may be expedient," and on January 12 received from Mr. Seward information of the instruction of October 24, 1864, which Mr. Adams had communicated to Earl Russell on the 23d of November following, as above stated. On January 17, 1865, Mr. Sumner, from the Committee on Foreign Relations, reported the House resolution with an amendment. The next day, January 18, the joint resolution, with Mr. Sumner's amendment, was considered in Committee of the Whole, and, the amendment having been agreed to, the resolution was reported to the Senate as amended and forthwith passed. (Senate Journal Thirty-eighth Congress, second session, p. 82.) The House of Representatives concurred in the amendment February 4, 1865, and the resolution was approved by the President on the 9th of the same month, as follows:

"Joint resolution to terminate the treaty of 1817, regulating the naval force on the lakes.

"Whereas the United States of the one part, and the United Kingdom of Great Britain and Ireland of the other part, by a treaty bearing date April, 1817, have regulated the naval force upon the lakes, and it was further provided that "if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice;" and whereas the peace of our frontier is now endangered by hostile expeditions against the commerce of the lakes, and by other acts of lawless persons, which the naval force of the two countries, allowed by the existing treaty, may be insufficient to prevent; and whereas, further, the President of the United States has proceeded to give the notice required for the termination of the treaty by the communication which took effect on the 23d of November, 1864: Therefore,

"Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the notice given by the President of the United States to the Government of Great Britain and Ireland to

terminate the treaty of 1817, regulating the naval force upon the lakes, is hereby adopted and ratified as if the same had been authorized by Congress. "Approved, February 9, 1865."

By this time the situation on the Canadian border had materially changed for the better. An increased disposition to obey the dictates of good neighborhood was apparent. As Mr. Adams said, writing under date of March 24, 1865, to Mr. Seward, the tone toward the United States had much changed, the alarmist policy seemed to have been abandoned, and in lieu of it came earnest professions of a belief that the friendly relations between the two countries were firmly established.

Mr. Adams observed, in this relation, that it was not necessary at that time "to analyze very closely the elements with which this new faith is compounded." Doubtless the accumulating proof of the approaching success of the Union arms, and a recognition of the indefensible position of Canada in the event of trouble arising with the United States, had much to do with the evident change of heart across the border. The necessity for terminating the arrangement of 1817 and for adopting extraordinary defensive measures on the Northern frontier had substantially passed away.

Under these reassuring circumstances, and notwithstanding the action of Congress in attaching legislative sanction to the executive notification of termination, which would in terms end the arrangement on the 23d of May, 1865, steps were taken to continue it "practically" in force after that date, and on the 8th of March, 1865, Mr. Seward sent to Mr. Adams, in London, the following instruction (Mr. Seward to Mr. Adams March 8, 1865):

"The notice which has been given by this Government for the termination of the convention of April, 1817, limiting the naval force on the lakes was indispensable to enable us technically with honor to protect ourselves from insurgent incursion from Canadian territory. As it is hoped and believed that, under existing circumstances, no further incursions of that character may be apprehended you may say to Lord Russell that we are quite willing that the convention should remain practically in force; that this Government has not constructed or commenced building any additional war vessels on the lakes or added to the armament of the single one which was previously its property, and that no such vessels will in future be built or armed for us in that quarter. It is hoped and expected, however, that Her Majesty's Government, on its part, so long as this determination shall be observed in good faith by that of the United States, will neither construct nor arm nor introduce armed vessels in excess of the force stipulated for by the convention referred to."

No record appears of the action of Mr. Adams upon this instruction, but that he did in fact communicate its purport to Earl Russell is seen by an inquiry addressed to Acting Secretary Hunter, June 15, 1865, by Sir F. Bruce, who had succeeded Lord Lyons as British minister. Referring to Mr. Adams' communication of the instruction of March 8 to Her Majesty's Government, and reciting its import, Mr. Bruce adds (Sir F. Bruce to Mr. Hunter, June 15, 1865):

"It may admit of a doubt whether the notice of the abrogation of the agreement has been rendered inoperative by the communication thus made through the American minister, and, as it is essential that no misapprehensions should exist on so important a point, I am instructed to ascertain whether the dispatch to Mr. Adams of the 8th of March was intended as a formal withdrawal of the notice given by the American minister to Earl Russell on November the 23d, or whether, as the period of six months from the date of that notice has now elapsed, the agreement of 1817 is virtually at an end, and the abstinence of either party from increasing its force on the lakes, without further notice, rests merely on the good pleasure of each, unfettered by any diplomatic engagement."

"Her Majesty's Government consider that in the latter case a very inconvenient state of things would exist; and I am directed to add that it appears to Her Majesty's Government that the best course would be that the notice of November 23 should be formally withdrawn, whereby the agreement of 1817 would remain unimpaired and would continue binding on both parties until six months after fresh notice by either of them of its abrogation."

To this inquiry Mr. Seward replied on the following day, June 16, 1865, that the instruction to the United States minister at London, of March 8, upon which his reported communication to Earl Russell was based, "was intended as a withdrawal of the previous notice within the time allowed, and that it is so held by this Government."

Here the correspondence in regard to the termination of the arrangement of 1817 ceased. Since that time it has been regarded by both Governments as in continuing force and effect.

IV.

A brief episode of correspondence upon the general subject occurred later in 1865, by reason of the building and equipment of several revenue cutters by the United States for service on the lakes.

On November 3, 1865, Sir Frederick Bruce stated that the attention of Her Majesty's Government had been called recently to the construction of several vessels prepared for the reception of a powerful armament, which were reported to be destined for service on the North American lakes, and added:

"In view of the convention which exists between the United States and Great Britain determining the armed force to be employed by the parties to it on the lakes, I am instructed to bring the subject under your notice and to request you to be good enough to furnish me with the explanations which it seems to require."

Mr. Seward promptly responded on the next day, November 4, 1865, that any vessels of the character referred to which might be in course of construction by the United States "are intended exclusively for revenue purposes, and that their armament, if any, will not be allowed to exceed the limit stipulated in the conventional arrangements."

Since then no question has been raised by the British Government with regard to the maintenance by the United States of armed revenue cutters on the lakes. It appears to be tacitly understood on both sides that vessels for the revenue service do not fall within the limitations of the arrangement of 1817. Although the arrangement itself is silent on this point, this understanding is quite in consonance with the spirit of the negotiations which led up to the final exchange of notes. Mr. Monroe's first proposition, made through Mr. Adams, expressed a willingness "to abstain altogether from an armed force beyond that used for the revenue."

Mr. Adams emphasized this view in his first conference with Lord Castlereagh, intimating that "it would best of all suit the United States if the armaments should be confined to what is necessary for the protection of the revenue." Lord Castlereagh admitted that "everything beyond what should be necessary to guard against smuggling would be calculated only to produce mischief." Mr. Adams repeated this consideration in his note of March 21 to Lord Castlereagh. The questions of revenue service and armed naval force for defense or offense seem to have been kept apart, until Mr. Adams, in his note of August 2, 1816, to Mr. Bagot, proposed that the naval force to be retained by each party on the lakes should be "restricted in its duty to the protection of its revenue laws, the transportation of troops and goods, and to such other services as will in no respect interfere with the armed vessels of the other party."

By August 13, 1816, Mr. Monroe had ascertained that Mr. Bagot's instruc-

tion was limited to the mere suspension of further augmentation of the naval force, and did not extend to fixing a rational maximum as "to the number of vessels, for example, which would be necessary for the support of the revenue laws," which point Mr. Monroe appears to have had very strongly in mind. The provisional understanding of August, 1813, did not go beyond the suspension of any increase in the respective naval forces on the lakes. The British statement submitted in the November following, only covers armed naval vessels and transports. The final agreement of April 28-29, 1817, while reciting the acceptance of Mr. Monroe's propositions of August 2, 1816, makes no reference to the previous suggestion that the employment of the permitted "naval force" might be restricted to the collection or protection of the revenue.

However matters may have been then left in this regard, the fact remains that now, and for some twenty-six years, the Government of the United States has drawn a sharp distinction between its naval force and revenue service on the lakes, and that this contention has passed without controversy by Great Britain since it was announced by Mr. Seward in November, 1865.

The revenue service of the United States now comprises three steamers: *Perry*, stationed at Erie, 281.54 tons, with an armament of two 3-inch rifles; *Fessenden*, stationed at Detroit, 329.81 tons, one 30-pounder Parrott gun, two 24-pounder Dahlgren howitzers, and two 3-inch rifles; and *Johnson*, stationed at Milwaukee, 499 tons, one 30-pounder Parrott and two 24-pounder howitzers. Another vessel, *Bibb*, formerly stationed on Lake Ontario, has been sold.

On the part of Canada no information has been received as to the number, tonnage, and armament of British revenue vessels stationed in those waters; but it has been recently stated on the authority of a report to the Treasury Department that two vessels for the Dominion government have been constructed at Owen Sound, Ontario, and that, although styled "revenue cutters" and destined to suppress smuggling on the St. Lawrence River and the lakes, they are in reality capable of adaptation to naval purposes.

Additional weight is perhaps lent to this latter aspect of the report by the precautions that appear to have been taken to guard them from public inspection. Another revenue cutter of a similar type is said to have been recently launched from Hamilton, Ontario.

The naval force of the United States on the lakes, as has been seen, is now and has been for many years confined to the single iron side-wheel steamer *Michigan*, which now rates 685 tons and carries four howitzers.

It does not appear that any British or Canadian vessels are now, or have been for many years, stationed on the lakes. The dimensions of the locks on the St. Lawrence River exclude the entrance into the lakes of any vessel exceeding 9 feet draft or 200 feet in length; and the only vessels borne on the British naval list which appear to be capable of passage from the deep seas to the lakes are some 43 tugs, drawing 8 feet and armed with rapid-firing guns.

V.

The resolution of the Senate calls explicitly for the opinion of the Department of State as to whether the arrangement of 1817 is now held to be in force. The correspondence exchanged in 1864 shows it is so regarded.

As between the United States and Great Britain, Mr. Seward's withdrawal of the six months' notice of termination within the prescribed period and before the arrangement could in fact have ended, is no less authoritative than the notification itself. The British Government, being as incompetent to inquire into the authority of the Secretary of State to withdraw the notification as it would have been to inquire into his authority to give it under the terms of the arrangement, could only accept and respect the withdrawal as a fact. Whether the Secretary of State was himself competent to withdraw the notification is not material to the international aspect of the case, because, being a matter of domestic administration, affecting the internal relations of the executive and legislative powers, it in no wise concerns Great Britain. It would be an unprecedented and inadmissible step in the international relations of governments were Great Britain to question the authority of the executive power to withdraw the notification and continue the arrangement in full force and effect. As between the two countries the arrangement is, therefore, to be regarded as still in existence, and only terminable in good faith by six months' notice of abrogation on either side.

As a question of domestic administration and powers the action of the Secretary of State in giving notice of termination without previous authority of Congress, and in withdrawing such notice without legislation to that end and after the notice had been confirmed by legislation, opens the door to nice argument in theory touching the constitutional aspects of the transaction, but as a matter of practical effect such considerations may now be deemed more interesting than material. While on the one hand it may be said that the action of the Senate, in 1818, when it advised and consented to the arrangement of 1817, and the action of the President in proclaiming the arrangement, made it a supreme law of the land, and that the later action of Congress, in 1865, confirming the notice of termination given, operated alike to cure any constitutional defect attending the giving of that notice and to abrogate the arrangement itself as a law of the land, it may be asserted, on the other hand, that the continuance of an international understanding with Great Britain, limiting the naval force to be maintained by either party in commission on the lakes, even if lacking express legislative sanction, is violative of no existing legislation. No act of Congress requires, or has at any time required, the commission of any other war vessel on the lakes than the single steamer *Michigan*, which for many years has formed our sole naval armament in those waters. This consideration doubtless prompted Mr. Seward when he directed Mr. Adams to "say to Lord Russell that we are quite willing that the convention should remain practically in force."

The circumstances and form of the original arrangement, entered into in April, 1817, show that it did not in terms purport to be more than a record of an understanding mutually reached by the two Governments for the reciprocal regulation of a matter within the administrative competence of each. Its interpretation since that time, by temporarily increasing the force on either side when demanded by the exigencies of national self-defense, by tacitly withdrawing the necessary revenue force from the purview of its stipulations, and by resorting (as in the case of the *Michigan*) to the use of vessels of heavier tonnage and greater armament than the arrangement allows, all show an elasticity of observance which is only compatible with the conviction, on both sides, that the whole subject was within administrative control, and that it sufficed to observe the spirit of the arrangement by mutually abstaining from the creation of a martial force on the lakes in menace of the reciprocal obligations of good neighborhood.

The question of the spirit which controls, and should control, the understanding of two great Governments in this regard is to-day of vastly greater importance to their interests than any narrow contentions respecting its literal observance. Three-quarters of a century have passed since the arrangement was entered into. It in no wise responds to the enormous changes wrought in the conditions of intercourse upon the lakes. As an engagement to limit the effective force on each side to four vessels not exceeding 100 tons burden apiece, and each armed with one 18-pounder cannon, it is obsolete. Steam has supplanted sail power for naval purposes. The character and caliber of necessary and usual ordnance has undergone a change no less great. The upper lakes, where in 1817 the employment of any naval force on behalf

of the United States was, to quote Mr. Adams's language, "important only in relation to the savages within our limits," are now the seat of an extended civilization. Where the huts of hostile tribes then stood great cities now face their shores. Chicago and Milwaukee are but half-century growths. The pathways of commerce cover the Great Lakes. The annual entry and clearance tonnage in some of the farther ports rivals, and even exceeds, that of New York and Liverpool.

An equally notable geographical change has taken place. Ship canals have made possible the passage of comparatively large vessels from lake to lake, and even from the extremest shores of Superior or Huron to the Atlantic Ocean. In 1817 a ship of any tonnage was confined to the lake on whose shores it was built. The waters of Erie, Ontario, and even Champlain had been the scene of historical naval combat, but the engaging fleets of three-deckers, carrying 74 guns apiece, had been built in those lakes, while the signing of the treaty of peace left other half-built frigates to decay on the stocks.

Under the changed conditions now prevailing such cumbersome armaments are as impracticable as needless. Flotillas of light-draft gunboats, rapid and easily maneuvered, are now most suitable for use on the lakes in time of war; in peace they should well be restrained on either side.

In 1817 the problem that presented itself to the negotiators was one of immediate reciprocal disarmament rather than of future limitation. A desperate war had just closed, and its animosities still rankled despite the signature of a treaty of peace. The navies of the late contestants were on the lakes, incapable of removal thence and unfitted for the peaceful mission of commerce. Their maintenance was as dangerous as it was useless and costly. The treaty of Ghent was silent in regard to disarmament, but upon the lakes only by disarmament could the menace of fresh conflicts on trivial occasion be averted from that quarter. All these considerations abundantly appear as a motive of President Monroe's proposals to restrict the armaments on the coterminous inland seas. They were in fact destroyed, no naval force worthy of the name being preserved. The little sailing vessels still permitted could not even act together. Ontario was separated from Erie by an impassable natural barrier. Offensive and defensive means of warfare were alike removed, leaving only the necessary instrumentalities for protecting the revenues and controlling the savages on either side of the frontier.

If as early as 1844 the Secretary of the Navy held that the sole consideration of steamers having taken the place of sailing craft for warlike purposes would justify a revision of the agreement; if the House of Representatives in 1864 regarded the opening of the Canadian canals as introducing an inequality incompatible with its engagements; and if, as Mr. Seward held in 1864, the informal arrangement of April, 1817, could scarcely have anticipated such a condition of things as the maintenance of a marine force adequate to cope with domestic troubles or civil war on either side, it seems most desirable now, in view of the long lapse of time and the vast changes wrought in these and other no less important regards, that the arrangement now grown obsolete in practice and surviving in the letter only as a declared guaranty of international peace should be modified to fit the new order of things, and with such adaptation to the exigencies of the future as prudence may forecast.

It may be permissible to adduce a simple illustration of the unfitness of the arrangement of 1817 to meet the modern conditions of intercourse. But recently the offer of a shipbuilding establishment on one of the lakes to construct one of the smaller vessels of our new Navy, to be taken thence by the Welland and River canals to the Atlantic for service on our seaboard, was not considered, because the construction of such a vessel on the lakes might be held to contravene the arrangement of 1817.

The undersigned, in conclusion, may remark that, in view of the complex character of the whole subject, and the circumstance that the history of the steps taken in 1865 for the termination of the arrangement of 1817, and of the manner in which it was continued in force, has not heretofore been connectedly presented, he has felt constrained to give a full relation from the outset, with copious citation from the records. Copies of certain selected documents, bearing upon the question of termination, are appended in full for more convenient consultation.

Respectfully submitted.

JOHN W. FOSTER.

DEPARTMENT OF STATE,
Washington, December 7, 1892.

LIST OF ACCOMPANYING PAPERS.

1. President Van Buren to House of Representatives, Washington, March 28, 1840.
1. Mr. Forsyth to President Van Buren, Washington, March 13, 1840.
2. Mr. Fox to Mr. Forsyth, Washington, November 25, 1838.
3. Mr. Poinsett to President Van Buren, War Department, March 27, 1840.
4. General Scott to Mr. Poinsett, Elizabethtown, N. J., March 23, 1840.
2. President Van Buren to House of Representatives, Washington, June 29, 1840.
1. Mr. Poinsett to President Van Buren, War Department, June 27, 1840.
2. General Macomb to Mr. Poinsett, Washington, June 26, 1840.
3. President Van Buren to House of Representatives, Washington, June 29, 1840.
1. Mr. Poinsett to President Van Buren, War Department, June 27, 1840.
2. General Macomb to Mr. Poinsett, Washington, June 26, 1840.
4. House Resolution No. 91. Referred to Committee on Foreign Relations, June 20, 1864.
5. Lord Lyons to Mr. Seward, Washington, August 4, 1864.
6. Mr. Seward to Lord Lyons, Washington, August 5, 1864.
7. Mr. Seward to the British chargé d'affaires, Washington, September 26, 1864.
8. Mr. Burnley to Mr. Seward, Washington, September 28, 1864.
9. Mr. Seward to Mr. Burnley, Washington, October 1, 1864.
10. Mr. Burnley to Mr. Seward, Washington, October 4, 1864.
11. Mr. Seward to Mr. Adams, Washington, October 24, 1864.
1. Mr. Fessenden to Mr. Seward, September 23, 1864.
2. Mr. Seward to Mr. Fessenden, September 30, 1864, with accompaniment.
3. Mr. Fessenden to Mr. Seward, September 30, 1864.
4. Mr. Thurston to Mr. Seward, October 20, 1864.
12. Mr. Burnley to Mr. Seward, December 17, 1864.
1. Earl Russell to Lord Lyons, foreign office, November 26, 1864.
13. President Lincoln to United States Senate, Washington, January 9, 1865.
1. Mr. Seward to President Lincoln, Washington, January 9, 1865.
14. Mr. Seward to Mr. Burnley, January 10, 1865.
15. Mr. Sumner to Mr. Seward, January 10, 1865.
16. Mr. Seward to Mr. Sumner, January 12, 1865.
17. Mr. Seward to Mr. Adams, March 8, 1865.
18. Sir F. Bruce to Mr. Hunter, Washington, June 15, 1865.
19. Mr. Seward to Sir F. Bruce, Washington, June 16, 1865.

President Van Buren to House of Representatives.

THE HOUSE OF REPRESENTATIVES:

I communicate to the House of Representatives, in compliance with their resolution of the 9th instant, reports from the Secretaries of State and of

War, with documents, which contain information on the subject of that resolution.

WASHINGTON, March 28, 1840.

M. VAN BUREN.

DEPARTMENT OF STATE,
Washington, March 13, 1840.

The Secretary of State, to whom has been referred a resolution of the House of Representatives, of the 9th instant, requesting the President to communicate to that body, "if compatible with the public service, whether the Government of Great Britain has expressed to the Government of the United States a desire to annul the arrangement entered into between the two Governments in the month of April, 1817, respecting the naval force to be maintained upon the American lakes; and, if said arrangement be not annulled, whether there has been any violation of the same by the authorities of Great Britain," has the honor to report to the President a copy of the only communication on file in this Department on the subject to which the resolution refers.

Prior to the date of that communication the Secretary of State, in an interview invited for that purpose, called Mr. Fox's attention to the disregard by Her Majesty's colonial authorities of the convention arrangement between the two countries as to the extent of naval armaments upon the lakes. In the autumn of the past year the Secretary of State made known verbally to Mr. Fox that, the causes assigned in his note no longer existing, the President expected that the British armament upon the lakes would be placed upon the footing prescribed by the convention. Mr. Fox engaged to communicate without delay to his Government the substance of the conversation between them, and expressed his own conviction that, if the winter then ensuing passed without renewed attempts to disturb the tranquillity of the Canadas, there could be no sufficient motive for either Government maintaining a force beyond that authorized by the convention of 1817.

All of which is respectfully submitted.

JOHN FORSYTH.

THE PRESIDENT OF THE UNITED STATES.

WASHINGTON, November 25, 1838.

SIR: I am informed by Her Majesty's authorities in Upper and Lower Canada that, in consequence of the unlawful and piratical acts of hostility to which those provinces are at present exposed, it has been found necessary to equip, under the British flag, a more extensive naval armament upon the lakes and rivers which include the boundary line between the British and American possessions than either Government would be authorized to maintain according to the stipulations of the convention of 1817.

I certainly do not apprehend that any objection against this proceeding is likely to be raised on the part of the Government of the United States. But, in order to prevent the possibility of misapprehension in any quarter, I think it expedient distinctly to assure you that the armament is equipped for the sole purpose, as above expressed, of guarding Her Majesty's provinces against a manifest and acknowledged danger; and that it will be discontinued at the earliest possible period after the causes which now create that danger shall have ceased to exist.

I have the honor to be, with great respect and consideration, sir, your most obedient and humble servant,

H. S. FOX.

HON. JOHN FORSYTH, etc.

WAR DEPARTMENT, March 27, 1840.

SIR: I have the honor to acknowledge the receipt of a copy of the resolution of the House of Representatives of the 9th instant, referred to this Department by your directions, with instructions to report "any specific information in possession of the War Department relative to the present British naval armament on the lakes, and the periods when the increase of force, beyond the stipulations of the convention of 1817, were severally made on different points of the lake frontier."

The resolution was immediately referred to Major-General Scott and other officers, who have been serving on the lake frontier, for any information in their possession, or in their power immediately to procure, upon the subject; and search is making for such as may be on the files of the Department. I now inclose, for your information, a copy of the report of General Scott, who is the only officer yet heard from. As soon as the reports are received from the other officers called upon, and the examination of the files of the Department is completed, any additional information which may be thus procured will be immediately laid before you.

Very respectfully, your most obedient servant,

J. R. POINSETT.

THE PRESIDENT OF THE UNITED STATES.

HEADQUARTERS EASTERN DIVISION,
Elizabethtown, N. J., March 23, 1840.

SIR: I have the honor to acknowledge your letter of the 16th instant, concerning a resolution of the House of Representatives of the 9th, referred from the Department of State to the Department of War, inquiring "whether the Government of Great Britain has expressed to the Government of the United States a desire to annul the arrangement entered into between the two Governments in the month of April, 1817, respecting the naval force to be maintained upon the American lakes; and, if said arrangement be not annulled, whether there has been any violation of the same by the authorities of Great Britain."

Confining myself to the latter clause of the resolution, which I have underscored and which you have referred to me, I report the facts within my knowledge, connected with that inquiry; premising that I have not had the time to verify my own impressions by those of more than one officer (Colonel Worth), who has recently held a command under me on the frontiers of the British North American provinces.

I do not know, nor do I believe, that the British authorities have had a single armed vessel of any description on the lakes above Detroit in many years. But in the summer and autumn of 1838, while I was absent to the South, I understood from our officers, on my return, that the authorities in Upper Canada had employed one or more armed steamers, hired for the purpose, and manned with a certain number of troops, to cruise on Lake Erie against apprehended invasions from our side on the part of the people called Canadian patriots.

The season of 1839 having been a tranquil one, I did not hear of a single armed British vessel on that lake.

In the month of January, 1838, at the time there was a considerable number of those patriots in possession of Navy Island, in the Niagara River, seeking to make a descent on the opposite Canadian shore, the British authorities hired two or three lake craft (schooners), and armed and manned them for the purpose of frustrating that threatened invasion; but it is believed that those vessels were never on Lake Erie while so armed and manned, and that they were discharged as soon as that particular danger had passed away.

Down to the burning of the British merchant steamer the *Sir Robert Peel*, on the St. Lawrence in 1838, I can not learn that the authorities of the Canadas had any armed vessel of any sort in activity (whatever they may have had laid up in port) either on Lake Ontario or on the River St. Lawrence; but, after that event, and up to the close of navigation in 1838, I learn from Colonel Worth, who returned from the Cherokee country to the Canadian frontier several months before my return, that those authorities had employed several hired steamers, besides barges, all armed and manned, cruising against parties of the same patriots, principally on the St. Lawrence and confined to their own waters.

During the past season (of 1839), and up to the close of navigation, two steamers, owned or hired by the British authorities, one schooner, and a number of barges, were, in a like manner, employed on the same lake and river, as a security against an apprehended renewal of the troubles of the preceding year.

I have the honor to remain, sir, with high respect, your most obedient servant,

Hon. J. R. POINSETT,
Secretary of War.

WINFIELD SCOTT.

President Van Buren to House of Representatives.

THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

I transmit herewith a communication of the Secretary of War, accompanied by a report of the Commanding General of the Army, embracing all the information which can be obtained, in answer to a resolution of the House of Representatives of the 6th of April, 1840, requesting to be furnished with any information in possession of the Executive Department, showing the military preparation of Great Britain, by introducing troops into Canada or New Brunswick, or erecting or repairing fortifications on our northern or north-eastern boundary, or by preparing naval armaments on any of the great northern lakes; and what preparations, if any, have been made by this Government to put the United States, and especially those frontiers, in a posture of defense against Great Britain, in case of war.

M. VAN BUREN.

WASHINGTON, June 29, 1840.

WAR DEPARTMENT, June 27, 1840.

SIR: In reply to a resolution of the House of Representatives of the 6th of April last, referred by you to this Department, requesting you (if not incompatible with the public interest) to communicate "any information in possession of the executive department showing the military preparation of Great Britain by introducing troops into Canada or New Brunswick, or erecting or repairing fortifications on our northern or northeastern boundary, or by preparing naval armaments on any of the great northern lakes or the waters connected therewith, and what preparations, if any, have been made by this Government to put the United States, and especially the northern and northeastern frontier, in a posture of defense against Great Britain in case of war," I have the honor to transmit you a report of the commanding general, embodying the substance of the replies of certain officers commanding the most prominent points of those frontiers, who, it was supposed, would be able to furnish the information required by the resolution, and had been written to on the subject.

Very respectfully, your most obedient servant,

J. R. POINSETT.

THE PRESIDENT OF THE UNITED STATES.

HEADQUARTERS OF THE ARMY,
Washington, June 26, 1840.

SIR: I have the honor to report that, in obedience to your instructions, letters have been addressed to the various officers, who, it was supposed, might be able to procure the information required by the resolution of the House of Representatives of the 6th of April, 1840, to wit:

"Resolved, That the President of the United States be requested (if not incompatible with the public interest) to communicate to this House any information in possession of the executive department showing the military preparation of Great Britain, by introducing troops into Canada or New Brunswick, or erecting or repairing fortifications on our northern or north-eastern boundary, or by preparing naval armaments on any of the great northern lakes or the waters connected therewith, and what preparations, if any, have been made by this Government to put the United States, and especially the northern and northeastern frontier, in a posture of defense against Great Britain in case of war."

In answer to the letter addressed to him on the subject, and with regard to the resolution of the House as far as relates to "military preparations of the British authorities on the northern frontier of the United States," General Scott communicates the following facts:

That he has paid but little attention to the forts and barracks erected by the British authorities near the borders of Maine, above Frederickton, in New Brunswick, or in upper Canada, above Cornwall, being of the fixed opinion that all such structures would be of little or no military value to either of the parties in the event of a new war between the United States and Great Britain; that he was last summer at the foot of Lake Superior, and neither saw nor heard of any British fort or barracks on the St. Marys River; that between Lakes Huron and Erie the British have three sets of barracks—one at Windsor, opposite to Detroit; one at Sandwich, a little lower down, and the third at Malden, 18 miles below the first, all built of sawed logs, strengthened by blockhouses, loopholes, etc.; that Malden has long been a military post with slight defenses; these have been recently strengthened. The works at Sandwich and Windsor have also, he thinks, been erected within the last six or eight months; that near the mouth of the Niagara the British have two small forts, George and Mississauga; both existed during the last war; the latter may be termed a permanent work. Slight barracks have been erected within the last two years on the same side near the falls, and at Chippewa, with breastworks at the latter place; but nothing, he believes, above the work first named on the Niagara, which can be termed a fort.

That since the commencement of recent troubles, and (consequent thereon) within our own limits, Fort William Henry, at Kingston, and Fort Wellington, opposite to Ogdensburg (old works), have both been strengthened within themselves, beside the addition of dependencies. These forts may be called permanent; that on the St. Lawrence below Prescott and confronting our territory; he knows of no other military post. Twelve miles above, at Brockville, there may be temporary barracks and breastworks; that he knows that of late Brockville has been a military station.

That in the system of defenses on the approaches to Montreal the Isle aux Noix, a few miles below our line and in the outlet of Lake Champlain, stands at the head. This island contains within itself a system of permanent works of great strength. On them the British Government has, from time to time, expended much skill and labor. That Odletown, near our line on the western side of Lake Champlain, has been a station for a body of Canadian militia for two years to guard the neighborhood from refugee incendiaries from our

side. He thinks that barracks have been erected there for the accommodation of those troops, and also at a station with a like object near Alburg, Vt. He believes that there are no important British forts or extensive British barracks on our borders from Vermont to Maine. In respect to such structures on the disputed territory, that Governor Fairfield's published letters contain fuller information than has reached him through any other channel; that he had heard of no new military preparation by the British authorities on the St. Croix or Passamaquoddy Bay.

That, among such preparations, perhaps he ought not to omit the fact that Great Britain, beside numerous corps of well-organized and well-instructed militia, has at this time within her North American provinces more than 20,000 of her best regular troops. The whole of those forces might be brought to the verge of our territory in a few days. Two-thirds of that regular force has arrived out since the spring of 1838. General Scott states that he has had the honor to report directly to the Secretary of War with regard to the naval force recently maintained upon the American lakes by Great Britain.

In answer to a similar letter to that addressed to General Scott, General Brady writes from Detroit that the only permanent work of which he has any knowledge is the one at Fort Malden, which has in the last year been thoroughly repaired, and good, substantial barracks of wood have been erected within the works, sufficient, he thinks, to contain 600, if not 800 men; that the timber on the island of Bois Blanc has been partly taken off and three small blockhouses erected on the island. These are all the military improvements he knows of between the mouth of Detroit River and the outlet of Lake Superior.

That temporary barracks of wood, capable of containing perhaps 150 men, have been erected opposite to Detroit; that some British militia are stationed along the St. Clair River. Colonel Bankhead writes that of the military and naval preparations of the British on the northern frontier of the United States he can only state that Fort Mississauga, nearly opposite our Fort Niagara, has been enlarged and strengthened; that permanent and extensive barracks were commenced last summer at Toronto and are probably completed by this time; and that a large vessel, for a steamer, was being constructed last fall at Niagara City by and for the service of the Government; that the British Government has on Lake Ontario a steamboat commanded and officered by officers of the navy and is commissioned, he presumes, as a Government vessel; that the authorities of upper Canada had last summer in their service on Lake Erie two steamboats which were at first hired from citizens of Buffalo, but which they subsequently purchased, as he was informed.

Lieutenant-Colonel Crane writes from Buffalo that the only military work in that vicinity undergoing repairs (within his knowledge) is Fort Mississauga, at the mouth of the Niagara River, on the Canadian side, which the English have been repairing and extending for two years past, and it is believed to be now in a very efficient state; that there have been rumors of armed steamers being built or building at Chippewa, but on inquiry he could learn of none except the ordinary steamboats for the navigation of the lakes; it has been said, however, that one is building on Lake Ontario by the English, and intended for the revenue service; but he does not know what truth there is in this statement.

Lieutenant-Colonel Pierce reports from Plattsburg that he has no knowledge of any military or naval preparations of the British authorities on the line of frontier adjacent to his command, comprising what is generally called the Lake Champlain frontier, except the introduction of troops at Odletown and Napierville, near the boundary line between New York and Canada, on the west side of the lake, and also the establishment of a line of posts from Missisquoi Bay, on the east side of the lake, along and near to the Vermont frontier as far as the Connecticut River; the erection of a new barrack and field work at St. Johns, and the repairs and armament of the Isle aux Noix with increased force at both of these posts; that none of the positions so occupied by the British troops are within the claimed limits of the United States; that these military preparations (it has been heretofore understood) have been made by the British authorities to suppress rebellion and insurrection among the Canadian population.

Captain Johnson reports from Fort Brady that he has heard nothing on the subject of the resolution but mere rumors, and that there is no appearance of any works going up anywhere on the Canada side of the St. Marys River. The files of the Adjutant-General's office have been examined, but no further information has been elicited.

Respectfully submitted,

ALEXANDER MACOMB,
Major-General.

THE SECRETARY OF WAR.

President Van Buren to House of Representatives.

THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

I transmit the inclosed report of the Secretary of War, with accompanying documents, furnishing all the information the Department has been able to obtain in relation to any violation of or desire on the part of Great Britain to annul the agreement entered into between that Government and the United States in the month of April, 1817, relative to the naval force to be maintained upon the American lakes, called for by a resolution of the House of Representatives of the 9th of March last.

M. VAN BUREN.

WASHINGTON CITY, June 29, 1840.

WAR DEPARTMENT, June 27, 1840.

SIR: In answer to a resolution of the House of Representatives of the 9th of March last, referred by the Secretary of State to this Department, in which the President is requested to communicate, if compatible with the public service, "whether the Government of Great Britain have expressed to the Government of the United States a desire to annul the arrangement entered into between the two governments in the month of April, 1817, respecting the naval force to be maintained upon the American lakes; and that if said arrangement be not annulled, whether there has been any violation of the same by the authorities of Great Britain," I have the honor to transmit you a report of the Commanding General, containing the replies of several officers who had been written to on the subject. This report, and the letter of General Scott which was transmitted to you on the 27th of last March, embrace all the information the Department can give in answer to the resolution.

Very respectfully, your most obedient servant,

J. R. POINSETT.

THE PRESIDENT OF THE UNITED STATES.

HEADQUARTERS OF THE ARMY,
Washington, June 26, 1840.

SIR: I have the honor to report that, in obedience to your instructions, letters have been addressed to the various officers whom it was supposed might be able to procure the information required by the resolution of the House of Representatives, to wit:

"Resolved, That the President of the United States be requested to communicate to this House, if compatible with the public service, whether the

Government of Great Britain have expressed to the Government of the United States a desire to annul the arrangement entered into between the two governments in the month of April, 1817, respecting the naval force to be maintained upon the American lakes; and if said arrangement be not annulled, whether there has been any violation of the same by the authorities of Great Britain."

In answer to the letter addressed to him on this subject, General Scott states that, in respect to the naval force recently maintained upon the American lakes by Great Britain, he has just had the honor to report to the Secretary of War, by whom the resolution of the House of Representatives of the 9th instant was directly referred to him.

General Brady reports that, as to the arrangement entered into in relation to the naval force to be maintained on the American lakes by the two Governments, he has to answer that he does not know whether the arrangement has been violated or not by the British Government; for he must confess that he never knew that there was such an understanding between the two Governments until the resolution of Congress making the inquiry was sent to him. During the border troubles he frequently had a piece of ordnance on board the steambot in the employ of the United States; and, had the service demanded it, he should not have hesitated to have increased the number, not being aware of the arrangement referred to.

Colonel Bankhead states that he has no information that the arrangement entered into between the Governments of the United States and Great Britain in the month of April, 1817, respecting the naval force to be maintained upon the American lakes, has been violated; that a large vessel, for a steamer, was being constructed last fall at Niagara City for the service of the Government. The British Government has, on Lake Ontario, a steambot commanded and officered by officers of the navy, and is commissioned, he presumes, as a Government vessel. The authorities in Upper Canada had last summer in their service on Lake Erie two steamboats, which were at first hired from citizens of Buffalo, but which they subsequently purchased, as he was informed.

Colonel Crane states, from Buffalo, that he has no information on the subject; that there have been rumors there of armed steamers being built or building at Chippewa, etc., but on inquiry he could learn of none, except the ordinary steamboats for the navigation of the lakes; that it has been said, however, that one is building on Lake Ontario, by the English, and intended for the revenue service, but he does not know what truth there is in this statement.

Colonel Pierce writes from Plattsburg that he has no knowledge of any naval force being maintained on Lake Champlain in violation of the arrangement entered into by the two Governments of Great Britain and the United States in the month of April, 1817. He believes there has been no British naval force maintained on Lake Champlain since the arrangement referred to.

Captain Johnson reports that he has not had any information on the subject referred to in the resolution that may be depended on; nothing but mere rumor.

The files of the Adjutant-General's office have been examined, but no further information has been elicited.

Respectfully submitted.

The SECRETARY OF WAR.

ALEX. MACOMB, Major-General.

[House Res. 91. In the Senate of the United States, June 20, 1864. Read twice and referred to the Committee on Foreign Relations.]

Joint resolution in relation to the treaty of 1817.

Whereas the treaty of 1817, as to the naval force upon the lakes, was designed as a temporary arrangement only, and, although equal and just at the time it was made, has become greatly unequal through the construction of Great Britain of sundry ship canals; and whereas the vast interests of commerce upon the northwestern lakes, and the security of cities and towns situated on their American borders, manifestly require the establishment of one or more navy-yards wherein ships may be fitted and prepared for naval warfare; and whereas the United States Government, unlike that of Great Britain, is destitute of ship canals for the transmission of gunboats from the Atlantic Ocean to the western lakes:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, authorized and directed to give notice to the Government of Great Britain that it is the wish and intention of the Government of the United States to terminate said arrangement of 1817, in respect to the naval force upon the lakes, at the end of six months from and after the giving of said notice.

Passed the House of Representatives June 18, 1864.

Attest: EDWARD McPHERSON, Clerk.

Lord Lyons to Mr. Seward.

WASHINGTON, August 4, 1864.

SIR: The attention of Her Majesty's Government has been drawn to the motion, which was made in Congress during the recent session, with a view to putting an end to the arrangement between Great Britain and the United States limiting the naval force to be maintained upon the American lakes.

This arrangement has worked satisfactorily for nearly half a century. It has preserved both nations from a vast amount of inconvenience and expense, and (which is of infinitely more importance) it has warded off occasions of disagreement and quarrel. Her Majesty's Government would view the abrogation of it with great regret and no little alarm.

I have the honor, etc.,

LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE, Washington, August 5, 1864.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, communicating to me the views of Her Majesty's Government in regard to the advantages of the existing arrangement between the United States and Great Britain limiting the naval force to be maintained upon the American lakes.

In reply I have the honor to inform your lordship that the motion upon the subject which was made in Congress, and to which reference is made in your note, did not prevail, and that there is at present no intention to abrogate the arrangement which has been so long in force. I will thank your lordship to assure Her Majesty's Government that timely notice will be given if these views should change.

I have the honor, etc.,

WILLIAM H. SEWARD.

Mr. F. W. Seward to the British Chargé d'Affaires.

DEPARTMENT OF STATE,
Washington, September 26, 1864.

SIR: I have the honor to inform you, with a view to Her Majesty's Government being made acquainted with the fact, that owing to the recent hostile and piratical proceedings on the lakes between the United States and

Her Majesty's possessions, it has been deemed necessary for the present to increase the observing force of the United States on those lakes; that the arrangement is temporary and will be discontinued so soon as circumstances permit, and that the vessels to be employed on that service are to be under instructions to respect British rights in all cases.

I have the honor, etc.,

F. W. SEWARD,
Acting Secretary.

The British Chargé d'Affaires to Mr. W. H. Seward.

WASHINGTON, September 28, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, informing me that owing to recent piratical proceedings on Lake Erie it had been found necessary to increase the observing force of the United States on the American lakes lying between the United States and Her Majesty's possessions, and beg to state in reply that I shall forward a copy of that note to Her Majesty's Government.

Without wishing to prejudge the question, I must leave it to Her Majesty's Government to decide as to whether such a measure, although only temporary in its effect, can be warranted by treaty stipulations.

I would, however, simply here recall to your recollection a note of Lord Lyons, addressed to you on the 4th ultimo, which set forth the views of Her Majesty's Government when the question of abrogating the treaty limiting the naval force to be maintained upon the American lakes was brought before Congress.

I have the honor, etc.,

J. HUME BURNLEY.

Mr. W. H. Seward to the British Chargé d'Affaires.

DEPARTMENT OF STATE,
Washington, October 1, 1864.

SIR: With reference to the previous correspondence between this Department and Her British Majesty's legation upon the subject, I have the honor to communicate a copy of a letter of yesterday, addressed to this Department by the Secretary of the Treasury, from which it appears that it has been deemed advisable at this juncture to charter the steam propeller *Hector* for revenue-cutter purposes on the lakes. Any excess which may be occasioned, however, in the armament of vessels of the United States in this quarter over the limit fixed by the arrangement of April, 1817, will be temporary only, and as it has been made necessary by an emergency probably not then foreseen, may not be regarded as contrary to the spirit of the stipulations of that instrument.

I have the honor, etc.,

WILLIAM H. SEWARD.

The British Chargé d'Affaires to Mr. William H. Seward.

WASHINGTON, October 4, 1864.

SIR: I have the honor to acknowledge receipt of your note of the 1st, relative to an increase of the American naval force in the Canadian lakes, and of its inclosures, and beg to state in reply that I have to-day forwarded copies to Her Majesty's Government.

I have the honor, etc.,

J. HUME BURNLEY.

Mr. Seward to Mr. Adams.

No. 1136.]

DEPARTMENT OF STATE,
Washington, October 24, 1864.

SIR: It is my duty to invite, through you, the serious attention of Her Majesty's Government to the instances, which unfortunately seem to be multiplying, in which the British possessions in our neighborhood, both continental and insular, have been made bases for hostile proceedings of the insurgents against this country. The motives for such proceedings have undoubtedly been, not a conviction that material damage would result directly from the hostile acts of the insurgents, but the hope that a just sense of national dignity, and self-preservation on our part, might induce us to resent the toleration of the British authorities, and ultimately, perhaps, lead that Government to take part with the insurgents as an open and declared enemy of the United States.

The insufficiency of the British neutrality act and of the warnings of the Queen's proclamation to arrest the causes of complaint referred to were anticipated early in the existing struggle, and that Government was asked to apply a remedy by passing an act more stringent in its character, such as ours of the 10th of March, 1838, which was occasioned by a similar condition of affairs. This request has not been complied with, though its reasonableness and necessity have been shown by subsequent events.

The seizure by insurgents of the steamer *Chesapeake*, on the high seas, bound from New York to Portland, is familiar to you. Though the vessel was ultimately released, the perpetrators of the deed escaped punishment. Braine, one of the leaders, has since found his way to Habana, and with other conspirators has recently seized, under similar circumstances, the steam packet *Ronanoke*, which plies between that place and New York, and carried her to Bermuda; but not receiving the hospitality that was expected there, the vessel was taken outside the port and burned.

On Saturday, the 17th of September last, Lieut. Col. B. H. Hill, acting assistant provost-marshal-general of Michigan, was advised by a person from Canada that a party was to be sent from Windsor, on the Canadian side of the Detroit River, opposite Detroit, to a point within the jurisdiction of the United States, for hostile purposes.

On Sunday evening, the 18th of September, a man came on board the *Philo Parsons*, while she was lying at the dock in Detroit, and requested the clerk, Mr. Walter T. Ashley, who is part owner of the *Parsons*, to call at Sandwich, on the Canada shore, 3 miles below Detroit, to receive him and party of friends, who wished to go to Kellys Island, about 11 miles from Sandusky, alleging that one of them was lame and could not well cross the ferry. The *Philo Parsons* sailed the next morning (Monday, the 19th of September) at 8 o'clock, with about forty passengers. The person referred to above as having engaged passage for himself and party appeared immediately afterwards, and at his request the steamer called at Sandwich, where his friends, four in number, came on board.

At Malden, on the Canada side, where the steamer always stops, about 20 miles below Detroit and near the point where the Detroit River empties into the lake, about 20 more came on board. The number, not being unusual, excited no suspicion. The only baggage of the party was an old-fashioned trunk, tied with rope, and which was afterwards ascertained to contain revolvers and large hatchets or hand axes. The steamer continued on her course, and made her usual landings at North Bass, Middle Bass, and South Bass islands—the latter being better known as Put in Bay Island. These islands are nearly north of Sandusky and about 20 miles distant. They all belong to the United States and are part of the State of Ohio. Captain Atwood, the captain of the steamer, left her at Middle Bass Island, where his family reside. Having made these landings, the steamer went on her course to Kellys Island, about 7 miles farther on, and made her usual landing there. Here four men got on board, all apparently belonging to the same party, and

it has been ascertained that one, who was seen among them after the capture of the steamer, had been several days on the island, visiting the inhabitants and pretending to be an agent for the sale of sewing machines.

Shortly after leaving Kelleys Island, about 4 o'clock in the afternoon, and while she was directly on her course for Sandusky, the *Philo Parsons* was seized by the party who had got on board at Sandwich and Malden, and was headed to the eastward for nearly an hour, when she was turned back to Middle Bass Island for fuel, the leader of the party having ascertained from the mate and engineer that there was not enough to run many hours. Soon after the *Philo Parsons* reached Middle Bass Island, and while she was taking in wood, the steamer *Island Queen*, which performs daily trips from the Bass Islands to Sandusky and back, came alongside and was immediately seized. The engineer of the *Island Queen*, without giving any provocation, was shot in the face. The ball entered his cheek and passed out near the ear. One person was cut in the head with a hatchet and bled profusely. Several other persons were knocked down, and a large number were struck with the butt ends of pistols and with hatchets, and some ten or a dozen shots were fired. The passengers on both boats were landed at Middle Bass with a part of their baggage.

After getting a supply of fuel the *Philo Parsons* ran out into the lake towing the *Island Queen*. At the distance of about 5 miles, according to one statement, and a smaller distance according to others, the *Island Queen* was scuttled by cutting her supply pipe and was sent adrift. Before filling she drifted on a shoal, and was gotten off a few days afterwards, having been plundered by the party who had seized her.

After the *Island Queen* had been scuttled the *Philo Parsons* stood for Sandusky Harbor, and was turned about and steered for Malden, where she arrived between 4 and 5 o'clock on Tuesday morning, the 20th of September. A few miles above Malden a yawl boat load of plunder was sent ashore on the Canada side of the Detroit River. At Fighting Island, some 6 miles above, the crews of both steamers were landed.

The *Philo Parsons* arrived at Sandwich at about 8 o'clock the same morning, and a pianoforte belonging to her, a number of trucks, and the cabin furniture were put ashore at the dock, where a custom-house officer almost immediately appeared. She was then scuttled by cutting her injection pipes and cast off. She partially filled, but was taken possession of a few hours afterwards by the mate, who had come in a small steamer (the *Pearl*) from Euse, who had her towed to Detroit.

The facts thus set forth having been substantiated by the depositions of eyewitnesses of these occurrences, I addressed a note to J. Hume Burnley, esq., Her Britannic Majesty's chargé d'affaires, on the 13th instant, requesting, through him, that Her Majesty's Government would, upon the arrest and commitment of the parties who perpetrated these depredations, some of whom passed by the names, respectively, of Bell, Houlst Bristow, Robert Drake, Burley, and Thomas (the names of others not being ascertained), issue the necessary warrants for their delivery to Joseph Dimmick and James Henry, or to any other person duly authorized by the State of Ohio to receive the fugitives, in order that they might be brought back to the United States for trial. This request was made on the ground that they were guilty of the crimes of robbery and assault with intent to commit murder within the jurisdiction of the United States, and that, being fugitives from the justice of the United States, their extradition was provided for by the tenth article of the treaty of Washington. Mr. Burnley has since informed me that he referred the matter to Her Majesty's provincial authorities, as is usual in such cases.

The primary object in capturing these steamers was confessedly to release the insurgent officers confined on Johnsons Island. There is reason to believe that the conspiracy was organized and set in motion by prominent insurgents, who have for some time past been residing in Canada for such purposes. Indeed, this Department has proof that Mr. Jacob Thompson has acknowledged that he was commissioned and provided with funds to carry them into effect, and had interviews with conspicuous members of the gang just before the steamers were captured.

It is obvious that at the time of the informal arrangement between the two Governments of April, 1817, limiting their naval force on the lakes, a condition of things like the present could scarcely have been anticipated. The object of that arrangement was to prevent either party from keeping in commission the considerable naval force which they both had employed in that quarter during the war then recently closed.

If peace was expected to continue, the force was an unnecessary burden to both parties; but, on the contrary, if war should suddenly be renewed, one or the other might, in anticipation of that event, have clandestinely or otherwise so augmented its force as to insure to it a dangerous advantage. Believing that these were the views entertained at the time the arrangement was entered into, and that neither the United States nor Great Britain expected to relinquish their right to self-defense in the event of a civil war in the territories of either by the limitation referred to, the Secretary of the Treasury, as you will see from the correspondence, a copy of which is inclosed, has chartered two propellers, one on Lake Erie and the other on Lake Ontario, for the purpose of checking and suppressing depredations on our trade and territory in that region similar to those above mentioned.

I had just prepared the foregoing statement of the transaction on Lake Erie when information of a new and equally desperate outrage on another part of the border reached this Department. A band, said to consist of 25 desperate men, clandestinely armed, crossed the frontier and proceeded in several small parties, by stagecoach, to St. Albans, Vt., in the customary way of travelers. At a concerted time they raised a scene of terror in that peaceful town, and broke into boarding houses and other buildings and carried off large amounts of treasure, said to be \$225,000, together with other valuable property. As soon as the people recovered from their surprise they arose and hotly pursued the felons, who sought safety by returning on stolen horses across the frontier into Canada. The Canadian municipal agents seem to have cooperated with the pursuers from Vermont with alacrity and diligence.

Twelve of the robbers were arrested, stripped of their plunder, and taken into custody by the Canadian authorities. It is also understood that a considerable part of the recovered property was promptly restored to its owners. Here the imperfect accounts which I have received of this transaction end. I have requested J. Hume Burnley, esq., Her Majesty's chargé d'affaires here, that the felons may be detained until, after having obtained the exact information which is essential, I shall have addressed to the British Government a demand for the surrender of the offenders in conformity with the provisions for extradition contained in the Ashburton treaty. The subject has been discussed in a friendly spirit between myself and Mr. Burnley, who has received telegraphic advices from Lord Lyons, who yet remains in New York. I give you a copy of a note which I addressed to Mr. Burnley on the 21st instant, and also a copy of a note I afterwards received from him in answer to my verbal request that Lord Monck, the Governor-General, should be advised to detain the offenders for extradition.

I wish you to bring this transaction also to the notice of Earl Russell, and say to him that, taken in connection with events of the same character which have occurred on the Canadian frontier, it is regarded here as deserving prompt and decisive proceedings on the part of Her Majesty's Government, in order to prevent the danger of ultimate conflict upon the Canadian bor-

ders. It is a pleasant circumstance that, in making this communication, we are not only able but are obliged to acknowledge that the Canadian executive authority has, in this instance, thus far cooperated with this Government in faithful and diligent efforts to bring the disturbers of the public peace to due account. It is, however, impossible to resist the conviction that peace can not be reliably maintained upon the border unless more effective measures shall be adopted to secure that end than those that have hitherto been used by both Governments.

We know well, although we have not judicial evidence, that all the movements of this character are set on foot by Jacob Thompson and other disloyal American citizens, who are temporarily domiciled in Canada and furnished with funds there for these iniquitous purposes through the banking institutions of Canada. It is now my duty to instruct you to give notice to Earl Russell, in conformity with the treaty reservation of that right, that at the expiration of six months after you shall have made this communication the United States will deem themselves at liberty to increase the naval armament upon the lakes if, in their judgment, the condition of affairs in that quarter shall require it. And you will be careful to advise us of the day on which this notice is given.

You will assure the earl, however, that this proceeding is adopted only as a necessary measure of national defense, and not only with no purpose of hostility, but, on the other hand, with a desire no less earnest than heretofore to preserve the most friendly relations with Great Britain. Moreover, this Government will in every case direct its best efforts to prevent invasion of British territory, whether by way of popular retaliation or otherwise. It is not for us to indicate the means Her Majesty's Government should adopt to maintain neutrality on their side of the border. You will again suggest to Her Majesty's Government that in our opinion a policy similar to that which was inaugurated by our enactment before mentioned might be followed with advantage by Great Britain in the American provinces during our present civil war.

I should fail, however, to express a sincere conviction of this Government if I should not repeat now what I have heretofore so often had occasion to say, that practically the policy of neutrality which Her Majesty has proclaimed has failed as well in the British home ports as in the British colonies, and especially in the latter, and that it must continue to fail more conspicuously every day, so long as asylum is allowed there to active enemies of the United States and they are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations against the citizens of the United States. Nor are we able to conceive of any remedy adequate to the present exigency but the recognition by Her Majesty's Government of the just and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government.

I use the word "exigency" with a consciousness of its just effects. The welfare and prosperity of the British provinces on our borders are as sincerely desired by us as they can be by the British Government. In a practical sense these provinces are sources of wealth and influence for the United States, although they are subject to a foreign jurisdiction. We have proved that this is a sincere conviction on our part by entering into relations of reciprocal free trade with the British provinces almost as intimate as the relations of free trade which, under our Constitution, prevail between the several States of the American Union. Thus far we have been content with these relations, and probably we should remain content whether the colonies adhere to their ties with Great Britain or, with her consent, should assume the responsibilities of self-government, provided always that our friendship is reciprocated, while peace and harmony on the border are essential to the very existence of such friendship.

On the other hand, we have a right to expect that the dwellers within these provinces will be content to fulfill toward us the obligations of good neighborhood, as we are expected to fulfill the same obligations on our part. Even if this Government could be satisfied with less than what I have thus indicated, it must, nevertheless, be admitted that, from the very force of circumstances, peace could hardly be expected to prevail on a border which should afford to the communities which it divides no adequate protection against mutual aggression and reprisal.

Political agitation is as frequent in the British American provinces as it is here. It is not easy to foresee how soon revolutionary movements may appear there. Every provocation now given to Americans will be likely to be claimed as a precedent in that case for intrusion from this side of the lakes. Would it not be wise to establish a proper system of repression now, which would prove a rock of safety for both countries hereafter?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq.

Mr. Fessenden to Mr. Seward.

TREASURY DEPARTMENT,
September 23, 1864.

SIR: I have the honor to inform you that a steam propeller has been put in commission as a revenue vessel to cruise on the lakes.

I deem it proper to acquaint you with this fact, in view of any treaty which may exist on this subject.

I am, very respectfully,

W. P. FESSENDEN,
Secretary of the Treasury.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Fessenden.

DEPARTMENT OF STATE,
Washington, September 30, 1864.

SIR: I inclose for your perusal a copy of a telegram of the 23d instant from General Hitchcock, at Sandusky, to the Secretary of War, which I will thank you to cause to be returned to this Department.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

HON. WILLIAM P. FESSENDEN,
Secretary of the Treasury.

Major-General Hitchcock to Mr. Stanton.

[Telegram.]

SANDUSKY, OHIO, September 23, 1864.

SIR: I take upon myself to express an opinion that the safety of our commerce on the lakes, and the security of the cities along the lake shores, makes it of the highest importance, if not an indispensable necessity, that the Government should have several armed vessels fully manned to prevent the rebels, who find security in Canada, from seizing steamers engaged in commerce and converting them into war vessels, with a few of which they may, if not prevented, do us incalculable mischief. Ex-Secretary Thompson is

employed in Canada in setting on foot expeditions of the most dangerous character.

The recent seizure of two steamers in this vicinity has, indeed, terminated disastrously for the projectors of the horrible scheme, but the demonstration actually made is a sufficient warning to induce our Government to take immediate measures to guard against a repetition of it. It will be but an act of self-defense, and from the disclosures made by Coole, now in arrest at Johnsons Island, earnestly recommend that no time be lost in putting afloat armed vessels upon Lake Ontario, and speedily upon the upper lakes also. I suppose we are engaged in war, rendering this step justifiable under the treaty of eighteen fifteen (1815), but it is my duty to speak only the justifying necessity of the case.

C. A. HITCHCOCK,
Major-General Volunteers.

Hon. EDWIN M. STANTON,
Secretary of War.

Mr. Fessenden to Mr. Seward.

TREASURY DEPARTMENT, September 30, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of this date, transmitting telegram from General Hitchcock, and to state that this Department has this day chartered the steam propeller *Hector* (at Oswego, N. Y.) for revenue-cutter purposes. This vessel, together with the *Winslow*, chartered at Buffalo a few days since, will be fitted for service with all possible dispatch.

The telegram is herewith returned.

I am, very respectfully,

W. P. FESSENDEN,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Thurston to Mr. Seward.

UNITED STATES CONSULATE-GENERAL,
Montreal, October 20, 1864.

No. 67.]
SIR: Yesterday afternoon, just after I had left the consulate, about one-half past 6 o'clock, the evening paper was shown me, and my notice directed to an article announcing that a party of twenty or thirty men had attacked St. Albans, Vt.; had robbed the banks of \$100,000 or \$200,000; had also stolen sufficient number of horses to mount them, and had escaped, after killing several citizens and wounding others. I could not credit the report, and immediately telegraphed to G. Merrill, esq., superintendent of the Vermont Central Railroad, who returned reply herewith inclosed. Judge Aldis, of the supreme court of Vermont, the gentleman mentioned in the telegram, arrived here at 11 o'clock last night. Directly he arrived we proceeded to the house of the chief of police, and made request that he would send a body of his police force to the frontiers and arrest all suspicious persons passing into Canada.

The chief declining to act without authority of his superior, Judge Coursol, of the quarter sessions of this city, and whose jurisdiction embraces also the district through which the raiders must pass to reach Montreal, invited us to visit the judge with him to obtain his consent. Accordingly we proceeded to the residence of Judge Coursol, called him from his bed, and laid the object of our visit before him. After some consultation, Judge Coursol decided to proceed to St. Johns, where he had a sergeant of special frontier police and several men, taking with him several men from this city also, and to render all the assistance in his power to arrest the raiders if they attempted to pass into Canada on the cars, either at St. Johns or beyond it. He directed the chief of police to accompany him, and assured us that anything the Canadian authorities could do they would, and most cheerfully and promptly render every aid possible to arrest the parties concerned in this daring attack to rob and murder the peaceful citizens of Vermont.

This morning, at a quarter before 6, they took the cars to St. Johns. Judge Coursol informed me that he had a force of 30 special police distributed along the frontier, on the thoroughfares and other places, to arrest deserters from the regiments stationed at Montreal and Quebec; that, should it be necessary, he would call in all this force, and detail as many men from the police force of Montreal, if it were required. While writing this dispatch a telegram was brought me, directed to Judge Coursol, announcing that six of the robbers of the banks of St. Albans were arrested at Stanbridge, and a few minutes after another telegram from Judge Aldis, who returned this morning with the other parties, stating that two men had been caught, all of the eight having large amounts of money on their persons. Among the number arrested was the leader of this raid. The details of this outrage, written by Judge Aldis, who was in St. Albans when the raiders made the attack, I have the honor herewith to inclose, together with the telegram received.

The promptness with which Judge Coursol and the chief of the police have responded to our request for assistance, the kindness and courtesy with which they have received us, and the efficient services rendered, show the determination of the Canadian government and its officials to arrest all offenders under the treaty against the laws of the United States and the cordial good feeling which they entertain toward our Government. I beg to assure the Department that everything has been done by the officers of this consulate to render all possible assistance to the citizens of Vermont.

With great respect, I am, sir, your obedient servant.

D. THURSTON,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

During the past two or three days a number of persons, in all about thirty, came to St. Albans by twos and threes, in the different trains, and stopped at the hotels. They were dressed like ordinary travelers, and attracted no attention. To-day (October 19), at about 3 p. m., and at the same moment, parties of five each entered the three banks, and, armed with revolvers, which they presented at the heads of the cashiers or tellers who were in, threatened to shoot them if they resisted or made any noise, and demanded the money. Resistance was out of the question, for in one bank only the cashier was in, in another one teller, and in the third two tellers only. They robbed the banks of what money they could find—the vaults and safes being open—and took an amount in all perhaps \$150,000 or \$200,000. While these persons were robbing the banks their confederates at the same time went to the hotels and livery stables and seized horses in order therewith to escape to Canada.

The whole matter was transacted within less than an hour. Of course in seizing the horses they met with resistance, for this had to be done openly, and they fired a half a dozen shots each at Mr. Fuller, the liveryman, and at Mr. Field, the keeper of the American Hotel. While stealing the horses they also fired at Mr. Morrison, who was walking along peaceably on the sidewalk on the opposite side of the street, and wounded him in the groin, it is feared fatally. They also shot Mr. Huntington, wounding him in the hip, and slightly wounded another. As soon as they had got together horses enough they left

for the north, taking the road by way of Sheldon (where it is supposed they intended to rob the Missisquoi Bank), and thence probably by Franklin to Pigeon Hill or to Frelighsburg, in Canada. They all came from Canada, so far as their arrivals can be traced. On the plank road, about a mile north of St. Albans, they shot a young girl by the roadside. They threatened to burn the depot and other buildings, but probably felt that delays were dangerous.

There was scarcely a gun or pistol in the village; but in about half an hour after they left 12 or 15 of our citizens, who succeeded in getting guns, went in pursuit of them. When about halfway to Sheldon they were heard of as being within about a mile of the robbers. It is to be hoped they were overtaken there.

Some of the leaders appeared to be disposed to commit no greater outrages than robbing the banks; others seemed to be desperadoes, wretches ready for any crime, and bent on wanton murder.

The banks have offered a reward of \$10,000.

[Vermont and Boston Telegraph Company—Office 38 St. François Xavier street.]

MONTREAL, October 19, 1864.

[By telegraph from St. Albans, Vt.]

Judge Aldis left here on express train to-night for Montreal. The raiders, some 20 or 25 men, have collected here within a few days. Had evidently laid their plans; simultaneously entered and robbed the three banks of from \$100,000 to \$200,000; seized horses and saddles enough to mount the party, shooting all persons who resisted, and started for Sheldon, probably to rob the bank there and then escape to Canada. They were pursued by a party of citizens on horseback, armed.

G. MERRILL, Superintendent.

D. THURSTON,
United States Vice-Consul-General.

[Vermont and Boston Telegraph Company—Office 38 St. François Xavier street.]

MONTREAL, October 20, 1864.

[By telegraph from St. Albans.]

To DAVID THURSTON, Vice-Consul:

We have arrested two of the robbers on this side of the line, and have them in jail, with considerable money on their persons. Six more have been taken at Stanbridge, or Frelighsburg, among them their leader, and about \$50,000 of the money. The whole country, both sides of the line, is alive with zeal to arrest them. Our governor, too, much pleased to hear the Canadian authorities so prompt.

A. O. ALDIS.

Mr. Burnley to Mr. Seward.

WASHINGTON, December 17, 1864.

SIR: I have the honor to communicate to you, under the instructions which I have received from Her Majesty's principal secretary of state for foreign affairs, the inclosed copy of a dispatch addressed to Lord Lyons relative to the intention of the United States Government, in conformity with the treaty reservation right, to increase their naval armament upon the North American lakes.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

J. HUME BURNLEY.

Hon. WILLIAM H. SEWARD, etc.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, November 26, 1864.

MY LORD: Your lordship, in your dispatch of the 23rd ultimo, has referred to the intention of the United States Government to give notice to Her Majesty's Government that, in conformity with the treaty reservation of the right to give such notice, the United States Government will deem themselves at liberty, at the expiration of six months after the communication shall have been made, to increase their naval armament upon the North American lakes, if in their judgment the condition of affairs should require it; and you have inclosed a copy of a dispatch from Mr. Seward to Mr. Adams, which, after referring to the case of the *Chesapeake*, and after relating various acts of aggression from Canada, namely, the seizure and destruction of the *Philo Parsons* and *Island Queen* on the lakes, and the attack upon the town of St. Albans, in Vermont, by a party of 25 men, issuing from the British territory, proceeds to lay down the following important propositions:

1. "The insufficiency of the British neutrality act, and of the warnings of the Queen's proclamation to arrest the causes of the complaint referred to, were anticipated early in the existing struggle, and the (British) Government was asked to apply a remedy by passing an act more stringent in its character, such as ours of the 10th of March, 1838, which was occasioned by a similar condition of affairs." This request has not been complied with, though its reasonableness and necessity have been shown by subsequent acts.

2. "It is now my duty to instruct you to give notice to Earl Russell, in conformity with the treaty reservation of that right, that at the expiration of six months after you shall have made this communication the United States will deem themselves at liberty to increase the naval armaments upon the lakes, if in their judgment the condition of affairs in that quarter shall then require it."

3. After again recurring to the measure of 1838, Mr. Seward says: "I should fail, however, to express a sincere conviction of this Government if I should not repeat now what I have heretofore so often had occasion to say—that practically the policy of neutrality which Her Majesty has proclaimed has failed as well in the British home ports as in the British colonies, and especially in the latter, and that it must continue to fail more conspicuously every day so long as asylum is allowed there to active agents of the enemies of the United States, and they are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations against the citizens of the United States; nor are we able to conceive of any remedy adequate to the present exigency but the recognition by Her Majesty's Government of the first and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government."

On the 23d instant I received from Mr. Adams the note which I inclose and the several documents annexed to it; but as they are the same in substance as the communication you have sent me, I think it will be more convenient to deal with the formal and authoritative dispatch of the Secretary of State.

1. The reference to the act of March 10, 1838 (of which I inclose a copy), will not have any application with respect to vessels leaving the shores of the United Kingdom. The difficulty in regard to vessels fitted out or equipped in our home ports has always consisted in proving that the vessel

was "provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign prince or state with whom Her Majesty is at peace;" and a similar difficulty would be found in enacting a law exactly copied from the United States act of March 10, 1838. With regard to "territories conterminous with the United States," it might, indeed, more easily be proved, with respect to any military bodies assembled near the border, that they were intended to cross the frontier in hostility to a state with whom Her Majesty is at peace.

On this part of the question I have to desire you to assure Mr. Seward that the subject is undergoing the most searching investigation by the law officers of the Crown, with a view to take the most effectual measures to prevent incursions from the bordering British provinces into the territory of the United States. In the meantime I have to observe that in the early part of the war, while active efforts were made to fit out, in British ports, ships intended to be completed in the waters of other neutral states as ships-of-war, and thence to be employed as cruisers against the United States, but few, if any, attempts were made to disturb the frontier of Canada by military or naval expeditions. Hence, the act of Congress of March, 1838, was not considered to be applicable to the existing state of affairs. I may also observe that during the late insurrection in Poland, although the Governments of Austria and Prussia were, from a regard to their own interests, unfavorable to that insurrection, and although their means of repression were much more available and much more energetic than ours ever can be, yet insurgent expeditions from Galicia and from the Duchy of Posen were of very frequent occurrence. The Governor of Canada, it is admitted by the United States Government, has done all that he could lawfully do, and if his efforts should fail and other measures of repression consistent with the nature of our Government shall be found requisite, Her Majesty's Government will not hesitate to propose them.

2. It is perfectly competent to the United States to give notice that at the end of six months that Government will be at liberty to increase their naval force on the lakes. It is certainly true that while both nations are disarmed on the lakes, marauders or depredators may destroy or capture unarmed vessels belonging to either party. Her Majesty will, of course, be at liberty also to increase her naval force on the lakes at the expiration of the six months after notice if she shall think fit so to do. But it is to be hoped that when peace is restored the former agreement, which was formed upon just and wise considerations, may be renewed as one that must be advantageous to both parties.

3. The next proposition of the Secretary of State declares the neutrality proclaimed by Her Majesty to have failed, as well in the British home ports as in the colonies; that it must continue to fail so long as asylum is allowed there to active agents of the enemies of the United States, and so long as those persons are in any way able, by evasion or otherwise, to use the British ports and British borders as a base for felonious depredations; and the Secretary of State adds that the only remedy which the Government of the United States is able to conceive is the "recognition by Her Majesty's Government of the first and exclusive sovereignty of the United States in all the waters and territories legally subject to the jurisdiction of this Government."

It appears to Her Majesty's Government that this proposal amounts to nothing less than a demand that Great Britain should cease to acknowledge the belligerent character of the Southern States and treat the Southern citizens as felons and pirates. In order to consider this matter fully, I find it necessary to recur to the events of the last three years.

President Lincoln, immediately after his accession to power in 1861, found himself face to face with a most formidable insurrection. In the month of April, 1861, he ordered a levy of 75,000 men to meet the danger. Finding this number insufficient, armies of three, four, and even seven hundred thousand men have been raised, embodied, marched, exposed to battles and sieges, worn by fight and fever, exhausted, consumed, and replenished in this mighty contest. With similar purposes the President, in the same month of April, 1861, proclaimed the blockade of the coast of seven States, and the blockade of two other States was added immediately afterwards. A navy was suddenly created, supposed to be adequate to the task of blockading 3,000 miles of coast.

Her Majesty's Government could not, any more than the other powers of Europe, fail to recognize in the vast extent of the territories involved in hostilities, and in the fierce nature of the contest, a civil war of the most extraordinary character.

In proclaiming that both parties in this vast war were to be treated as belligerents, and in admitting the validity of a blockade of 3,000 miles of coast, Her Majesty's Government acknowledged an existing fact, and recognized the international law applicable to that fact. But Her Majesty's Government could not disguise from themselves the difficulties which would beset, under any state of law, the task of preventing undue aid being given by individuals among the Queen's subjects to one or the other of the belligerents. The identity of language, the increasing intercourse of trade, the immense extent of shipbuilding carried on in this country, and the ingenuity of speculators in defeating laws and proclamations made it impossible that there should not be many escapes from the vigilance of the Government, and many successful stratagems to disguise hostile proceedings.

Still Her Majesty's Government counted on the fair consideration by the Government of the United States of what was possible on their estimate of the honest intention of the British Executive, and their knowledge of the latitude, both of opinion and of action, prevailing among a people nurtured like that of the United States in free institutions.

Her Majesty's Government also thought that the United States must be aware that the law of nations and the circumstances of the war gave an immense advantage to the Federalists against the Confederates in obtaining warlike supplies. In confirmation of this remark, it may be reckoned that besides very many batteries of artillery, 500,000 rifles have been manufactured in this country and conveyed to the shores of the Northern States, to be used by the Federal troops in the war. It may safely be said, also, that many thousands of the Queen's subjects have held those rifles against the breasts of men whom Her Majesty does not regard as her enemies.

The supplies sent to the Confederates are, on the other hand, very commonly intercepted and captured on the sea by Federal ships of war. Her Majesty's Government, however, have put in force impartially the provisions of the law, and have prosecuted those persons who, in apparent violation of that law, have fitted out vessels in our ports with the purpose, as it was believed, in aiding in hostilities against the United States, or who have been engaged in enlisting seamen or recruits in the service of either belligerent; and Her Majesty's Government have succeeded in preventing the departure from the Clyde and the Mersey of several ships intended for the service of the Confederates.

Such being the state of affairs, Her Majesty's Government are not prepared either to deny to the Southern States belligerent rights or to propose to Parliament to make the laws of the United Kingdom generally more stringent.

To allow to the United States the belligerent rights of blockade and of search and detention to the widest extent, and to refuse them altogether to the other party in the civil war, who have possession of an extensive territory, who have all the forms of a regular government, framed on the mold

of that of the United States, and who are wielding large regular armies, would, Her Majesty's Government presumes to think, be as contrary to the practice of civilized nations as it would be to the rules of justice and of international law.

Neither can Her Majesty's Government refuse an asylum to persons landing on our shores and conforming to our laws, merely because such persons may be or may have been in hostility with a government or nation with whom Her Majesty is at peace.

The Congress and President of the United States have thought themselves compelled, by the necessity of internal war, to restrict and curtail the liberties of the people of those States. Her Majesty's Government do not presume to judge of that necessity, but they can not find in the hostilities which prevail on the continent of North America any justification for so altering the laws of the United Kingdom as to deprive the citizens of the Southern States of America of that asylum which Great Britain has always afforded to men of all nations and of all political opinions.

But while the Government of the United States complain that Her Majesty's policy of neutrality has failed, Her Majesty's Government have had frequent occasion to complain that the United States have carried beyond all acknowledged limits the rights of belligerents. The crews of vessels seized as blockade runners, who, by the law of nations, are only subject to detention till the case of the vessel in which they were found has been heard in a prize court, have been subjected to confinement for indefinite periods of time as prisoners of war, and Her Majesty's Government have more than once felt it to be their duty to express their opinion that such proceedings are a plain and clear violation of neutral rights.

The United States Government have also compelled British merchants trading between New York and a neutral port to give bonds for the conduct to be observed by them in that port and for the direction of their future voyages, and this is against the plain tenor of the treaties subsisting between Great Britain and the United States.

The Government of the United States have likewise permitted their subordinates and recruiting agents to enlist British subjects who had been drugged, and had not, when so enlisted, recovered from the effects of the treatment to which they had been subjected.

If Her Majesty's Government have not resisted more strenuously than they have hitherto done those illegal and unfriendly proceedings, the cause is to be found in their belief that the passion and excitement of the contest have, for a time, obscured the sense of justice and respect for law which usually distinguish the United States, and that with the close of the contest calm consideration will return, and a just view of these transactions will be taken.

The welfare and prosperity of the United States are earnestly desired by the Government of Her Majesty, and the necessity of securing peace and harmony on the borders between the British and the United States territory is fully acknowledged. With this disposition on both sides, Her Majesty's Government can not doubt that adequate means of repression will be found, and that signal failure will attend any wicked attempts which may be made to involve the two nations in the calamities of war.

It is a pleasure to me to conclude this dispatch by noticing the handsome terms in which the Secretary of State declares himself not only able but obliged to acknowledge that the Canadian authority has, in the last-mentioned instance, "thus far cooperated with this Government in faithful and diligent efforts to bring the disturbers of public peace to justice." Her Majesty's Government trust such faithful cooperation in the performance of friendly offices may long on both sides continue.

I have to instruct you to give a copy of this dispatch to the Secretary of State.

I am, etc.,

Lord LYONS, G. C. B., etc.

RUSSELL.

President Lincoln to the Senate.

TO THE SENATE OF THE UNITED STATES:

In compliance with the resolution of the Senate of the 15th ultimo, requesting information concerning an arrangement limiting the naval armament on the lakes, I transmit a report of this date from the Secretary of State, to whom the resolution was referred.

WASHINGTON, January 9, 1865.

ABRAHAM LINCOLN.

DEPARTMENT OF STATE,

Washington, January 9, 1865.

The Secretary of State, to whom has been referred the resolution of the Senate of the 15th ultimo, requesting the President, if not inconsistent with the public interest, to furnish to that body any information on the files of the Department of State concerning the paper published in the volume of treaties, and entitled "Arrangement between the United States and Great Britain, between Richard Rush, esq., acting as Secretary of State, and the Right Hon. Charles Bagot, His Britannic Majesty's envoy extraordinary, relating to the naval force to be maintained upon the American lakes," has the honor to report that the correspondence between Messrs. Monroe and Rush and Mr. Bagot was communicated to the Senate by President Monroe on the 6th of April, 1818, a copy of whose message on the subject, with the accompanying papers, is to be found in the series of American State papers published by Messrs. Gales & Seaton under the authority of Congress, Class I, Foreign Relations, Volume IV, pages 202 to 207, inclusive.

From these papers it will be seen that the limitation of the force to be maintained was sought by this Government. Although the convention seems somewhat informal, as published in the Revised Statutes, yet upon consulting the original papers it appears to have been duly approved by the Senate, ratified by the President, and proclaimed as law.

Though the document referred to does not contain all the correspondence on the subject, that which was reserved does not appear to be material to a proper understanding of it.

Respectfully submitted,

W. H. SEWARD.

The PRESIDENT.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,

Washington, January 10, 1865.

SIR: I have the honor to acknowledge the receipt of your note of the 17th ultimo, communicating to me, under the instruction of Her Britannic Majesty's Government, a copy of a dispatch of the 26th of November last, addressed by Earl Russell to Lord Lyons, in regard to the notice given by this Government for the termination of the existing conventional arrangement between Great Britain and the United States limiting the naval force of the respective governments on the lakes, and to the reasons which prompted that notice.

The views and suggestions which Earl Russell has thus presented to this Government will receive an attentive consideration.

I have the honor to be, with the highest regard, sir, your obedient servant,
WILLIAM H. SEWARD.

J. HUME BURNLEY, Esq., etc.

Mr. Sumner to Mr. Seward.

SENATE CHAMBER, January 10, 1865.

SIR: I am directed by the Committee on Foreign Relations to ask you for a copy of the notice which has been given to terminate the treaty of 1817 with Great Britain as to our armament upon the lakes. This has become necessary to determine the character of the legislation which may be expedient.

I have the honor to be, sir, your obedient servant,

CHARLES SUMNER.

The SECRETARY OF STATE, Washington, D. C.

Mr. Seward to Mr. Sumner.

DEPARTMENT OF STATE,
Washington, January 12, 1865.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, asking for a copy of the notice which has been given to terminate the treaty of 1817 with Great Britain as to our armament on the lakes, and, in compliance with your request, to inclose a copy of a dispatch of the 25th of November, 1864, No. 821, from Charles Francis Adams, esq., our minister at London, and its accompaniment. As the substance of the instruction in obedience to which Mr. Adams gave the notice is embodied in his note to Earl Russell, and as that instruction is included in the diplomatic correspondence accompanying the President's last annual message, which is now in the hands of the Public Printer, it is not considered necessary now to furnish a copy thereof.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES SUMNER,
Chairman of the Committee on Foreign Relations, Senate.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
Washington, March 8, 1865

No. 1289.]

SIR: The notice which has been given by this Government for the termination of the convention of April, 1817, limiting the naval force on the lakes, was indispensable to enable us technically with honor to protect ourselves from insurgent incursion from Canadian territory. As it is hoped and believed that, under existing circumstances, no further incursions of that character may be apprehended, you may say to Lord Russell that we are quite willing that the convention should remain practically in force; that this Government has not constructed or commenced building any additional war vessels on the lakes or added to the armament of the single one which was previously its property; and that no such vessels will in future be built or armed by us in that quarter.

It is hoped and expected, however, that Her Majesty's Government, on its part, so long as this determination shall be observed in good faith by that of the United States, will neither construct nor arm nor introduce armed vessels in excess of the force stipulated for by the convention referred to.

I am, sir, etc.,

WILLIAM H. SEWARD.

Sir F. Bruce to Mr. Hunter.

WASHINGTON, June 15, 1865.

SIR: You will doubtless recollect that in November last formal notice was given to Her Majesty's Government by the American minister in London that at the expiration of six months the Government of the United States would deem themselves at liberty to increase, if they saw fit, their naval armament on the lakes.

In March, however, Mr. Adams, in compliance with instructions dated March 8, informed Her Majesty's Government that the Government of the United States were quite willing that the agreement of 1817 in regard to armament on the lakes should remain practically in force; that the United States had not constructed any additional war vessels on the lakes, and that no such vessel would be built or armed by them in that quarter, and that they hoped the same course would be pursued by the British Government.

It may admit of a doubt whether the notice of the abrogation of the agreement has been rendered inoperative by the communication thus made through the American minister, and, as it is essential that no misapprehension should exist on so important a point, I am instructed to ascertain whether the dispatch to Mr. Adams of the 8th of March was intended as a formal withdrawal of the notice given by the American minister to Earl Russell on November 23, or whether, as the period of six months from the date of that notice has now elapsed, the agreement of 1817 is virtually at an end, and the abstinence of either party from increasing its force on the lakes without further notice rests merely on the good pleasure of each, unfettered by any diplomatic engagement.

Her Majesty's Government consider that in the latter case a very inconvenient state of things would exist; and I am directed to add that it appears to Her Majesty's Government that the best course would be that the notice of November 23 should be formally withdrawn, whereby the agreement of 1817 would remain unimpaired and would continue binding on both parties until six months after fresh notice by either of them of its abrogation.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

FREDERICK W. A. BRUCE.

Hon. WILLIAM HUNTER.

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, June 16, 1865.

SIR: I have the honor to acknowledge the receipt of your note of yesterday relative to the notice given by Mr. Adams to Earl Russell in November, 1864, and also having reference to a subsequent note of the 8th of March, which Mr. Adams addressed to his lordship, touching the increase of naval armaments on the lakes. In reply I have the honor to inform you that the instruction to the United States minister at London, upon which his note of the 8th of March, referred to, was based, was intended as a withdrawal of the previous notice within the time allowed, and that it is so held by this Government.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon. Sir FREDERICK W. A. BRUCE, etc.

Mr. FOSS. Mr. Chairman, I would state that I understand the

subject which has been referred to by gentlemen who have just addressed the committee—the modification of the convention of treaty between Great Britain and the Government of the United States—was also discussed by the joint high commission appointed by both Governments some two or three years ago. Speaking in behalf of the Naval Committee, I have always felt that the modification of the convention or treaty in question was not a matter within the jurisdiction of the Naval Committee. It is more properly, in my opinion, for the State Department or the Committee on Foreign Affairs.

I hope the Clerk will proceed with the reading of the bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Naval proving ground: For the purchase of additional land for the naval proving ground at Indian Head, \$18,000.

Mr. FOSS. Mr. Chairman, I desire to offer an amendment on page 11, line 15, to strike out the word "eighteen" and insert "twenty-five." This is done at the request of the Navy Department.

The amendment was read, as follows:

On page 11, line 15, strike out "eighteen" and insert "twenty-five;" so that it will read "\$25,000."

Mr. GAINES. Mr. Chairman, I desire to ask the chairman of the committee reporting this bill why this increase is necessary, and if it is because we have been having trouble down at the Indian Head proving ground because of shooting into some contiguous property, endangering life and limb? I saw a good deal said about that through the press, and also that the matter had gotten into the courts by an injunction suit. I would like to ask the gentleman what the result of that litigation has been.

Mr. FOSS. The litigation is still pending. The Navy Department has been in trouble down there, owing to the fact that this complainant's property is within range of their guns. It asks this amount to purchase this land.

Mr. GAINES. And this increased appropriation is to purchase the land of the party who is now in litigation with the Government about it?

Mr. FOSS. Yes.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. Foss].

The amendment was agreed to.

Mr. BOUTELL of Illinois. Mr. Chairman, I ask unanimous consent to incorporate into the few remarks that I made the report that I referred to. I find that it is exhausted, and I think it might be interesting to the House.

The CHAIRMAN. The gentleman from Illinois [Mr. BOUTELL] asks permission to add to his remarks the report to which he refers. Is there objection?

There was no objection.

The Clerk read as follows:

Ocean and lake surveys: For hydrographic surveys, and for the purchase of nautical books, charts, and sailing directions, and freight and express charges on the same, \$100,000.

Mr. CANNON. Mr. Chairman, I want to ask how much of this appropriation has been expended so far during the current fiscal year?

Mr. FOSS. From a statement which was given us by the Chief of the Bureau of Equipment, I find that \$78,903.03 has been used.

Mr. CANNON. I do not see it in this statement. This purports to show for 1899 and 1900—that is to say, for the last fiscal year he submits the following statement:

Act of March 3, 1899, \$100,000—

it seems was appropriated. Then comes, for pay rolls, etc., Hydrographic Office, and other items, \$9,000.

Mr. FOSS. That was for the year before, not the last year.

Mr. CANNON. I am asking about the current year.

Mr. DAYTON. That is a statement showing the condition up to December 19, 1900. That shows the amount expended.

Mr. FOSS. I know that somewhere in the hearing he stated that in round numbers about \$75,000 had been expended, and of this about \$10,000 for charts, freights, expressage, etc.

Mr. CANNON. Well, I want to know now how much surveying has been done. I believe nothing has been done, so far as I can see here.

Mr. FOSS. The amount of surveying which has been done is shown by the report of the Chief of the Bureau of Equipment. In the testimony of the chief before the committee he speaks of some surveys which have been made in Cuba with the *Yankton* and the *Eagle*, and with the *Iroquois* in the Hawaiian Islands, and with the *Dolphin* up the Orinoco River, and in Frenchmans Bay in the State of Maine. The *Yosemite* has made some surveys at Guam, and the *Ranger* at Panama, and the *Bennington* has been surveying in the Philippine Islands; also the *Baltimore*. The *Charleston* and the *Wheeling* have been making some surveys, but this is more particularly shown in the report of the Chief of the Bureau of Equipment, on page 40.

Mr. CANNON. Well, that is for the last fiscal year, not for the present fiscal year, is it?

Mr. DAYTON. That is during this fiscal year—

During the fiscal year the following naval ships have been engaged in making marine hydrographic surveys.

Mr. CANNON. Well, I must confess that I do not see it. Here is a statement showing the condition December 19, 1900, of appropriations for 1899 and 1900. That is not this fiscal year. This is the fiscal year 1901.

Mr. DAYTON. This fiscal year for which we are appropriating does not close until July 1, 1902.

Mr. CANNON. I know; but this purports to give figures for the last fiscal year.

Mr. DAYTON. Up to December 19 of this fiscal year.

Mr. CANNON. But the appropriation is not a continuing appropriation, as I understand it. This is appropriated under the act of March 3, 1899.

Mr. DAYTON. Yes; for the year 1900.

Mr. CANNON. That is the appropriation made two years ago.

Mr. DAYTON. Which runs from July, 1900, until July, 1901. Is not that the fact?

Mr. CANNON. No; this is the former appropriation.

Mr. DAYTON. Under the act of 1899, for the year from July, 1900, to July, 1901.

Mr. CANNON. Oh, no.

Mr. DAYTON. That always provided for it.

Mr. CANNON. Precisely; but what I want to call the gentleman's attention to is the act of March, 1899. An appropriation was made of \$100,000. Now, I do not know whether the gentleman has a statement of that expenditure, or whether that is in this.

Mr. DAYTON. I think it is.

Mr. CANNON. No; this is a statement showing down to September, 1900 (1899 and 1900), the appropriation act of March 3, 1899. Now, it seems \$7,000—

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I ask unanimous consent that his time be extended. There was no objection.

Mr. DAYTON. They are outstanding liabilities, \$7,000; but that is settled.

Mr. CANNON. That is not the appropriation I am asking about—the current year.

Mr. DAYTON. Under the act of March 3, 1899, I want to call the gentleman's attention to the fact that it was impossible for them to be put in there—for the year commencing July 1, 1899, and running to July 1, 1900.

Mr. CANNON. The last fiscal year?

Mr. DAYTON. It is impossible to make any other statement, because only a few months of this year have passed up to when these hearings were had. The year does not expire until 1901, and most of the year is before us.

Mr. CANNON. No; half the year is gone. What I asked is how much has been expended for the current year of the \$100,000?

Mr. DAYTON. It is impossible to estimate that, because when these hearings were had, in December, only a few months had passed by. We have what was expended last year.

Mr. CANNON. The gentleman understands one thing, and I was talking about another.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On January 19, 1901:

H. R. 3047. An act to remove the charge of desertion from military record of John Faulds, Company G, Thirty-first Wisconsin Infantry; and

H. R. 12546. An act to change and fix the time for holding the district and circuit courts of the United States for the north-eastern division of the eastern district of Tennessee.

On January 22, 1901:

H. R. 953. An act to divide the State of West Virginia into two judicial districts;

H. R. 13599. An act to supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office; and

H. R. 13274. An act to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department.

On January 23, 1901:

H. R. 827. An act for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Navy-yard, Norfolk, Va.: For 2 clerks, at \$1,200 each; 1 writer, at \$950; in all, \$3,350.

[Mr. KING addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I think the committee should have called to its attention the fact that in the appropriation bill passed since the Spanish war there was a clause which provided that all of these temporary appointments could be covered into the classified service—could be transferred from one place to another as under the classified service.

That provision went through on an appropriation bill, when any person in this House could have stricken it out on a point of order. No such point of order was made, either on the other side of the House or on this, so that the maintenance of these employees in the service permanently is not a violation of the civil-service law. It is in accordance with law.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, in view of the discussion which has arisen on this question, I want to say, supplementing the statement just made by the gentleman from Illinois, that the resolution which he spoke of did pass this House, and if, by the cooperation of the Senate, it had gone into effect it would have brought about just such a condition of affairs as the gentleman from Utah [Mr. KING] has spoken of. It would make permanent in the War Department the force of employees provided for in the different appropriation bills that have passed since the war with Spain commenced and instituted as a temporary force.

But that provision which passed the House was stricken out in the Senate on a point of order raised by the Senator from Massachusetts, Mr. LODGE. So that I do not think it is due to the majority side of the Chamber that the condition of affairs spoken of by the gentleman from Utah is not in existence at the present time.

Mr. FOSS. I call for the regular order.

The Clerk read as follows:

Navy-yard, Mare Island, California: For 1 clerk, at \$1,200; 1 clerk, at \$1,000; 1 writer, at \$950; in all, \$3,150.

Mr. CANNON. I move to strike out the last word, for the purpose of calling the attention of the gentleman from Illinois [Mr. FOSS] and of the House to the increase of clerical assistance at navy-yards and at naval stations. I have with some care run through the bill which I hold in my hand, and I find that, all told, there is an increase of 57 clerks, with salaries ranging from \$900 to \$1,400. However, it is proper I should say that a few of these are electricians, who sometimes go under the name of writers, or copyists, or bookkeepers, etc.

Now, when it is recollected that the navy-yards are used only for repairs, I ask the gentleman what is there in the condition of the service that requires the increase throughout this bill, from first to last, of 57 clerical employees?

Mr. DAYTON. Mr. Chairman, while the statement of the gentleman from Illinois [Mr. CANNON] may be approximately correct, I do not think it is absolutely so. A great many of these clerks have become necessary because of the establishment of new-stations. For instance, the naval station at San Juan, Porto Rico, requires 1 clerk, 1 writer, 1 mail messenger; the naval station at Hawaii requires 1 writer and 1 messenger; the naval station at Cavite requires 1 clerk, 1 time clerk, 1 writer, 1 messenger. And so on throughout the bill.

Mr. CANNON. I think there are 10 of them at new stations.

Mr. DAYTON. Now, I want to call the attention of the gentleman to the fact that in regard to the several bureaus he has not been quite accurate.

Mr. CANNON. I said "about."

Mr. DAYTON. I think the gentleman will find that most of these clerks are provided for because of new necessities which have arisen. Take, for instance, the navy-yard at Portsmouth, N. H. There is an increase there. That yard was closed up, substantially, for a number of years.

I always thought (if gentlemen will pardon me for expressing a candid opinion) that it was closed up possibly because it was located a little too near to Boston. At that time we were not doing very much repairing or building in our navy-yards; and when the question arose as to which of these navy-yards should be closed the one at Portsmouth, N. H., was substantially retired from service; and in 1894 the clerical force there was reduced 1. Since that time, under appropriations of Congress, a new dry dock has been placed there and the work enormously increased, so that an increase in the clerical force is an absolute necessity. The force there is increased this year by 1 writer, at a salary of \$950; so that in fact the force under this bill is no more than it was prior to the time of the reduction I have spoken of.

Mr. CANNON. There is a further increase later on in the bill.

Mr. DAYTON. I believe that the gentleman is right in that—under other bureaus. But I am speaking especially of this matter. This increase is an absolute necessity. Take the navy-yard at Boston. At one time that yard was practically closed; but now it is in full operation. There is a new dry dock being constructed in this yard.

The work has grown enormously, till that yard has become one of the principal ones of the country. In the case of both these yards—in fact, in almost every case, as was shown by the hearings before the committee—the clerks have been compelled to work overtime without pay. The reports have been seriously retarded. The work is not being done as it ought to be, because of the lack of clerical assistance. Take New York. The work there is enormous, yet the increase, I believe, is only two clerks. So it goes.

Now, several of these clerks are made necessary by reason of the fact that heretofore there have been none authorized. Take the navy-yard at Pensacola, Fla. One of these additional clerks is for that yard. I understand that they have had none heretofore in the bureau of equipment in that yard. The care of the Government stores requires that there should be one.

Then take the naval station at Port Royal, S. C. We have been increasing the appropriations there. So far as the equipment bureau is concerned, which has charge of the restoring of supplies and equipment for the naval outfits, the work there has been increasing without any relief by way of increase in the clerical force.

Mr. CANNON. The station at Port Royal is so badly out of shape and so utterly of no account that, as I understand, we can not do anything there; and that station, after the millions expended upon it, has to go by the board; and for this kind of work we have to go down to Charleston, S. C., where we ought to have gone in the first place.

Now, what is the necessity for such additional employees, to watch the destruction of nothing into still further nothingness, I can not understand and do not know.

Mr. DAYTON. The clerk in this case to which the gentleman refers is employed in the Bureau of Equipment, where there is necessarily a large amount of work going on at all times. I would myself seriously object to an increase of the employees in the Bureau of Yards and Docks; but in this Bureau of Equipment, where the supplies for vessels are to be stored, where they are coaled, where provisions and supplies are to be taken on, we have determined, after a careful investigation of the matter, that this increase is absolutely essential and should be allowed.

We have a supply station at Port Royal and will have one there always, although the naval station may be removed to another point. But this supply station will necessarily be there for the equipment and supply of vessels, unless in course of time we may be able to dispose of the real estate belonging to the Government there at such valuable consideration as in the judgment of Congress it would be an advantage to the Government to accept. In that event, of course, the station might be removed to some other point. Otherwise we will be compelled to keep up this establishment.

Mr. CANNON. Does not my friend think that we had better pay somebody to take it off our hands rather than to keep up this unnecessary station and useless expense?

Mr. DAYTON. I do not think so, in view of the fact that a naval station of this kind at Port Royal is eminently fitted for the use of our naval vessels and ship supplies in those waters. The capacity of the water is ample for most vessels to enter and leave for the purpose of securing coal and supplies, and for this purpose it is just as good a station as it is possible to provide elsewhere.

Mr. CANNON. Now, while the gentleman is explaining, I ask him to take the navy-yard at Washington. I find, if my friend will give me his attention, that there are ten employees at the navy-yard at Washington for the current year. And yet I find this bill provides in addition thereto one clerk at \$1,400 a year, one clerk at \$1,100 a year—I refer to page 12 of the bill—one writer at \$1,017 a year. So that with this already large force at the navy-yard here you provide three additional employees, and I am curious to know, right here under our eyes as it were, what extraordinary increase there is in the work at that establishment which warrants the committee in proposing this increase of writers and clerks and employees in that navy-yard? We have already, as I have shown, quite a large number—a sufficient corps, apparently, for all practical purposes, but the bill provides for three additional.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. DAYTON. Mr. Chairman, I ask additional time for the purpose of answering the gentleman from Illinois.

The CHAIRMAN. Without objection, the gentleman will proceed for five minutes.

There was no objection.

Mr. DAYTON. I will answer the gentleman from Illinois by reading from the hearings before the committee in connection

with this matter. In response to inquiries, the following testimony was adduced before the committee:

The CHAIRMAN. Now we come to "Civil establishment."

Admiral O'NEIL. There are no new items until you get down to the Washington Navy-Yard, where we ask for one clerk at \$1,400, to be paid under "Civil establishment" instead of under "Increase of the Navy."

The CHAIRMAN. Is this clerk to be employed in the navy-yard?

Admiral O'NEIL. Yes, sir; he is now employed there, but it is desired to pay him under a different appropriation.

The CHAIRMAN. You have one chief clerk now?

Admiral O'NEIL. Yes, sir; at \$1,600, which is not enough for him, but we have never been able to get his salary increased.

The CHAIRMAN. Then there is another clerk. "One clerk at \$1,100." You reduce him \$100?

Admiral O'NEIL. Not \$100—only \$1.76.

The CHAIRMAN. "One writer at \$1,017.25 and one clerk at \$1,200."

Admiral O'NEIL. These are not new places. The \$1,200 place is at the naval proving ground or at the Mare Island Navy-Yard.

Mr. CUMMINGS. You have reduced one clerk a hundred dollars and then put in a new clerk at a hundred dollars increase.

Admiral O'NEIL. No, sir; you are mistaken. That is to say, some of these are new per diem people paid out of "Increase of the Navy," and it is desired to include them in the permanent civil establishment.

Mr. CUMMINGS. So it really is not an increase of expenditure?

Admiral O'NEIL. Yes, sir; it is a slight increase in the case of the \$1,200 place at the Mare Island Navy-Yard and naval proving ground, which are each increased from \$1,017.25—that is, \$182.75.

Mr. CUMMINGS. Where are they provided for in the bill?

Admiral O'NEIL. They are not provided for in the bill, except for the Mare Island Navy-Yard and the naval proving ground; in the other cases they are paid out of the "Increase of the Navy."

Mr. CUMMINGS. It is really no increase in the number of clerks?

Admiral O'NEIL. No, sir; if they are paid out of this fund they will not be paid out of "Increase of the Navy."

The CHAIRMAN. Where is that?

Admiral O'NEIL. It is not in the bill. It is a general provision passed several years ago, allowing the Secretary of the Navy to employ certain experts, clerks, draftsmen, etc., as may be necessary.

The CHAIRMAN. That was the law of 1886, was it not?

Admiral O'NEIL. It was the act of March 3, 1887, which gives the Secretary authority to do that, and under that act a good many people are employed—a good many clerks, draftsmen, writers, etc.

The CHAIRMAN. And the only idea is to make these people permanent?

Admiral O'NEIL. Yes, sir; that is all.

The CHAIRMAN. They are already employed?

Admiral O'NEIL. Yes, sir.

The CHAIRMAN. Where do you get your clerks; through the Civil Service Commission?

And I hope the gentleman from Utah [Mr. KING] will listen to this:

Admiral O'NEIL. Yes, sir; all of them; also every messenger, watchman, janitor, and all employees except mechanics and laborers.

Mr. CANNON. Now, Mr. Chairman, if I understand it, these people, with the exception of one in the navy-yard here at Washington, have been employed and paid out of a lump sum appropriated for the increase of the Navy. From that exception you take the clerks and appropriate specifically for them. Now, you still have the appropriation for the increase of the Navy under this authority, and I will ask the gentleman if from that appropriation this authority still runs, and they could go on, as has been done heretofore, without this new provision, and employ a new set?

Mr. DAYTON. If absolutely necessary, I think possibly so, under the discretion of the Secretary of the Navy. But the object and purpose is to avoid that kind of a system, and have the necessary clerical force, so that there may not be any use for the fund for the increase of the Navy to be used this way, which might be subject to criticism.

Mr. CANNON. Now, I am quite in harmony with that proposition, but fail to see anything in the bill that will prohibit the Secretary of the Navy, or the heads of the bureaus, from still employing people and paying them from the lump appropriation for the increase of the Navy; and if the practice is to be broken up at all it seems to me that legislation ought to be had for that appropriation when specifically up before the committee for consideration.

Mr. DAYTON. I will say that there is much force in the remarks and criticism the gentleman makes. This is a movement on the part of the Department itself to do this thing. But it seems to me also, and I think the gentleman will recognize the force of the suggestion, that it may be necessary to have such discretion vested in the Secretary of the Navy to employ adequate help in contingencies on some extraordinary occasion.

The evil about it is that instead of using it as an emergency fund we have so constantly refused—and to that as a member of the Naval Committee I plead guilty—we have so constantly refused to furnish this permanent clerical force that they have been driven to employ them from this other fund as a necessity, and it is to break up that practice that these provisions are placed upon the bill.

Mr. CANNON. You will not break up the practice until you prohibit the employment of these people from the general fund.

Mr. DAYTON. Well, that is a matter to be considered.

Mr. WHEELER. Mr. Chairman, I desire to say something in reply to the gentleman from Illinois, and I am very glad he has called attention to this matter. I do not think that the increase of the clerical force of the Navy is extraordinary or unusual. No

gentleman who has touched the question has, in my judgment, put his finger upon the core of the evil.

An infirmity which perhaps is common to mankind exists in the various departments of the Navy—a rivalry to equip each bureau better than the others; and the evil is in the bureau system, and not in the increase of the clerical force. We have seven or eight bureaus in the Navy Department. Each one of these bureaus, under this bill, as under every bill, has a complete and separate civil establishment, and proof was had before the committee—I can not recall the exact instance, but perhaps some gentleman on the committee will suggest what it was—that when some simple article was bought, before the purchase could be completed the matter had to go before some six or seven different bureaus. That had to be done before the article could be delivered to the man who desired it. It was to buy a piece of rope or a keg of crackers, or something of that kind. Every such purchase has to go through some half a dozen different bureaus.

The Secretary of the Navy has recommended the consolidation of some of these bureaus, and I am persuaded that if the House could be convinced the Department could get along just as well without so many bureaus we could save a great deal of money to the Government. Now, in the upbuilding of our Navy each bureau is taking advantage of the effort of the Government to equip itself better for naval service, and each is asking for an increase all along the line.

Possibly these increases are necessary, but the fault of this increase, not only in the clerical force, but in the whole naval bill, grows out of the bureau system. I was about to say there are many thousands of dollars—I am almost tempted to add there are many millions of dollars—in this bill that could have been left out had it not been for the bureau system in the Department. You are compelled, of course, to rely in great measure, if not entirely, upon the judgment of the bureau chiefs, and where you have different men presiding over the various bureaus each is trying to get as much as possible for his particular department, and in that way the bill assumes unhealthy proportions, whereas if they were consolidated the chances are it would result in benefit to the Government and a saving to the Treasury.

Mr. DAYTON. Mr. Chairman, I do not desire to delay for one moment the consideration of this bill, but these attacks upon the bureau system of the Navy Department have been so persistent that I desire for a moment to be heard upon that question. I want to say that there is nothing in the bill which authorizes the consideration of these matters in a one-sided way. When the question comes up and the proposition is laid aptly before the House to consolidate these bureaus, I want to say that the members of the House will find that there are two sides to the question.

Now, I take issue with the gentleman from Kentucky [Mr. WHEELER] entirely. I want to call his attention to the fact that every one of the experts who have been called upon to make a statement in regard to this matter has sustained the system of bureaus; that every one of them is in conflict with the gentleman's statement that the system is expensive. Every one of their statements is in conflict with his statement that the bureau system is not efficient and does not bring about the best results.

Let me call your attention to one thing. We travel around in a circle. When the Navy Department was originally organized we started out upon the idea of the one man, of the one bureau, or the one chief. That system was found to be so utterly bad that when the Navy Department was reorganized, it was reorganized with five bureaus; and subsequently, by the recommendation of the Secretaries of the Navy, one after the other, the bureaus were increased to the present number, first to seven and then to eight.

The reason for this is clear and manifest. The proposition to consolidate the three bureaus, recommended by the present Secretary of the Navy, would place in the hands of one of these bureau chiefs the administration of \$25,000,000 of the money of the country. It would require just the same clerical force. Under the present system these bureau chiefs are constituted in a board, where all the details of the different departments come under their consideration. There are objections made to this because they say these bureau chiefs do not agree. I say a wholesome disagreement is for the benefit of the service, both the personnel and matériel.

From my study of the question I am convinced that the great discussions that may be annoying to the civilian head of the Department, the Secretary of the Navy, that have originated among these experts, have brought to us some of the finest results in the building up of the American Navy that we have ever had. Take the discussion upon the question of sheathing or leaving unsheathed our great battle ships. Any man can see that, while we have not solved that question, the discussions upon it have given us information which we would not have had if the matter, for instance, had been left to the Constructor of the Navy, who was the advocate and champion of one view of that question.

Mr. WHEELER. Now, will the gentleman yield to me?

Mr. DAYTON. Yes.

Mr. WHEELER. Will the gentleman kindly inform us whether we should sheathe our ships or not?

Mr. DAYTON. I think, my friend, we have reached the proper conclusion for the present, and that this House has been guided by the very differences between the bureau chiefs to conclude it wise and proper to have part of them one way and part the other. [Laughter.]

Mr. WHEELER. What is our policy?

Mr. DAYTON (continuing). Depending upon the service. Those that are to be used for long cruises in foreign seas should be sheathed. Those to be used near the dry docks at home should not be sheathed, because of the extra expense and the slowness of speed.

Mr. WHEELER. Is that a bureau chief's or Admiral Dewey's opinion?

Mr. DAYTON. With all due respect to the gentleman, that is my own opinion, derived—

Mr. WHEELER. I thought Admiral Dewey had originated that idea.

Mr. DAYTON (continuing). From the consideration of all these differences of opinion from Admiral Dewey down.

Mr. WHEELER. I was not aware that Admiral Dewey got his views from the gentleman from West Virginia.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 99.

Resolved by the Senate (the House of Representatives concurring), That the President is hereby requested to return to the Senate the bill (S. 1456) an act increasing the pension of Fordyce M. Keith.

The message also announced that the Senate had passed with amendment the bill H. R. 11768, an act granting an increase of pension to John Walker, in which the concurrence of the House was requested.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Navy-yard, Washington, District of Columbia: For one clerk, who shall also perform the clerical duties for the board of labor employment at said navy-yard, \$1,600.

Mr. RIXEY. Mr. Chairman, I move to strike out the last word.

I desire to occupy the attention of the committee for a moment in order to say that I indorse fully the position taken by the gentleman from Kentucky [Mr. WHEELER] on the consolidation of the bureaus.

I am fully satisfied that the expense of these clerks is called for by the number of bureaus we have in the Navy Department. We have eight separate bureaus, the majority of which are presided over by an admiral. Many of us on the committee believed that all these bureaus should be consolidated. The Secretary of the Navy does not go so far, but he has recommended that three of the bureaus at least should be consolidated. It is true that the chiefs of these bureaus are of a different opinion—naturally they are of a different opinion. They insist that their bureaus should be kept intact. The admiral of one of the bureaus recommended to be consolidated says that if you consolidate the three bureaus there will be \$25,000,000 to be disbursed by one chief, and it is too much responsibility to be placed upon one man.

This bill appropriates \$77,000,000, and nobody claims too much responsibility has been placed on the Secretary of the Navy. This bureau chief, however, would have us believe that a chief can disburse properly \$8,000,000, but twenty-five millions is too much responsibility. I know of no such line of demarcation between responsibilities. A man who can be trusted to disburse eight millions can be trusted to disburse \$25,000,000.

Now, Mr. Chairman, on this subject I want the recommendation of the Secretary of the Navy to be read, and I ask that the Clerk read it from the desk.

The Clerk read as follows:

CONSOLIDATION OF BUREAUS.

The recommendation heretofore made that the organization of the Navy Department be simplified by the consolidation of the three bureaus of Construction and Repair, Steam Engineering, and Equipment is renewed. Under the present system, from the inception of its design until completed and placed in commission, the plans and specifications of a naval vessel are in the hands of three bureaus, each with a distinct organization, each having exclusive jurisdiction within certain lines, and all charged with the duty of carrying on work within, but not beyond, their respective provinces, as nearly as may be at the same time.

Such a system is, in practical administration, cumbrous and expensive, and from its very nature tends to develop controversies respecting the scope of each bureau's duties and to occasion friction, delay, and want of harmony in doing whatever approaches border lines of jurisdiction. It is to the credit of the officers in charge of the bureaus concerned that work upon ships now under construction has been carried on without more friction; but the

system itself is none the less objectionable, and is a source of inconvenience, delay, largely increased cost, and occasional confusion.

The present divided organization is the outgrowth of conditions which no longer exist. The hull, the propelling machinery, and the articles of equipment of a modern steamship no longer constitute simple, distinct, and separable elements in construction, but, on the contrary, in their multiplicity of details are so interwoven as to render embarrassing their supervision by three sets of independent administrative officials.

The union of these three bureaus, the chief function of which is to deal with the material of the ship, into one bureau, which might appropriately be called the bureau of ships; the consolidation of their several corps of assistants and inspectors, and the conduct of the really integral work of building and equipping vessels, under the management of one responsible chief instead of three chiefs, would promote the efficient and economical administration of this important part of the business of the Navy Department.

A chief of bureau is practically an assistant secretary. The proposed consolidation would not only reduce three of these assistants to one, but in like manner reduce the supervising, mechanical, and clerical forces in every navy-yard, and thus save great and unnecessary expense. At present each of these bureaus in question has at each yard its separate shops, inspectors, foremen, and workmen, all often doing the same kind of work. No private business is run on such a wasteful and inharmonious plan. I renew the recommendation in this respect of my last annual report.

The Clerk read the next paragraph of the bill, as follows:

Naval station, Puget Sound, Wash.: Sewers, extensions, \$4,000; to continue grading, \$20,000; coal shed and appliances, \$75,000; sick quarters, \$7,000; carpenter and joiner shop for yards and docks, \$10,000; machinery for carpenter and joiner shop, \$3,000; extension of dry dock boiler plant, \$20,000; stable and tool shed, \$6,500; fire-protection system, \$10,000; electric-light plant, extensions, \$5,000; telephone system, extensions, \$3,000; railroad and equipment, extensions, \$2,000; clearing and stumping, \$5,000; roadway about dry dock, \$6,000; dolphins, \$1,000; new skylight for construction and repair shop, \$4,000; joiner shop for construction and repair, \$70,000; water-closets and wash room for steam engineering, \$2,000; floor for steam-engineering shop, \$10,000; storehouse for high explosives, ordnance, \$5,000; wharf crane for ordnance, \$1,500; quarters for gunner, \$3,000; in all, naval station, Puget Sound, Wash., \$273,000.

Mr. JONES of Washington. I move to strike out the last word.

Mr. Chairman, I desire to say there are several items submitted in the estimates for the Puget Sound Navy-Yard that it would have been economy to have included in this appropriation bill. But from an examination of the testimony submitted by Admiral Endicott I find the committee has included everything that he really asked for in his final testimony, and therefore I shall not delay the consideration of the bill by uselessly offering amendments. I ask, however, that Admiral Endicott's testimony relating to these items on the Puget Sound Naval Station be printed in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to print as a part of his remarks the testimony of Admiral Endicott before the Naval Committee. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Washington. I withdraw the pro forma amendment.

The testimony of Admiral Endicott is as follows:

The CHAIRMAN. The next item is "Naval Station, Puget Sound, Washington. Sewers, extensions, \$4,000?" Last year we gave them \$2,500.

Admiral ENDICOTT. That item is necessary.

The CHAIRMAN. The next item is "To continue grading, \$25,000?"

Admiral ENDICOTT. That item is necessary.

The CHAIRMAN. The next item is "Coal shed and appliances, \$75,000?" Last year we gave them \$40,000.

Admiral ENDICOTT. I think that equipment needs an extension there. It is the only place to store coal in that vicinity, on the northern coast.

The CHAIRMAN. The next item is "Two officers' quarters, \$10,000?"

Admiral ENDICOTT. That item can go out.

The CHAIRMAN. The next item is "Sick quarters, \$7,000?"

Admiral ENDICOTT. They are necessary. There is no hospital or place to care for the sick men.

The CHAIRMAN. The next item is "Carpenter and joiners' shop for Yards and Docks, \$10,000?"

Admiral ENDICOTT. We ought to have that shop; it is necessary.

The CHAIRMAN. The next item is "Machinery for carpenter and joiners' shop, \$3,000?"

Admiral ENDICOTT. We ought to have that shop; it is necessary.

The CHAIRMAN. The next item is "Extension of dry dock, boiler plant, \$20,000?"

Admiral ENDICOTT. We ought to have that appropriation; that is really for the purpose of increasing the power and light.

The CHAIRMAN. The next item is "Stable and tool shed, \$6,500?"

Admiral ENDICOTT. That is necessary.

The CHAIRMAN. The next item is "Fire-protection system, \$10,000?"

Admiral ENDICOTT. That is necessary, as I have already explained in regard to other yards.

The CHAIRMAN. The next item is "Electric-light plant, extensions, \$5,000?"

Admiral ENDICOTT. We want that appropriation; it is necessary.

The CHAIRMAN. The next item is "Telephone system, extensions, \$3,000?"

Admiral ENDICOTT. I think you had better let that item remain in the bill.

The CHAIRMAN. The next item is "Railroad and equipment, extension, \$2,000?"

Admiral ENDICOTT. That is necessary.

The CHAIRMAN. Where are these extensions; around the yard?

Admiral ENDICOTT. Yes, sir.

The CHAIRMAN. The next item is "Road along water front, \$10,000?"

Admiral ENDICOTT. That item can be stricken out this year.

The CHAIRMAN. The next item is "Clearing and stumping, \$5,000?"

Admiral ENDICOTT. That is very necessary.

The CHAIRMAN. The next item is "Roadway about dry dock, \$6,000?"

Admiral ENDICOTT. That is necessary.

The CHAIRMAN. The next item is "Dolphins, \$1,000?"

Admiral ENDICOTT. That appropriation is necessary.

Mr. CUMMINGS. What is a dolphin?

Admiral ENDICOTT. It is a mooring—a cluster of piles for handling ships into a dock.

The CHAIRMAN. The next item is "New skylight for Construction and Repair shop, \$4,000?"

Admiral ENDICOTT. That is necessary.

The CHAIRMAN. The next item is "Shipwrights and riggers' shed, \$25,000?"

Admiral ENDICOTT. I think that item might go over for another year. The CHAIRMAN. The next item is "Joiner shop for Construction and Repair, \$70,000?"

Admiral ENDICOTT. I think that is necessary. The CHAIRMAN. The next item is "Sawmill for Construction and Repair, \$80,000?"

Admiral ENDICOTT. I think that item might go out this year. The CHAIRMAN. The next item is "Storehouse for supplies and accounts, \$50,000?"

Admiral ENDICOTT. I think that item might be stricken out. The Paymaster-General says he will get along without that building for another year.

The CHAIRMAN. The next item is "Water-closets and wash room for Steam Engineering, \$2,000?"

Admiral ENDICOTT. That is necessary.

The CHAIRMAN. The next item is "Floor for Steam Engineering shop, \$10,000?"

Admiral ENDICOTT. That is necessary.

Mr. LOUDENSLAGER. What kind of a floor?

Admiral ENDICOTT. At some places we put in brick and at others concrete.

The CHAIRMAN. The next item is "Torpedo-boat storage plant (to cost \$250,000), \$100,000?"

Admiral ENDICOTT. That item can go out.

The CHAIRMAN. The next item is "Storehouse for high explosives, ordnance, \$5,000?"

Admiral ENDICOTT. That is for ordnance. That has to go in a remote part of the yard.

Mr. LOUDENSLAGER. How far away?

Admiral ENDICOTT. Over half a mile.

The CHAIRMAN. The next item is "Wharf crane for ordnance, \$1,500?"

Admiral ENDICOTT. That is necessary.

The CHAIRMAN. The next item is "Quarters for gunners, \$3,000." Is that necessary?

Admiral ENDICOTT. I think so. They have no quarters there.

Mr. LOUDENSLAGER. Does the gunner live there?

Admiral ENDICOTT. He is not there now.

Mr. LOUDENSLAGER. Will he live there after this provision is made?

Admiral ENDICOTT. Yes, sir.

Mr. CUMMINGS. What is his duty?

Admiral ENDICOTT. He has charge of the shell house and the buildings which are devoted to the purposes of ordnance down in a remote part of the yard, and it is necessary that he should be there day and night. I think the item ought to remain in the bill.

The Clerk read as follows:

Naval torpedo station, Newport, R. I.: One cottage for additional quarters, \$8,000; one administration building for use in instruction of classes of enlisted men and officers, to contain offices, lecture rooms, overhauling room, and storeroom for torpedoes, \$25,000; in all, naval torpedo station, Newport, R. I., \$25,000.

Mr. DAYTON. Mr. Chairman, I desire, representing the committee, to move to strike out the first item:

One cottage for additional quarters, \$8,000.

The Clerk read as follows:

In lines 11 and 12 strike out the words: "One cottage for additional quarters, \$8,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

New buildings: Erection of three houses for quarters, and for gas, steam, water, and electric-light connections, and furniture for the same, \$18,000.

Mr. CANNON. Mr. Chairman, I make a point of order upon that paragraph.

Mr. DAYTON. I would like to hear the gentleman upon his motion.

Mr. CANNON. Naval Observatory, the Chair will observe, it is for—

New buildings: Erection of three houses for quarters, and for gas, steam, water, and electric-light connections, and furniture for the same, \$18,000.

There is no law that authorizes the building of quarters at the Naval Observatory that I know of. In other words, it is not authorized by law. I do not care to discuss the merits of it if it is subject to point of order, as I believe it to be.

Mr. DAYTON. Well, Mr. Chairman, I submit if that point of order is sustained it will be impossible for us to build any building or do anything toward building up the Naval Observatory. I simply want to say to the Chair—referring to the merits as briefly as the gentleman from Illinois, almost, and yet not quite, because I want the Chairman to understand the purposes of the item—that these three houses are for the astronomers who must stay there at night making observations which their work requires them to do. These buildings are as much a part of the Naval Observatory establishment as any building which would be for naval instruments.

The Naval Observatory is an established work in connection with the Navy Department, provided for by law, and certainly these buildings will come under no other and no different conditions than the law which authorizes the building of the navy-yard and the navy station, or the building of the naval department here in Washington. I submit that the law is ample and complete to authorize any necessary buildings and to improve this Naval Observatory department.

The CHAIRMAN. With the permission of the committee, the Chair desires to reserve its decision on this point of order. As gentlemen well know, there have been many decisions on both sides of the question, and if there be no objection the paragraph will be passed over and the decision rendered later.

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Contingent, Bureau of Supplies and Accounts: For freight and express charges, fuel, books and blanks, stationery, advertising, furniture for general storehouses and pay offices in navy-yards; expenses of naval clothing factory and machinery for same, postage, telegrams, telephones, tolls, ferriages, yeoman's stores, safes, newspapers, ice, transportation of stores purchased under the naval-supply fund, and other incidental expenses, \$200,000.

Mr. GAINES. Mr. Chairman, I move to strike out the last word. I see this section, among other things, provides for the expenses of the "naval clothing factory" and machinery for the same. The Government has gone so far as to manufacture naval clothing. In that connection I want to say that we are making at the navy-yard in Washington, this city, the finest guns in the world. Over at Rock Island, Ill., we are making the finest shooting irons, and in Springfield, Mass., we are doing the same thing; and the same principle of law and policy that applies in doing all this has been the one that the Democrats since 1896 have uniformly invoked when they have at every session of Congress spoken and voted for the building of an armor factory.

The power given the Secretary of Navy to erect and make armor, or the right to make, after such a factory is erected, would make the Government independent and not as we were, totally helpless, and secure for the Government reasonable prices in buying armor. On yesterday, Mr. Chairman, the gentleman from Illinois [Mr. Foss], who reports this bill, said that the Republican party in Congress was to be congratulated on the reduction in the cost of armor plate effectuated by Mr. Secretary Long, and that that reduction was superinduced by the fact that the Republican party had placed in the present law a provision that if the Secretary of the Navy found that he could not get proper armor at a reasonable price he should at once, at a cost of \$4,000,000, erect an armor-plate factory.

Mr. Chairman, I am willing to give due credit to the distinguished Secretary of the Navy for everything that he has done under the mandate of this law. I think he is a fine business and executive officer; but at no time has he favored a Government armor factory. I find that the committee in its report says that he is to be congratulated on securing armor plate for \$455.52 per ton for the Krupp armor and \$400 a ton for the Harvey armor; that he is to be congratulated for the exercise of such "excellent judgment, skill, and firmness" in getting this reduction from \$575, which he and the Republican party in Congress last session wanted us to pay.

Mr. Chairman, the \$400 proposition is one that Secretary Herbert recommended years ago, in 1896, when he was Secretary of the Navy. As matter of fact, he was the first one who suggested the enactment of a law giving the Secretary the power to erect an armor factory if reasonable prices were not obtainable, which is literally the law to-day in relation to armor plate; that is to say, that if Harvey plate—and that was the only plate that was then in use—could not be had at \$400 we should at once erect an armor-plate factory and make our own plate. I have his report here, and on page 44 he says:

I therefore recommend that, if Congress shall determine by law upon any limit of price to be paid, it shall also authorize the Department to erect or buy an armor plant, and a gun plant, and, if need be, to lease such plant or plants until it can construct its own.

He further says:

If the Secretary of the Navy should be given full power not only to erect, or buy, and to operate an armor plant, and also full power to contract for armor and gun steel as might seem to him to be for the interest of the Government, the situation would be better for the Government and for the contractors as well. Should contractors see that the Government is willing at all times to pay fair profits for these great necessities for self-defense, they may also come to feel when they see that the Secretary has full power in the premises that so long as they do efficient and faithful work at reasonable rates they will have Government patronage; and if the affairs of the Navy and of the War Department were thus conducted, upon a basis and at prices thoroughly understood by the public and the Government, relations could be established and maintained between the Government and those who would serve it in this respect which would be mutually advantageous.

This recommendation is the first of its kind, and the Democrats have uniformly favored it and the Republicans uniformly opposed it.

In the last report made by the distinguished gentleman from Illinois [Mr. Foss] to his party and to this House, he recommended the payment of \$575 a ton for armor plate, and opposed the armor-factory provision that the Democrats finally succeeded in incorporating in the last naval bill, now the law; yet the same committee, Mr. Chairman, comes in now and congratulates the present distinguished Secretary of the Navy that he is doing exactly what Secretary Herbert said years ago we should do. I congratulate the gentleman that their distinguished Secretary of the Navy and his party are following in the footsteps and going by the landmarks of this distinguished ex-Confederate soldier, statesman, and ex-Secretary of the Navy, Mr. Herbert.

While, as the report of the committee says—

It ought to be a matter of general congratulation that the armor-plate question has been settled through the skill, firmness, and excellent judgment

of the Secretary of the Navy in carrying out the evident purposes of Congress—

neither he nor his party surely can rightfully lay claim to the rich fruits of, nor share in the honor of, first bringing to light the armor-factory policy or plan that has protected the American people in these contracts from this oppressive and confessed armor trust. All honor to our distinguished Secretary of the Navy for all that he has well done, but I desire, Mr. Chairman, that at least a part of the honor should be shared by Secretary Herbert and the Democratic party, who first suggested this needed and great reform.

The Clerk read as follows:

Naval station, Cavite, P. I.: In general storehouses: One clerk, at \$1,000; 1 bookkeeper, at \$1,400; 3 assistant bookkeepers, at \$1,200 each, \$3,600; 1 shipping and bill clerk, at \$1,200; 3 storekeepers, at \$1,000 each, \$3,000; 1 receiving clerk, at \$1,200; 1 shipping clerk, at \$1,000; 1 assistant clerk, at \$1,000; two storemen, at \$900 each; in all, \$15,800.

Mr. GAINES. I would like to inquire of the gentleman in charge of this bill how this naval station at Cavite, in the Philippine Islands, is carried on now in reference to the matters embraced in the provision just read?

Mr. FOSS. We are occupying the old Spanish naval station.

Mr. GAINES. And this provision refers to the officers now in charge there, giving their present salaries?

Mr. FOSS. Yes. Most of these are provided for in the appropriation bill of a year ago; there are only two or three additions.

Mr. GAINES. Which are they?

Mr. FOSS. The two storemen, at \$900 each.

The Clerk read as follows:

Construction plant, naval station, Algiers, La.: Construction plant at naval station, Algiers, La., \$15,000.

Mr. GAINES. I wish to call the attention of the chairman of the committee to the language of the paragraph just read. There seems to be a repetition. It reads:

Construction plant, naval station, Algiers, La.: Construction plant at naval station, Algiers, La., \$15,000.

Mr. FOSS. The words in the first line are the heading.

Mr. GAINES. Then it is not paragraphed right?

Mr. FOSS. A similar use of language occurs in the paragraph immediately preceding, with reference to the naval station at Puget Sound. The \$15,000 appropriation for the naval station at Algiers, La., is for the construction of the plant itself.

Mr. GAINES. Then the first line of the paragraph should be a subhead, as it might be termed.

Mr. FOSS. Yes.

The Clerk read as follows:

In all for pay of civil force, \$22,636.23, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

The CHAIRMAN. The Chair is now ready to rule upon the point of order raised by the gentleman from Illinois.

The Chair understands that the Naval Observatory is an institution maintained on land belonging to the Government; that it consists of a group of buildings devoted to the scientific purposes which its title would indicate, and that the appropriation for its maintenance and improvement is made in the naval appropriation bill. The particular provision which is challenged is an appropriation for certain new buildings specified in the language of the provision. It is challenged under the second paragraph of Rule XXI, which provides as follows:

No appropriation shall be reported in any general appropriation or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

It has not been shown to the Chair that there is any law authorizing the erection of these buildings except the general law which authorizes the establishment and continuance of the institution itself; and the question at once arises, Does the appropriation come within the exception specified in the rule? In other words, is it a continuation of appropriation for a "public work or object already in progress?"

What, then, is a "public work or object in progress?" A resort to all the decisions upon that part of the rule would simply result in disclosing a contradiction which could not be reconciled. There are many decisions upon the one side and the other of the question which it would be utterly impossible and indeed unprofitable to review at this time, because such a review would disclose nothing but contradiction and darkness. Accordingly the Chair has confined his attention to the precedents which most nearly resemble the case under discussion.

The Chair has found two precedents which may be claimed to sustain the point of order made by the gentleman from Illinois. The first is a ruling made by Mr. HOPKINS of Illinois, in the first session of the Fifty-fourth Congress, to be found on page 1192 of the RECORD for that session. In that case an amendment providing for the establishment of a manual-training school had been offered, and a point of order was made against it. It appeared

that the general object of educating the Indians was carried on at the place where this training school was intended to be located, but that no education of the class or kind described in the amendment had yet been undertaken. Upon that ground it was pressed upon the Chair that the amendment provided for something other than a "public work or object in progress," and upon that ground, apparently, the point of order was sustained.

The other precedent upon that side of the question is a ruling made in the first session of the Fifty-sixth Congress (RECORD, page 3993) by the Chairman, Mr. O'GRADY, in which he sustained a point of order against a provision for laboratories for the Department of Agriculture. The point of order was sustained without any discussion and without the assignment of any reason by the Chair.

On the other hand, there are many precedents tending the other way. The Chair will allude to some of them. The first precedent was on January 12, 1889, when it was held by Mr. Kilgore, of Texas, that a provision for the erection of a building on public grounds at Westpoint was in order under the rule.

Again, on March 30, 1898, an amendment was offered for the erection of a new building at the Naval Academy at Annapolis. A point of order was made by the gentleman from Illinois [Mr. CANNON] against the amendment, and after debate it was ruled by Mr. SHERMAN of New York, then occupying the chair in Committee of the Whole, that the amendment was in order, following the precedent to which the Chair has just alluded.

In 1892, on March 2, Mr. RICHARDSON of Tennessee being in the chair, a paragraph for the erection and completion of a suitable building or buildings on the United States Reform School farm in the District of Columbia was under consideration. The point of order was made against the provision, and after some discussion as to the point of order, the Chairman—as a doubtful question—submitted the consideration of the point of order to the committee. By a vote of 27 ayes to 72 noes it was held by the Committee of the Whole that the amendment was in order. On May 3, 1900, Mr. DALZELL held that an appropriation for the erection of outbuildings for the Bureau of Engraving and Printing was in order in the sundry civil bill.

The last precedent to which the Chair will direct the attention of the committee was a ruling by Mr. PAYNE of New York, in the first session of the present Congress, as appears by the RECORD, page 4396 and page 4443. A paragraph in the naval appropriation bill was under consideration providing for the construction at the Naval Academy of cadet quarters. A point of order was made against the paragraph, and considerable debate took place thereon. The question was reserved by Mr. PAYNE until the next day, when he rendered a decision evidently carefully prepared and after consideration. The Chair will read the closing words of that decision:

If this were a new proposition, the Chair would hesitate to declare it in order. But the Chair feels bound to follow the precedents which have been set and acquiesced in by Congress, and therefore overrules the point of order.

It is impossible for the present occupant of the chair to distinguish this case from those of the Naval Academy or the Military Academy to which reference has been made, and while a literal reading of the rule and the construction of the rule which the Chair knows is followed by at least one committee of the House would lead him to the conclusion that the paragraph was not in order, yet the precedents which the Chair has laid before the committee constrain the Chair, in obedience to the salutary principle that a well-settled construction of a rule is a part of the rule itself, to overrule the point of order.

Mr. CANNON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The paragraph will be reported.

The Clerk proceeded to read the paragraph.

Mr. FOSS. Mr. Chairman, I suggest to my colleague from Illinois that his motion be allowed to stand, to strike out the paragraph, with the privilege of recurring to it later, so that we may proceed with the other portions of the bill.

Mr. CANNON. I have no objection to that.

The CHAIRMAN. Without objection, the motion to strike out will be considered as pending, with the privilege of recurring to the paragraph hereafter.

There was no objection.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For repair of barracks, Marine Corps: Repairs and improvements to barracks and quarters at Portsmouth, N. H.; Boston, Mass.; Newport, R. I.; New York, N. Y.; League Island, Pa.; Annapolis, Md.; headquarters and navy-yard, District of Columbia; Norfolk, Va.; Port Royal, S. C.; Pensacola, Fla.; Mare Island, Cal.; Bremerton, Wash.; and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Philippine Islands, at Guam, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and other public buildings, \$20,000.

Mr. KING. Mr. Chairman, I wanted to ask my friend the

chairman of the committee a question. I notice here an appropriation for Port Royal. I desire to know whether the published report is correct that an investigation has recently been had and that the Navy Department has concluded to abandon Port Royal?

Mr. FOSS. I have not examined the report carefully, but it has come to the knowledge of the committee during the last few days, I understand, that a majority of the board are in favor of changing the navy-yard from Port Royal to Charleston.

Mr. KING. That was the understanding which I had, and I wondered why, if that policy was to be pursued, it was necessary to make an appropriation for the repair of this yard or for the maintenance of it.

Mr. FOSS. What item is that?

Mr. KING. Port Royal. In this item appropriating for repairs Port Royal was included.

Mr. FOSS. Oh, I would state to the gentleman that this is the section providing for repairs of barracks generally, which has been in here year after year, and we include all of the barracks. I do not imagine that there will be any necessity for repairing the barracks at Port Royal this year. But it has been a general law which has been in the bill for a number of years.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEATWOLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House was requested:

Senate concurrent resolution 86.

Resolved by the Senate (the House of Representatives concurring), That of the document known as the Documentary History of the Constitution of the United States 7,000 copies be printed, of which number 2,000 shall be for the use of the Senate, 4,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of State.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the concurrent resolution of the Senate, No. 93, to observe the 4th day of February next, being the one hundredth anniversary of the day when John Marshall became the Chief Justice of the Supreme Court of the United States.

The message also announced that the Senate had passed with amendments the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, chairman of the Committee on Agriculture, reported from that committee the bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the committee only rose informally. I do not know what this is.

Mr. WADSWORTH. It is simply the reporting of the Agricultural appropriation bill.

Mr. RICHARDSON of Tennessee. I do not object, but I want to reserve all points of order on the bill.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON of Tennessee. I reserve all points of order on the bill.

Mr. WADSWORTH. I desire to give notice that I will call up the bill to-morrow immediately after the reading of the Journal, or immediately after the completion of the naval bill, if that bill is not finished to-day.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two unshathed seagoing battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about 14,000 tons each, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$3,850,000 each; two unshathed armored cruisers, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about 14,000 tons each, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$1,000,000 each; and the contracts for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and not more than one of said battle ships and not more than one of said armored cruisers herein provided for shall be built in one yard or by one contracting party; and in the construction of all said vessels all the provisions not inconsistent herewith of the act of June 7, 1900, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes," shall be observed and followed; and subject to the provisions hereinafter made, one and not more than two of the aforesaid battle ships and armored cruisers shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith: *Provided*, That if it shall appear to the satisfaction of the President from the biddings for such contracts, when the same are opened and examined by him, that said vessels, or any of them, can not be constructed on or near the

coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the other vessels provided for in this act, he shall authorize the construction of said vessels, or any of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

Mr. CANNON, Mr. RIXEY, and Mr. FITZGERALD of New York rose. The CHAIRMAN. Did the gentleman from Illinois [Mr. CANNON] desire to reserve a point of order?

Mr. CANNON. No; I desire to offer an amendment.

Mr. RIXEY. I desire to offer an amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Virginia [Mr. RIXEY], a member of the committee.

Mr. RIXEY. My motion is to strike out the whole of that paragraph, beginning with line 22 on page 62, and ending with line 11 on page 64.

Mr. FITZGERALD of New York. I have an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] has suggested an amendment, which would, of course, be in order before the motion of the gentleman from Virginia to strike out the paragraph.

Mr. RIXEY. I would like to know if this motion will be in order after the amendments are voted upon? I am ready to submit the motion now.

The CHAIRMAN. The motion is in order now, but will be put after the amendments suggested by the gentleman from Illinois [Mr. CANNON] and the gentleman from New York [Mr. FITZGERALD] have been voted upon.

Mr. RIXEY. Mr. Chairman, this, the annual appropriation bill, carries \$77,016,635.60 for the support of the naval establishment. The title of the bill is somewhat misleading. The bill could well be subdivided, and I think should be.

(1) The pay of the Navy, including repairs for ships and for the upbuilding and maintenance of the shipyards;

(2) Payments on contracts in existence for the building of vessels authorized in former bills, and

(3) The authorization of new vessels, called the increase in the Navy, and for men to man them.

These matters, I submit, should be covered by several bills, when they would doubtless receive better consideration.

The Navy Department is organized upon the bureau system. Besides the Secretary and Assistant Secretary there are eight bureaus, a majority of which are presided over by admirals. Each bureau is supposed to be distinct from every other, but they interlap, and there are jealousies. Such a system must necessarily result in the multiplication of officers and expenses. It seemed to some of us that all these bureaus should be consolidated. The heads of these bureaus are, as was said by the Secretary of the Navy, practically assistant secretaries. It is unheard of in the history of governments that we should have a Secretary and nine assistant secretaries. In his report to the first session of the Fifty-sixth Congress Secretary Long recommended that three of these bureaus should be consolidated, viz, Construction and Repair, Steam Engineering, and Equipment.

No attention seems to have been given to that recommendation.

Again, in his report to the present session of Congress, the Secretary recommends the consolidation of these bureaus. It is proper to state here, however, that the admirals of the bureaus, so far as heard from, seem to be opposed to the consolidation, Admiral Bradford being of the opinion not only that his bureau should not be consolidated, but that he should have an assistant to preside in his absence, and in addition that a new board of five officers should be created to settle the conflicts which may arise between the several bureaus. The remedy for the existing conditions is not to aggravate the trouble, but remove the seat of the disease. Abolish or consolidate the bureaus.

First. As to the pay of the Navy and for repairs to ships and expenses of the navy-yards, we are compelled to follow to a great extent the recommendation of the Navy Department and its several bureaus. For instance, a portion of the committee desired to authorize an increase of not more than 2,500 men by this bill, but the Navy Department pointed out very convincingly that 5,000 men were now needed to man the ships soon to be ready for commission. The ships being ordered, the men must be furnished, for ships without men would be as useless as guns without powder. The bill therefore authorizes the augmentation of the present force by 5,000 more enlisted men.

We now have some six navy-yards on the Atlantic coast and two on the Pacific, all kept in a high state of perfection. The highest talent is employed and the most modern machinery and tools are provided, without regard to expense. And yet these navy-yards are not allowed to build any portion of the ships which are annually authorized to be paid for by the Government. Is this right? It is in the interest, of course, of the private ship-building concerns of the country. But is it in the interest of the taxpayers?

At a hearing on this subject in 1899 had by the committee we had the most accomplished constructors of the Navy before the committee, and they were unanimous in the opinion that the Government could build in its navy-yards any vessel which floats and that it would be to the interest of the Government to do so.

Can anyone doubt as to the interest of the Government? The Government is compelled to maintain these expensive plants. It would thus save the interest on the investment, which has to be borne by the private companies.

The first great battle ship of the new navy was built by the Government, and there were other ships.

Gentlemen may say it will cost the Government more to build them than to have them built. I do not believe it. Why not at least give it a trial?

Admiral O'Neil says the Government can manufacture smokeless powder more cheaply than private manufacturers. In his hearing he said:

The price has been a great deal cheaper than that bought outside. We can not, however, expect private manufacturers to sell it as cheap as we can make it, on account of the risks involved, the capital invested, insurance, taxes, etc., and they must make some profit.

He says the Government can also make guns cheaper.

Mr. LOUDENSLAGER. Why do you strike out the last part of the clause?

Admiral O'NEIL. Because the Bureau is importuned so much by outside parties who want to make guns. The Government can make the guns cheaper and better than private parties, who must make a profit and have to pay insurance, taxes, interest on money invested in plant, etc. At the present time some guns and mounts are being made under contract to the extent of over \$100,000.

Mr. LOUDENSLAGER. Do the outside contractors ever deliver guns before the time limit required by the Department?

Admiral O'NEIL. Not to my knowledge.

The CHAIRMAN. They usually ask for extension?

Admiral O'NEIL. Yes, sir; almost always.

If the Government can manufacture its powder and make its guns cheaper, it can also build its ships and manufacture its armor plate cheaper.

All of the great powers in Europe build a portion of their ships in their navy-yards, and why should we not do the same? Free ourselves from the clutches of the giant ship and armor-plate concerns, and we would.

Second. This bill carries millions of dollars to be paid on contracts for ships already authorized.

The whole country is stirred as to the fate of the ship-subsidy bill, which will provide, I understand, for the payment of \$9,000,000 annually as subsidies for ships. This, the naval bill, carries millions of dollars to shipbuilding concerns. Can we not form some idea of why we every year authorize the building of at least four and sometimes more ships, to cost at least \$25,000,000?

It is charged in the public press, and very generally believed—I do not know as to the truth—that the ship-subsidy bill for nine millions is backed by a great lobby promoted by those who will be interested in the subsidy. If so, is it to be supposed that these shipbuilding and armor-plate concerns, which are interested in the \$25,000,000 ship contracts annually authorized, are any the less neglectful of their interests? The pressure to build ships is something enormous. Public opinion is manufactured, and the pressure seems irresistible. A man who expresses doubt as to the propriety of building more ships until we have completed some already authorized is regarded not only as an enemy of the Navy, but of the Government. It is easier, far easier, to go with the tide than against it.

What is the remedy for this condition of affairs? Remove the interest of these great shipbuilding concerns. Cease to make the annual payment to them of millions of dollars. Can we expect disinterestedness on their part or on the part of the two great armor-plate establishments which have recently received contracts for armor plate to the amount of \$16,376,741, and which hope to receive others before these contracts are completed?

As ships are built armor must be furnished. Between the pressure of the ship concerns and the armor-plate monopoly it is no wonder that Congress will probably appropriate annually \$25,000,000 for ships and armor plate.

Let the Government build its own ships and have its own armor-plate factory, and then we may expect to have the unbiased, uninfluenced opinion as to the needs of the Government in a proper increase in the Navy.

Third. This bill authorizes the building of 2 battle ships and 2 armored cruisers, making 4 battle ships. These vessels will cost not less than \$25,000,000.

No evidence was taken by the committee as to the necessity for these ships. It does seem to me on such an item the members of the several boards should have been examined. The only information we had upon this subject was the report of the Secretary, transmitting the several reports of the several boards.

Why were not some of the gunboats authorized? All the boards agreed in recommending at least six gunboats. They would cost comparatively small sums. Do the ship concerns want contracts for small boats? Undoubtedly they are not as desirable as contracts for large ones.

A former Secretary of the Navy, Hon. WILLIAM E. CHANDLER, the best posted man, perhaps, on naval affairs outside of the Navy Department, has this to say in a recent magazine article:

The twentieth century is destined to witness some very important new departures in the art of naval warfare, and the most notable of these may

be the disappearance of armored ships. My notion is that fifty years hence the armor-clad fighting vessel will be as completely out of date as is the armor-clad fighting man to-day. Soldiers are no longer protected in battle by suits of mail, because they prefer to take their chances of being wounded or killed rather than carry the weight and suffer the incidental impediment to their activity. To the war ships of the future the same idea will be considered as applying, and in order to inflict the utmost possible damage upon the enemy, they will accept great risks fearlessly, relying for safety upon rapidity of movement, skill in maneuvering, and, above all, a dexterity in a sea fight which shall accomplish the destruction of the adversary before the latter can succeed in striking a deadly blow.

If my theory be correct, the armored ship of the twentieth century will be regarded like the mail-clad fighting man, as a relic of the past, and the war vessel will take its chances in conflict just as the soldier does to-day. Perhaps the war ship may retain a light protective coat, very strong for its thickness, but the enormously heavy plates now in use will be dispensed with, simply for the reason that they interfere too much with the activity and serviceableness of the dirigible floating platform which carries the guns. Our new battle ship, the *Kearsarge*, carries no less than 2,700 tons of armor, a weight so gigantic as to render her clumsy and sluggish.

Already our own Navy Department has come to realize that armor has been overdone, and the thickness of the steel plates is to be much reduced in the newly ordered war ships. This unquestionably is a step in the right direction. One trouble about the modern battle ship is that in a sea way she finds difficulty in fighting her guns, because she rocks so much, and it has been asserted by experts that a cruiser like the *Brooklyn*, having a higher free board and therefore a more stable gun platform, could stand off at long range in rough weather and "knock out" the most powerful battle ship, which would be as helpless under such circumstances as a cow attacked by a tiger cat. It is not sufficient to be formidable merely in defense; readiness to attack, which in a war vessel implies nimbleness, is at least equally important.

According to my notion, it will be thought fifty years hence that \$6,000,000 is too large a sum to risk in a single war ship, and that it is better to build two or three of less size for the same money. I am strongly inclined to think that, under twentieth century conditions, two or three comparatively small fighting vessels, powerfully armed and very speedy, may do much more execution and accomplish more effective results than one huge floating fortress. One trouble about modern battle ships is that they are apt to be obsolete by the time they are finished, and a few years hence we may find our boasted sea fighters relegated to rust in the navy-yards alongside of the old-time wooden frigates. It is the experience of foreign nations that any type of ironclad vessel becomes so out of date in about ten years as to be almost useless.

To the same effect is the statement of 10 members of the advisory board in 1882.

"It is the experience of foreign navies," the board says, "up to the present time that any type of ironclad vessels introduced becomes so inferior as to be almost obsolete for general purposes in a period of about ten years."

If these statements are correct, it shows the unwisdom, on the part of the Government, of the authorization at this time of these four war ships, costing \$25,000,000 or more. They can not be built at present. The private shipyards are already filled for five years. The committee will not consent to build in the Government yards. Five years hence another type may be needed.

The bill carries \$15,125,684 for pay of the Navy, which includes the pay for 5,000 enlisted men authorized by this bill. If you build ships you must provide men and pay them.

I quote from Admiral Crowninshield's hearing, page 1:

The estimate of \$15,125,684 for pay of the Navy includes an estimate for pay of the 5,000 additional men requested, but does not include the pay of the additional number of officers requested.

The following is a list of vessels now under construction, which are to be completed by July 1, 1902, and which will require to be commissioned by that date, with the number of men required for each:

	Men
Illinois.....	400
Wisconsin.....	400
Ohio.....	400
Arkansas.....	125
Nevada.....	125
Florida.....	125
Wyoming.....	125
Denver.....	300
Des Moines.....	300
Chattanooga.....	300
Cleveland.....	300
Galveston.....	300
Tacoma.....	300
16 destroyers.....	960
15 torpedo boats.....	450
7 submarines.....	40
Total.....	4,950
One-tenth reserve.....	405
Total.....	5,445

The 4,950 men will be actually required to man the above-named vessels. In addition, a reserve of one-tenth for those sick and incapacitated or on board receiving ships awaiting transfer brings the total up to 5,445.

It is unlikely that all of the torpedo-boat destroyers and torpedo boats will be in commission at one time, and the 5,000 men requested will therefore be sufficient and no more than sufficient to man the above-named vessels.

These are required for the new vessels to be completed by July 1, 1902.

In addition to this the Admiral says, in regard to vessels now under repair, that 6,671 more enlisted men will be required to man them.

As to officers, he says:

The following table, similar to the one first exhibited above in the case of men, shows the number of line officers, principally of the lower grades (lieutenant, junior lieutenant, and ensign), that would be required to man the

ships now under construction that will be completed by July 1, 1902, and which must be commissioned by that time:

	Officers.
Illinois.....	17
Wisconsin.....	17
Ohio.....	17
Arkansas.....	7
No. 8.....	7
Florida.....	7
Wyoming.....	7
Denver.....	12
Des Moines.....	12
Chattanooga.....	12
Cleveland.....	12
Galveston.....	12
Tacoma.....	12
16 destroyers.....	48
15 torpedo boats.....	30
7 submarines.....	7
Total.....	236
One-fourth reserve.....	59
Grand total.....	295

To the 236 officers required to actually officer the above-named vessels a reserve of one-quarter has been added as being the number necessary to allow for those sick, otherwise unemployed, performing travel to and from ships, and a slight necessary increase of the administrative force at navy yards, at the Naval Academy to train the additional number of cadets, and elsewhere throughout the Navy.

The following list, similar to the second one exhibited above in the case of the men, gives the number of officers required to officer the vessels now repairing and out of commission. The total of these two lists, 596 officers, shows clearly that the Bureau's request for 300 additional officers is conservative in the extreme. Were there any way of satisfactorily educating these 596 officers by the time that they are sure to be needed, the Bureau would unhesitatingly ask for an increase of 600.

On page 5 he says a further increase in officers and men of over 6,000 will be needed for the vessels already authorized and to be completed by July 1, 1905. This would necessitate an increase over the present force of over 15,000 men besides officers.

The building of ships is not the end of the expense. It is but the beginning, heavy though it is.

The foregoing recommendations, he says, in regard to the immediate increase of officers and men are based upon conservative estimates of the numbers necessary to be immediately available to officer and man vessels before July 1, 1902.

The following list of vessels to be completed by July 1, 1905, with the number of officers and men required for each, will indicate that a further increase of officers and men must shortly be expected, and will emphasize the necessity for adopting the foreign policy of authorizing the increase in personnel corresponding to increase of tonnage:

Vessels.	Officers.	Men.
Maine.....	17	450
Missouri.....	17	450
Georgia.....	17	450
New Jersey.....	17	450
Pennsylvania.....	17	450
Virginia.....	17	450
Rhode Island.....	17	450
California.....	15	400
Nebraska.....	15	400
West Virginia.....	15	400
Maryland.....	15	400
Colorado.....	15	400
South Dakota.....	15	400
St. Louis.....	12	300
Milwaukee.....	12	300
Charleston.....	12	300
Total.....	245	6,450

This does not include estimates for vessels probably to be authorized during the present session of Congress.

Mr. Chairman, on yesterday the gentleman from Connecticut [Mr. HILL] asked the chairman of the Committee on Naval Affairs [Mr. FOSS] how many vessels were now under construction for the United States Government. I do not know that an answer was given to that question. By referring to a statement of Admiral O'Neil before the subcommittee I think we can get the number of vessels. On page 17 of the printed hearing a question was asked him as to the armor and armament, the item of \$4,000,000. Mr. LOUDENSLAGER said:

That is the regular one?

Admiral O'Neil said:

That is simply to carry on the current work on thirty or forty new ships. The CHAIRMAN. That includes all the ships authorized last year?

Admiral O'NEIL. Yes, sir; includes everything authorized to date and takes in a large number of vessels.

Mr. LOUDENSLAGER. And it will take this amount of money to keep up the contracts?

Admiral O'NEIL. Yes, sir. Last year we practically finished the *Illinois*, *Alabama*, and *Wisconsin*, 3 battle ships. We did not spend much money on torpedo boats. We now have the *Maine*, *Missouri*, and *Ohio*, 4 monitors of the *Arkansas* class, and 6 cruisers of the *Denver* class under way, and here are all these new battle ships and cruisers for which bids are to be opened to-morrow—11 large vessels. We are just now beginning to buy the material for these ships. On the 12th of this month we are going to open bids for

the 12-inch gun forgings for the new battle ships. About \$4,000,000 is what we need annually under "Increase of the Navy." Perhaps we will need more in a year or two, as the work progresses on the larger and more costly vessels.

Then follows a list of the vessels given by the Admiral.

In connection with this matter I desire also to call the attention of the committee to the statement of Admiral Hichborn as to what would be needed for the Bureau of Construction and Repair, one of the eight bureaus of the Navy. He says, under the head of estimates of the amount to be expended in 1901, 1902, 1903, and 1904 in appropriations for the purposes of naval construction and of machinery for the vessels named on page 36, that this bureau, for the four years ending 30th of June, 1904, will need the enormous sum of \$46,618,422. That amount is for one bureau alone and for the contracts already in existence. On page 37 he says that for the two Bureaus of Construction and Repair and Steam Engineering for two years there is needed the sum of \$40,826,726, and this bill carries \$21,600,000 for those two bureaus for this year.

On the same line, Mr. Chairman, I desire to call attention to the statement by the chief of another bureau, the Bureau of Equipment. On page 2 the Admiral says that during the year commencing with 1890 the Bureau of Equipment had \$1,101,513.83; Ordnance, \$264,287.74; Steam Engineering, \$623,000; Construction and Repair, \$1,259,972.50. He then complains that his bureau has not kept pace with the expenditures of the Bureau of Construction and Repair and the Bureau of Ordnance; and he appends a table to show how these expenses have increased. In 1890, he says, the Bureau of Equipment spent \$1,101,513.83; in 1901, \$3,761,302.32. The Bureau of Ordnance in 1890 spent \$264,287.74; for the present year it has \$2,302,624. The amount for Steam Engineering in 1890 was \$626,000; for the year 1901, \$2,574,300. The Bureau of Construction and Repair in 1890, \$1,259,972.50; for the present year, \$6,025,824.25.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Kentucky. I ask unanimous consent that the gentleman's time be extended until he concludes his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. RIXEY. Mr. Chairman, within the past sixty days contracts have been entered into by this Government for the building of five battle ships and six armored cruisers. While they are called armored cruisers, they are battle ships in everything except the name. They cost as much as battle ships and are only useful in times of naval warfare. These ships will cost not less than \$50,000,000, and possibly \$60,000,000 to complete. They can not be completed within the next three years, the limit, I believe, being 1904. Of these contracts, Colonel Trigg, of the Richmond Locomotive Works, himself the head of a shipbuilding plant, is reported in one of the daily papers to have said:

The bids for the 11 war ships, which will be opened within a few days, cover the largest transaction of that character I ever knew of in the history of the world. The contracts for 5 battle ships and 6 cruisers, at a probable cost of \$44,000,000, will be let. I do not believe there was anything like it ever in the history of the building of the English navy or of any other.

I ask, Mr. Chairman, in view of the fact that we have, within the past sixty days, contracted for the construction of 11 ships—5 battle ships and 6 armored cruisers—which will cost, including armor and armament, not less than \$50,000,000, and possibly \$60,000,000, why should we crowd the shipyards with another contract for 4 more ships, to cost probably \$25,000,000? I do not know whether the shipyards can build them. I suppose they are already crowded beyond their capacity, but, if they can build them, of course advantage will be taken of the fact that we are crowding the yards, and they will crowd the Government on the prices demanded.

Mr. WHEELER. Will the gentleman permit me to ask him a question?

Mr. RIXEY. Certainly.

Mr. WHEELER. Is the gentleman's objection to the bill because the yards of the Government are already supplied with all the work they can do, or does his objection go to the fact that he is opposed to the construction of other battle ships and cruisers?

Mr. RIXEY. Mr. Chairman, I am not opposed to the construction of battle ships and cruisers whenever this Government needs them. But I say when we are building the great number recently contracted for, and when we have within sixty days made contracts amounting to \$50,000,000 for battle ships, we can wait six months longer.

Mr. WHEELER. Who is to be the judge of the necessities of the Government? Are we not compelled to rely to some extent on the Secretary of the Navy and the heads of the Departments as being persuasive in coming to judgment on the question of what is necessary?

Mr. RIXEY. In answer to my friend, I will say that the Committee on Naval Affairs has to exercise its judgment, and this House has to exercise its judgment, and every individual has the right to express his opinion as to that matter.

Mr. WHEELER. Surely the gentlemen will not think that I question his right in the matter; but what I ask is, what the gentleman has predicated his judgment upon?

Mr. RIXEY. Will the gentleman now permit me to ask him a question?

Mr. WHEELER. With pleasure.

Mr. RIXEY. If we are to follow the lead of the Navy Department, did not the Navy Department not only recommend these large ships, but recommend gunboats and many other small ones? Why did not the committee follow the recommendation of the Secretary of the Navy on the gunboats and small vessels?

Mr. WHEELER. For the reason suggested by the gentleman. The reason prompting the Secretary of the Navy in recommending the construction of gunboats is apparent to every member of the House. He desires to use them in Manila and the insular possessions, and the Committee on Naval Affairs thought that the construction of vessels for the whole Navy was better than to construct vessels simply for the suppression of the insurrection in the Philippine Islands.

Mr. MEYER of Louisiana. May I ask the gentleman from Virginia a question?

Mr. RIXEY. After I reply to the gentleman from Kentucky. As far as I am concerned, the recommendation of the Secretary of the Navy in regard to gunboats strikes me with a good deal of force. He says we need the gunboats to patrol the coast of the Philippine Islands; gunboats can go where the big battle ships can not go. They would be useful now in the war which we are conducting with the Philippine Islands, and the great battle ships would be absolutely useless for that purpose.

Mr. WHEELER. I did not understand that my friend was in favor of the war which is being conducted there.

Mr. RIXEY. I am not in favor of the war; but as long as this Government is conducting it, I would stand by the Government until it was at an end.

Mr. WHEELER. Right or wrong?

Mr. RIXEY. Right or wrong, as long as our flag floats there I would stand by it. [Applause.]

Mr. WHEELER. In view of the applause I will say that I am unwilling to support my Government in any enterprise where it is fundamentally wrong. [Applause.]

Mr. RIXEY. Where nations are concerned I go further, and say that I indorse the sentiment "My country, may she e'er be right; but right or wrong, my country." [Applause.]

Mr. WHEELER. For the preservation of my country I echo that sentiment; but for the subjugation of a few helpless, naked savages, not to be regarded as enemies, I draw the line between brutality and oppression and the liberties and dignity of my country. [Applause.]

Mr. RIXEY. We can fight out here whether or not this war should be conducted, but while any war is conducted by authority of this country, I say it is the duty of every patriot to stand by his country whether he approves of the war or whether he does not. [Applause.] My opposition, Mr. Chairman, to the building of these ships at the present time is not that we may not need battle ships in one or two years, but in view of the great contracts already outstanding there is no necessity for authorizing these battle ships at this time.

Mr. SMITH of Kentucky. Will the gentleman let me ask him a question?

Mr. RIXEY. Certainly.

Mr. SMITH of Kentucky. I want to hear some member of the committee address himself to the proposition as to where we are going to stop in this increase of our Navy. Now, as I understand the gentleman, there is but little distinction between what is called first-class battle ships and the second-class battle ships and armored cruisers.

Mr. RIXEY. That is correct.

Mr. SMITH of Kentucky. I see in the statement made by the committee that we have 14 first-class battle ships; 3 first-class battle ships, sheathed; 1 second-class battle ship; 5 armored cruisers; and 3 armored cruisers, sheathed. That makes 26 battle ships, practically, as I understand it.

Mr. RIXEY. I think the gentleman is correct.

Mr. SMITH of Kentucky. Now, I want to know where this thing is going to stop. Has the committee considered the question as to whether or not we have not a sufficient Navy?

Mr. GAINES. If they get us into another war we shall not stop at all.

Mr. SMITH of Kentucky. I want to hear some member of the committee speak upon this branch of the question. We have gone from an expenditure of twenty-three millions four or five years ago for the Navy up to practically in this bill seventy-seven millions, and the authorization of contracts for four vessels that will probably amount to about thirty millions, authorizing an expenditure of practically one hundred and seven millions. That looks to me to be a long leap to take in the way of expenditure within the short space of four or five years.

Mr. RIXEY. Mr. Chairman, I would be glad to be able to reply to the gentleman from Kentucky as to where we might expect to put the limit, but I am unable to give him any assurance as to where the limit will be placed. At least one member of the committee, yesterday afternoon, on the floor of this House, said he was in favor of this country having the biggest navy in the world. Of course, that sentiment has many followers. I do not myself believe that we need the biggest navy in the world any more than we need the largest army in the world. The war Great Britain is conducting to-day in South Africa is not fought by her navy but by her army, and the war which this country is conducting in the Philippine Islands is not fought by the naval branch of the Government but by the army. We have to have both an army and a navy, and while I do not believe in increasing the army of this country—whilst I believe that the peace footing of 1896 is sufficient—I insist, so far as my opinion goes, that there is no more necessity for our having the greatest navy of the world than there is for our having the greatest army of the world.

Now, Mr. Chairman, with our shipyards filled with work for the next four years, are we to authorize the construction of four more great ships which can not possibly be built within four years and the contracts for which I doubt not (because it is so stated in the press, I suppose, by authority) are to be let upon the plans and specifications which were used in the recent contracts? By the time these ships will be ready for use later inventions may perhaps make it inadvisable that they should be built.

I indorse what my friend from Kentucky [Mr. WHEELER] said yesterday in regard to the opinion of Mr. Calhoun and Mr. Whitney, and I am willing to follow them. But I have yet to find that either of those gentlemen said that we ought to have the biggest navy of the world.

Mr. WHEELER. Will the gentleman pardon me a moment?

Mr. RIXEY. Yes, sir.

Mr. WHEELER. In the speech of Mr. Calhoun from which I quoted yesterday, he said the Government's capacity to build ships should be limited only by its revenue and its ability to man the vessels it constructs. That speech was delivered in 1816. I ask the gentleman to stand by his declaration, that he is willing to follow Mr. Calhoun, and that he indorses the position which I took on this floor yesterday in quoting him.

Mr. RIXEY. I think we have reached at the present time the point which Mr. Calhoun indicated. When we have within the past sixty days contracted for battle ships to cost \$60,000,000, I think we can wait twelve months before authorizing the construction of more of such vessels.

I will remind my friend that the race is not always to the swift, nor the battle to the strong.

In the battle of Salamis the Greeks had 271 and the Persians had 1,207 vessels. The Persian fleet was destroyed.

In the attempted invasion of England by the great Spanish Armada the English had 80 vessels and Spain had 130, and 50 of the English vessels were little more than yachts of the present day. The English were completely victorious.

In the battle of Trafalgar, fought in 1805, the English had 27 and the French 33 vessels. The French were routed, and history records that from that day Napoleon thought but little of the navy.

In the war of 1812 Great Britain had 1,048 ships and the United States had only 17; Great Britain had 27,800 guns, we had 442; Great Britain had 151,572 men, we had 5,025; the ships of Great Britain were of 860,990 tons displacement, while those of the United States were only of 15,300 tons; and yet before 1813 the naval supremacy of Great Britain was destroyed.

In the civil war the South had practically no navy. As an illustration of what consternation a new vessel may cause, it is related that after the destruction of the *Congress* and the *Cumberland* by the ironclad *Merrimac* a Cabinet meeting was called by Mr. Lincoln. Secretary Welles relates the following:

The *Merrimac*, said Stanton, will change the whole character of the war. She will destroy seriatim every naval vessel; she will lay all the cities on the seaboard under contribution. I shall immediately recall Burnside. Port Royal must be abandoned. I will notify the governors and municipal authorities in the North to take instant measures to protect their harbors. He had no doubt, he said, that the monster was at this moment on her way to Washington, and, looking out of the window, which commanded a view of the Potomac for many miles, "Not unlikely we shall have a shell or cannon ball from one of her guns in the White House before we leave the room." Mr. Seward, usually buoyant and self-reliant, overwhelmed with the intelligence, listened in responsive sympathy to Stanton and was greatly depressed, as were, indeed, all the members.

Something more is necessary than for us to add to the ironclads of this country. We have now a navy able to compete with that of any nation on the face of the earth. I am willing that we should have every safeguard and every means of defense that is needed for this country. But the point I make is that we should defer the authorization of more ships for the present.

Mr. KING. Is it not a fact that our Navy is to-day the superior of any other on earth, unless it be that of Great Britain?

Mr. RIXEY. I understand our Navy stands either third or fourth in the list of all the navies in the world.

Mr. KING. I think it is second.

Mr. RIXEY. With the ships already authorized we have a great and powerful navy, able to maintain and enforce respect for the dignity, honor, and security of American interests.

We do not wish to aggressively provoke wars, and we are equally sure that no nation cares to provoke the United States to mortal combat.

Our Navy is a new one. It consists of the best ships and the best men. With the completion of the ships already authorized, it can not only compete with any other, but can defend the interests of the United States from the aggression of any other nation.

If I thought that these ships were needed for the Navy, I would vote for them as quickly and as cheerfully as I voted the fifty million for defense. No man is readier to uphold the authority of this Government and provide for the protection and enforcement of all of the rights of its citizens. We will uphold and follow the emblem of our sovereignty wherever it leads. We will settle our difficulties at home. Differing as to our domestic policy I condemn in the strongest terms the spirit of foreign aggrandizement now rife in the land; I condemn the contention that we can have colonies under any circumstances or in any clime. Equally do I insist that it is not to our interest to have territories in foreign lands, but when it comes to a foreign enemy at war with this country we give a united, solid, loyal defense of the flag wherever it is placed by the authority of the United States. [Applause.]

Mr. WHEELER. Mr. Chairman, I do not desire to trespass upon the time and patience of the committee by repeating what I said yesterday; but in view of the attitude of my colleague on the committee [Mr. RIXEY], I wish to criticise a few of his statements.

I can scarcely understand the logic of his position when he declares, in the first place (concurring with my remark of yesterday), that the judgment of naval experts is that the life of an ironclad is fifteen or sixteen years, and then follows that declaration with the statement that we have enough ships in our Navy now to compete with the world, although he knows that it takes between five and six years from the time a vessel is laid down to put it in commission; so that, as a matter of fact, the vessels authorized in this provision will scarcely be ready for sea until vessels which are now the pride of the American Navy are ready to go upon the docks as useless.

The gentleman says I declared I was in favor of our country having the greatest navy in the world. I repeat that statement. And again I cite him to the language of Mr. Calhoun, who said that our construction of ships should be limited only by our capacity to pay for them and to man them.

Mr. GAINES. Have we kept our Navy up to that standard?

Mr. WHEELER. No; but I would keep our Navy up to that standard.

Mr. GAINES. I asked, have we done so?

Mr. WHEELER. No, we have not. It was the Republican party who allowed our Navy to go into decadence; and all the glory of the present American Navy belongs to the Democratic party. I regret to say (though I am not ashamed to say it) that one of the infirmities of my party's policy is that in these latter days it has been contenting itself with criticism and obstruction and has not had the constructive genius to sail on the seas of originality and suggest ideas for itself. I am not afraid to state my position, and I am unwilling to admit that those men who step haltingly in the tracks of the great Democratic fathers should steal from them the honor which justly belongs to them.

And if, Mr. Chairman, Mr. Calhoun's policy had been followed when the Republican party came into the control of the Government, the so-called new idea of constructing a great navy would not have been new, but would have remained the policy of a Democratic Administration. A Democratic Secretary of the Navy suggested the revival of such a policy and the position that we should hold on the high seas.

I have no doubt that my debonaire friend from Illinois, the chairman of the Committee on Naval Affairs, will claim that also as belonging to the Republican party, as he does almost everything that is brought up in this discussion that his party can by any possibility lay claim to.

Mr. FOSS. I would like to ask the gentleman a question.

Mr. WHEELER. Certainly.

Mr. FOSS. I would like to ask the gentleman if he is aware of the fact that William Jennings Bryan on the floor of this House in 1890 said that he was opposed to the further construction of war ships?

Mr. WHEELER. Mr. Chairman, William Jennings Bryan is a great, a pure, and a most honorable citizen of the Republic. But he is not the Democratic party by any means, I will state to

my friend. [Laughter and applause.] That excites merriment and applause on the Republican side of the Chamber, because their patron saint, their party shibboleth, and because their Ultima Thule of action is embodied in the personality of a gentleman who occupies a seat in the other side of this Capitol, by name "MARCUS AURELIUS HANNA." [Laughter and applause on the Democratic side.] They can not understand how we can recognize a citizen of our party—great and distinguished a citizen as he is—as a leader in many things, but who is not infallible in all. But you shake the purse strings and shout "MARK HANNA!" and you can get a vote of confidence on any subject upon the earth from that side of the Chamber. [Laughter.]

But, Mr. Chairman, let us get back to the question at issue, because on this question I am persuaded for once in this world that the Republican party—the most of them—are right. Now, my colleague from Virginia [Mr. RIXEY] cites the war in South Africa and the war in the Philippine Islands as instances of the fact that countries need armies as well as navies. Are you not unhappy in the examples, my friend, that you cite before the American people and upon which you wish to obtain their opinion—one a bloody war of conquest, the other a war of extermination? It is true that neither the United States nor Great Britain have their navies taking part in these unhappy struggles for the subjugation of helpless or weaker people. It is the army that is dangerous to the liberties of a people, but a navy never in history, to repeat myself, has threatened the liberties or destroyed the fabric of government of any people under the sun.

I am not in favor of the construction of a large navy for aggressive purposes. I am not in favor of the expenditure of millions upon millions of dollars for the construction of great battle ships, excepting for the protection of our coasts and harbors, for if we have a great and efficient navy we are not only honored at home, but respected abroad. We are enabled to protect ourselves by this means without the construction of great coast defenses.

However much we may reprobate the sentiment we must admit the truth of the statement or suggestion that has been made that this is a commercial age, and to quote an expression which was used or quoted by gentlemen on the other side during the last campaign, commerce does, to a certain extent at least, follow the flag. Since we have entered into rivalry for the commerce of the world, I want an American battle ship everywhere in the world where it is necessary to protect the producer and the seller as well as the purchaser of American commodities.

Mr. GAINES. To make drummers out of the battle ships?

Mr. WHEELER. No, sir; but to carry to every part of the earth the American flag, into every clime and to every country, in order to protect, as I have said, our producers and sellers under the flag of the United States. The best way to insure peace is to be prepared for war.

Mr. GAINES. Do we not sell our products everywhere on earth?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. I ask unanimous consent that the time of the gentleman be extended for five minutes.

Mr. WHEELER. I only want a minute or two.

The CHAIRMAN. Without objection, the gentleman will proceed.

There was no objection.

Mr. WHEELER. Just a moment, Mr. Chairman, and then I am done. I have said that the judgment of the heads of the departments of the Navy should be persuasive with this House. I did not mean to imply that it should be conclusive, but the construction of great vessels of war, their mode of construction, how many we need, what we should do with them, must of necessity be to some extent a sealed book to the layman. I have confidence in the Secretary of the Navy; I have confidence in the heads of the departments. They have recommended this increase of the Navy.

The country, I believe, indorse the committee in trying to build up a great navy, and I suggest that so long as the Secretary of the Navy and his department chiefs command the respect of the country their judgment should indeed be potential with the representatives of the American people, who are not supposed to pass finally upon this question, but who are supposed to take the recommendation of these department chiefs and give them the money as they need it.

I sincerely hope, sir, that the motion of the gentleman from Virginia [Mr. RIXEY] will not prevail.

Mr. MANN. Will the gentleman yield for a question?

Mr. WHEELER. Certainly.

Mr. MANN. The gentleman, of course, is aware that we limit the number and size of the Army by law. Is the gentleman willing to express an opinion as to what the ultimate size of the Navy should be?

Mr. WHEELER. I would most cheerfully express an opinion, if I could form an intelligent one. But I believe that the grow-

ing needs of the country, the rapid increase of population, the friction generated by the position recently taken by this country, are things which make it impossible for any citizen of the Republic at this time to attempt to pass intelligently upon that question. [Applause.]

Mr. MANN. Does not the gentleman, however, believe that with the increase of the Navy authorized by the present bill the Navy will then be as large as the present needs of the country require?

Mr. WHEELER. If we could stop the corroding fingers of time, if we could check the ravages of rust, if iron would always be as strong and steel as durable as now, if these ships would be as good fifteen years from now as they are to-day, perchance we might consider that question; but when you know that as we are constructing the Navy is also decaying, and that some of these ships that are now effective will soon be regarded as useless, I am unwilling to say that the Navy is now strong enough for the needs of the country.

Mr. MANN. The replacing of ships as they wear out has nothing to do with the ultimate size of the Navy, but an increase in the total fighting strength of the Navy is another proposition.

Mr. WHEELER. My personal judgment is that the American Navy should be so strong that when we declare what a thing shall be upon the high seas all nations will recognize that it must be so. [Applause.]

Mr. MANN. Then I take it that the gentleman believes, in conformity with some opinions which seem to exist on this floor, that the United States Navy ought to be large enough to whip all the other nations of the earth.

Mr. WHEELER. Well, I think, man for man and ship for ship, we can do that with the Navy that we now have. [Applause.]

Mr. KITCHIN. Mr. Chairman, I rise to support the motion of the gentleman from Virginia [Mr. RIXEY]. While I have great respect for the opinions of the gentleman from Kentucky [Mr. WHEELER], having served now for some time upon this committee with him, yet in this particular matter I differ with him. I think, Mr. Chairman, that we have an adequate Navy for our present needs. I think that we should have a navy sufficient to protect us in time of war. Those who oppose the provision authorizing the building of four more large ships in this bill are not unpatriotic. We all believe that if they are necessary then they should be built. Our differences arise from the differences in judgment as to their necessity.

To my mind, the idea of our country having a navy as large as that of England is preposterous, for the simple reason that the United States does not, under present conditions, need a navy as large as that of England. We have seacoasts here in the United States, we have Porto Rico, we have the Hawaiian Islands, the Philippines, and the Alaskan coast to defend; but, sirs, England has vastly more seacoast and territory to defend with her navy than we have with ours. England to a large extent rules her peoples without their consent. There is more danger of England having trouble with her colonies than of the United States having trouble with her people.

England's navy must be scattered throughout the world at all times. Our Navy can always be practically concentrated here; and I see no sufficient reason why the American Congress should insist that we have a navy equal to that of England. Why, to-day, in my judgment, we have the second best navy in the world. We have not the tonnage that Russia has, we have not the tonnage that France has, but with those exceptions and with the exception of the navy of England, we have more tonnage in our Navy than any other nation on the face of the earth. We have more tonnage than Germany has and practically as much as France.

Yet, Mr. Chairman, owing to the more recent construction of our Navy, owing to the larger tonnage, on an average, of our great ships, in my judgment our Navy to-day is a more effective navy than the navy of either France or Russia. It is known that the great bulk of the English navy in tonnage is of old construction. Our Navy is the most modern of all the great navies of the world. To-day the Navy of the United States costs the people of this country \$5 per voter. This bill carries something like \$75,000,000 and authorizes contracts to carry many millions more.

If the present programme is adopted as a matter of necessity, the naval appropriation bill will, within a few years, carry annually more than a hundred millions of dollars. As the gentleman from Illinois [Mr. MANN] has asked, Where shall this stop? Because we are a great and powerful nation is no good reason for constantly increasing the American Navy above the needs of the American people. We must consider the necessity and demand for this Navy. This bill now requires a tax of \$5 per voter—\$75,000,000. In our comparatively segregated condition we to-day have more of a practical navy for us than England has for her, and in case of war with England our natural advantages far surpass hers.

We have no territory lying at her door she could seize, while Canada, her best possession, would be at our mercy in a few days. We have our outposts at Porto Rico and our outposts in the Pacific, and no English fleet would ever land an army here. So, in case of war with England, in our present position, our Navy would be more effective for us than the navy of England would be for England.

The CHAIRMAN. The time of the gentleman has expired. Mr. SMITH of Kentucky. I ask unanimous consent that the gentleman may be permitted to proceed with his remarks to their conclusion.

The CHAIRMAN. Unanimous consent is asked that the gentlemen be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. What is the tonnage of the English navy? Mr. KITCHIN. In response to the gentleman from Tennessee I will state that the entire tonnage of England is near 1,900,000 tons.

Mr. GAINES. How many battle ships have they? Mr. KITCHIN. England had, according to the naval committee, last year 70 battle ships.

Now, Mr. Chairman, as to the judgment of the heads of Departments, referred to by my friend from Kentucky [Mr. WHEELER], I suppose it is a fact known to every man who has been in Congress any number of years that every head of a Department is willing to expend vast sums of money to advance his special Department. And it is generally true with the committees here. It seems to me that these officials in charge of the great Departments of the Government forget how the money is raised to pay this great expense and only look toward building up that specific arm of the Government under their control.

Why, I admit that to have the greatest navy on the face of the sea would be an admirable thing and a source of pride to this country. But there is another side to that. We have to pay for it, the people have to pay the expense of constructing and maintaining it, and the question for practical men to decide is whether this great increase is justified by the necessities of the situation. Upon that I differ with the gentleman from Kentucky [Mr. WHEELER]. I think, while it is proper for the heads of the Departments to submit to us their recommendations, that we stand midway between the people on the one hand and the United States Treasury on the other, and it is our duty, in the interest of the taxpayers of the country, very closely to scrutinize the recommendations given to us by Cabinet officers.

As has been said by the gentleman from Virginia [Mr. RIXEY], we have now under construction or authorized 11 first-class instruments of war, not all first-class battle ships, but either first-class battle ships or armored and protected cruisers; and in my opinion the armored cruiser is a more effective weapon than a battle ship.

Mr. RIXEY. If the gentleman will permit me, in addition to those now in commission we already have 11 authorized battle ships; and bids are out now for three protected cruisers.

Mr. KITCHIN. Yes; the bids are to be opened on the 1st of February, as I understand.

Now, if there is anything in the argument of the gentleman from Kentucky, that in a few years half of these battle ships now on the sea will be rusting in their docks, that of itself ought to make this Congress pause, because we have 14 authorized but not yet afloat—11 which have been referred to and 3 protected cruisers contracts for which will be made next month—which will in a few years be rusting in the docks. Why not rest a while? In addition to those now afloat, will not these 14 be enough to have rusting in a few years?

We are in no imminent danger of outside powers, and I see no necessity for the American people to be alarmed over its Navy. We have a great Navy—one of which every citizen should be proud. We have 25,000 sailors. We have, I believe, more than 300 ships in that Navy now, some of them in the auxiliary fleet. We have 254 war vessels exclusive of the auxiliary fleet, and about 60 of these I would deem first-class instruments of sea warfare, without including gunboats, monitors, torpedo boats, and torpedo-boat destroyers. I will now read from the report of the committee on this bill. We have:

REGULAR NAVY.

First-class battle ships.....	14
First-class battle ships, sheathed.....	3
Second-class battle ship.....	1
Armored cruisers.....	5
Armored cruisers, sheathed.....	3
Armored ram.....	1
Steel single-turret monitors.....	4
Double-turreted monitors.....	6
Iron single-turret monitors.....	8
Protected cruisers.....	15
Protected cruisers, sheathed.....	8
Unprotected cruisers.....	4
Gunboats.....	13
Light-draft gunboats.....	3
Composite gunboats.....	6

Training ship (Naval Academy), sheathed.....	1
Special class.....	2
Gunboats under 500 tons.....	22
Torpedo-boat destroyers.....	16
Steel torpedo boats.....	35
Submarine torpedo boats.....	8
Wooden torpedo boat.....	1
Iron cruising vessels.....	5
Wooden cruising vessels.....	7
Sailing vessels, wooden.....	6
Tugs.....	39
Wooden steam vessels unfit for sea service.....	11
Wooden sailing vessels unfit for sea service.....	6

Total number of vessels in Regular Navy..... 254

In addition to these we have 56 vessels in the auxiliary fleet.

When gentlemen demand that our Navy be increased to the size of England's, if tonnage is the test, then it is a demand that our Navy be quadrupled, which will cost a thousand million dollars. It is a demand that instead of the people annually supporting 25,000 seamen they will be compelled to support a hundred thousand. It would practically, in my judgment, require an annual naval appropriation of more than \$200,000,000 after its first construction. I think our Navy will cost a great deal more per seaman than England's. Four years ago this bill was only half of what it is to-day in the amount of money carried.

So, Mr. Chairman, in view of the enormous expense which is entailed already upon the American people by our new Navy; in view of the fact that we have a great Navy that no man can deride or mock—a Navy, in my opinion, second only to one, that of England; in view of the fact that this item of four ships in the bill will entail an expense, for construction, armor, and armament, of about \$30,000,000 to the American people, besides the increased annual expense hereafter for maintenance, I think we can safely omit this item in this appropriation bill. These ships, exclusive of armor and armament, are estimated to cost, by the chairman of the Naval Committee, nearly \$16,000,000.

Now, when you add to that the cost of the armor and then the cost of the armament, my judgment is it will run the cost of the four vessels up to about \$30,000,000. I have said so much in order that no gentleman on that side may think that we who are opposed to what we think is extravagant expenditure will say that we are unpatriotic. I have given my reasons for that, and I shall content myself with voting for this proposition.

Personally I would not have objected to seeing one ship authorized, because I believe that the people of this country, who really do not know the effectiveness of our present Navy, have an idea that our Navy is rather a small affair and desire to see it constantly increased. In obedience to that desire I would be willing to see one ship authorized by this bill. But between the proposition in the bill and the proposition to strike it out I shall, in the interest of economy and because I believe there is no necessity for it, vote to strike it out.

Mr. MEYER of Louisiana. Mr. Chairman, it will always be to me a pleasant recollection that in entering upon my service in this House as a member of the Fifty-second Congress I was assigned to duty upon the Committee on Naval Affairs. The Hon. Hilary A. Herbert was at that time chairman of the committee, though in the next Congress he became Secretary of the Navy Department under Mr. Cleveland's second Administration. Among the members were men of great force, such as Mr. AMOS J. CUMMINGS, of New York; Mr. LODGE, of Massachusetts, and Mr. BOUTELLE, of Maine, who has since rendered good service as chairman of the committee. At that time our new Navy had indeed been begun, but it was still almost in its infancy as compared with its present development.

NEW NAVY.

In some brief remarks submitted to the House by me on the 11th of May, 1894, I took occasion to review briefly the more recent steps of reconstructing our Navy. Three modern unarmored cruisers, the *Chicago*, *Boston*, and *Atlanta*, and one dispatch boat, the *Dolphin*, were commenced under Mr. CHANDLER's administration of the Navy Department. Secretary Whitney succeeded to the office with a worthy ambition to lay the foundation of a great Navy on modern lines, with all the appliances of science, which would be worthy of this great Republic. When he entered on his duties the country did not possess a single vessel of war able to cope with a first-class vessel of any important power. There was no establishment in the United States that could turn out the armor for modern vessels, and not one that could turn out the forgings for a modern gun exceeding 6 inches caliber. No automobile torpedoes had ever been manufactured in this country; no modern rapid-fire guns, and not a grain of powder for a high-power gun.

The new Secretary, the first Democratic Secretary for many years, set himself to work to remedy this unfortunate condition of affairs. He aimed not only to create ships and guns equal to any in the world, but, above all, to arrange and provide that the new vessels were to be built—armor, guns, everything—in the United States and of American manufacture. There was no

longer to be any dependence upon Europe for any part of the war ships. Private and public establishments were all to be encouraged, so that this work could go on regularly from year to year without a break, and so that in time of peace the country would be prepared, if war should come, to meet it fearlessly and with the ability to develop its great latent powers. This patriotic and wise aspiration was realized under Mr. Whitney's administration and carried forward with energy by his successors in the Department, Messrs. Tracy, Herbert, and Long.

NO POLITICS IN NAVY.

The work of these gentlemen in the Navy Department was seconded by the Naval Committees of this House regardless of party lines, and although there was for a while considerable opposition in Congress to the prompt and adequate development of our naval power, that opposition has been compelled to yield to the force of discussion and to a public sentiment daily becoming more enlightened and more resolute in the purpose that the American Republic should have a first-class Navy, worthy of its wealth, power, and history, and equal to the protection of its honor and interests. [Applause.]

SLOW BUT SURE RECONSTRUCTION.

I was for a while impatient of what I regarded as inadequate appropriations, but I am not certain that the somewhat slow and cautious manner in which the work of reconstruction proceeded did not possess some counteracting features or compensation in enabling us to avoid errors and to avail ourselves more fully and completely of the experience of other governments. At no time have we gone backward. At no time has the purpose of the country faltered. The opposition to a strong navy has grown weaker in every Congress, and now I may say freely that public sentiment is almost unanimous on the subject. The country demands a powerful navy. Congress has of late years fairly responded to this demand. The recent appropriations have been liberal, and the good work is going on bravely.

EARLY NAVAL HISTORY.

A taste for maritime adventure and a capacity for daring naval operations have illustrated American history from our earliest epoch as a people. The whale fishery, so arduous and hazardous, began at an early period. In 1707, 1709, and 1710 three naval expeditions were organized by the American colonists against Port Royal in Acadia. The last was successful. In the French war of 1744 a large land and naval force was set on foot by the eastern colonists to act in conjunction with the British fleet against Louisbourg. During the Revolutionary war our ancestors, with no dock yards or facilities for building or repairing ships, contested the sea with what was the most powerful maritime nation in the world. Vessels of war were bought or built or captured, and went forth to battle under our flag. An American fleet, commanded by Paul Jones, captured a British frigate, after a bloody fight, in British waters.

Hardly had the war closed before, under the wise advice of Washington and other leading statesmen, our Government began the construction of a Navy. Washington warmly recommended it. The value of this work was felt during the serious difficulties with France in 1798. With the first year of the next century it became necessary to send a portion of our small Navy to the Mediterranean in order to chastise the Barbary powers for piracy upon American commerce. The service proved hazardous, but was most gallantly performed.

By the time that the country was forced into a second war with Great Britain, in 1812, our Navy was able to do much to uphold our flag and its honor. Many a British ship had to strike its flag. From that hour the Navy became fixed in the affections of the American people. There was afterwards a long period of comparative peace, but in that time the Japan expedition of our Navy opened up that interesting country to commerce, civilization, and progress. Another expedition, under Wilkes, explored the South Seas. Lieutenant Brooke, by his invention of the deep-sea soundings, paved the way for the Atlantic cable, and the genius of Maury studied and mapped the winds and currents of the ocean, thus enabling the mariner to traverse its great pathways with precision, speed, and safety. Both of these were Southern men.

During the civil war both sides displayed naval aptitude. The Federal Navy began a blockade of the Southern coast, which was ineffective at first, but which afterwards did become effective and which cut off the Confederacy from shipping its own products abroad or importing the material of war which it absolutely required. This blockade and the operations of the Federal Navy upon the Southern rivers contributed far more to the exhaustion and final defeat of the Southern people than the great armies marshaled against them. The Confederacy had no regular navy, no shipyards and appliances for its construction, and only a few artisans; but they did everything possible with their scanty resources.

Under the superintendence of Captain Brooke, of Virginia, whom I have already mentioned, the wooden ship of war *Merrimac* was converted at Norfolk, despite every difficulty of procur-

ing materials, into an ironclad vessel of war, which soon destroyed two splendid frigates, and thereby revolutionized the naval shipbuilding of the world. Some ironclads had, indeed, been built before the war of 1861 by England and France, but this was the first practical demonstration of their power. This event sealed the fate of wooden naval ships—those grand creations identified with the glories of Trafalgar, the Baltic, and the Nile. Every foreign nation at once profited by this experience, but it took our own Government a number of years to learn the lesson which the battle of Hampton Roads, in 1862, taught to foreign powers.

SEA POWER IMPORTANT.

One of the ablest of modern writers on naval topics and history, Captain Mahan, has shown us the vast importance of sea power to a people. Sea power gave preeminence to Athens, Carthage, and Rome. Sea power more than any one cause enabled England to carry on her long struggle with Napoleon and eventually to triumph over the man of destiny. Sea power made our war with Mexico vastly easier by the safe transportation of men, material, food, and every element of military supply.

Sea power, as I have asserted, turned the scale in the civil war. Sea power placed China at the mercy of Japan a few years ago. Sea power—naval superiority—the victory of the naval forces under Schley at Santiago practically ended the late Spanish war. The Spanish navy was wiped out. Spain realized that she could not reinforce her army of occupation in Cuba by a man or a gun, and she knew that with the command of the sea the United States could send any number of men to Cuba that might become necessary in order to surround and capture the Spanish forces. It was no longer an equal combat. This proud and gallant nation was forced to yield. And so it has been always. Sea power is the glory and security of a people. The nation that possesses it starts in a fight with a great and manifest advantage.

I should much regret if anyone were to infer from what I have said that I favor a policy of war and conquest. I desire peace with all my heart. I appreciate profoundly the miseries of war, its inevitable horrors and losses, the suffering it brings to the aged, the helpless, to women and children, the blow to civilization and to industries, the danger to civil liberty, the burdens to posterity, the demoralization both of public men and of private character so apt to follow in the train of war. All these evils and more I fully appreciate. I believe that with a wise, humane, and statesmanlike policy our present troubles may be composed and that we may avoid the horrors and miseries of war. [Applause.]

NAVY NO MENACE.

It is our duty to strive earnestly in this direction; but, while I feel thus and shall act on this line, I can not regard the creation of a strong navy as a departure from a policy of peace. The navy is not the usual instrument by which free governments are overthrown. It constitutes no menace to our free institutions, as does a large standing army—so wisely dreaded by the sagacious and good men who founded this Government. Nor is the navy in itself an incentive to foreign wars or to an aggressive policy. On the contrary, I regard a strong navy, built and armed on modern lines, as a measure of peace.

I do not wish to see the commerce or the shores of this country lying at the mercy of any one of a half a dozen nations which may be superior to us in naval power. I think that with an adequate naval force proportioned to our wealth, commerce, foreign trade, and domestic resources, we are far more apt to preserve peace with foreign nations than if by neglect or shortsightedness we suffer ourselves to fall behind in naval power. I applaud the excellent system of land fortifications upon which we entered a few years ago; but these forts are most valuable to us as an adjunct and base to our fleets and navy-yards. The ship at sea or able to go there is your true fortification. The British poet said long ago:

Britannia needs no bulwark,
No towns along the steep;
Her march is on the mountain wave,
Her home is on the deep.

If we have a strong, efficient navy our forts will probably not have occasion to fire a gun. The fleets of a foreign foe will not darken our shores. Our commerce both here and in remote quarters of the globe will be protected. More than this, foreign nations, however unfriendly, or jealous, or hostile, will hesitate to assail us. They will not be provoked to war by the idea that it will be an easy job to inflict on us a great humiliation and injury. They will be careful to avoid offensive demands or an aggressive policy.

EXPANSION OF COMMERCE.

We all know that a great expansion of our foreign commerce is going on all the time. We are exporting not only cotton, cereals, wheat, corn, flour, tobacco, naval stores, petroleum, coal, pig iron, copper, and all the products of our soil and mines, but also our manufactures of iron and steel, and many other articles. We are beginning to compete with our manufactures in the markets of the world, and we are selling our manufactured goods in the very

countries that for a century and more have been supplying us with those very articles we now export. With a commerce so rapidly expanding, and already so vast, the necessity of a strong navy can not be denied.

In addition to all these conditions I feel that we are bound to study our political environments. Some of these environments we may deplore and condemn. We may consider, as many of us do, that the colonial policy is a blunder and perhaps also a crime. We may regard the annexation of the Hawaiian Islands as a needless, costly acquisition of doubtful advantage to us, and that every good end and benefit in it could have been better secured by maintaining the quasi protectorate which we established there a number of years ago.

But the annexation of these islands is now an accomplished fact and will not be revoked. Many thoughtful men who were willing to consent to the annexation of Hawaii on the ground of guarding and promoting our commerce in the Pacific regret, however, the annexation of Porto Rico as involving the incorporation of a small island with a million of people, largely a mixed or inferior race, speaking a different tongue, unaccustomed to republican institutions, and adding a new problem to the many difficulties we already have in order to maintain unimpaired the free constitutional Republic created by our fathers. Yet Porto Rico has been annexed or acquired, and while it would probably have been wiser to allow them a government of their own choice, under an American protectorate, the public policy on the subject seems to be fixed in favor of a permanent annexation; so that you have both Porto Rico and the Hawaiian Islands to guard with your troops and your Navy.

This is not all. Wisely or unwisely, rightfully or wrongfully, we are engaged in a war to establish American rule and sovereignty in the islands composing the Philippine group, on the other side of the globe. I do not propose to discuss here the wisdom or the necessity of this policy. I assume that the dominant party controlling the Administration and Congress will go on with this policy. It is costly, burdensome, full of difficulties, but it is not going to be revoked or changed inside of two years, perhaps four or more years.

Already you have 65,000 American soldiers there.

Mr. BARTLETT. Will the gentleman inform the House in what way the increase of our Navy by the construction of these additional battle ships is going to do anything to protect our soldiers in the Philippine Islands from those against whom we are now waging war?

PROTECT OUR SOLDIERS.

Mr. MEYER of Louisiana. You must preserve your communications with them. If you happen to have a war with any one of five or six leading naval powers you are liable to have these soldiers cut off from reinforcements of men, food, and material of war. You can not protect them without an adequate naval force, and that means a large naval force. If you fail to do this you would expose that force to risks not unlike those which Spain encountered in 1898, when she had near 200,000 troops in Cuba, but did not have an adequate navy, and was therefore unable to supply and reinforce them. If a strong naval power were to drive our fleet away from the Pacific waters, our soldiers now in the Philippines might be compelled to capitulate. In any case, they would certainly be placed at a great disadvantage. Suspend our naval communications with the Philippines for three months and the mischief would be most serious. [Applause.]

Mr. BARTLETT. I do not wish to take up the gentleman's time, but I would like to ask him another question. He has said that we need these new battle ships for the purpose of protecting our 65,000 soldiers now in the Philippine Islands and engaged in war or suppressing an insurrection, or whatever other name may be given to that contest. The gentleman will allow me to say that I myself have hitherto voted for a proper increase of the Navy; I do not desire now to stop that increase. But he surely does not mean to say that the ships authorized by this bill are needed now for the purpose of carrying on any war in the Philippine Islands.

Mr. MEYER of Louisiana. My friend from Georgia certainly can not have inferred from aught I have said that the ships authorized in the present bill can be expected to participate in our pending trouble in the Philippines, yet conditions there may extend far into the future, necessitating naval protection and large armaments.

Mr. BARTLETT. Is it not a fact that the monarchical powers of the earth, instead of being against us, are rather in sympathy with us in the war we are waging against the Filipinos for their suppression?

Mr. MEYER of Louisiana. That may be. I am not now nor have I ever been an advocate of that war. I deplore it quite as much, I am sure, as the gentleman from Georgia [Mr. BARTLETT]. That, now, is not the question. You may say that this whole trouble in the Philippines could have been avoided, but this statement does not dispose of the question. The troops are there. The policy is upon us. The Government is committed to it. Congress will not change it. Nothing, then, is left but to recognize the imperative necessity for a navy so strong that it will be ade-

quate to maintain our communications. We can not take any risks. We can not leave our soldiers exposed to the mercy of any one of half a dozen naval powers.

I shall not dwell upon the Chinese troubles, for which, surely, our Government is no more responsible than others, and not as much; but, in any case, with the settlement of these troubles the necessity for a naval force in that quarter will not disappear. Our commerce with China has been rapidly growing, and will develop even more rapidly in the future. It is as yet only in its infancy.

Nor need I speak of Alaska, our new possession, most honorably acquired but a long way off from the rest of the country. If assailed it can only be succored and defended by sea power. Here, again, you may need a naval force. You can not dispense with it.

CUBAN INTERESTS.

I come now to Cuba. Our present military occupation there with 6,000 or 8,000 troops is only temporary, I admit. We are pledged to allow the Cubans the choice of their own government, and after some delay we are now about to redeem our pledge. But, sir, the future of that island is to us of the highest importance. Our commerce with this island has been great in the past and will be much greater in the future. Our interests there in every point of view are important. The presence of a naval force in convenient proximity to the West Indies is indispensable to the primacy we are to exercise in that quarter of the globe. As to that primacy I think we are well agreed. It is preeminently our "sphere of influence."

ISTHMIAN CANAL.

I now refer to an object very dear to the American heart. I mean the construction of an isthmian canal. The American people, with extraordinary unanimity, are committed to the policy of building an interoceanic canal. They believe it their right and interest to have such a grand communication constructed between the two oceans. Nor will they consent to any foreign partnership in the construction, ownership, or management of this canal. But if this line of policy be pursued, and public sentiment demands that it shall be pursued, there must be a navy, and a strong one, to defend the canal. This great work, which is to cost \$200,000,000 and to accomplish so much for our commerce and protection, can not be left to the possibility of attack by a superior hostile fleet. We can not allow the canal to be struck at, and we must also protect the Governments of Nicaragua and Costa Rica, who have granted us by treaty the right to build on their soil this great work.

In considering this question of naval strength it is important to consider that there are two great areas or portions of the globe we have to deal with. We have on the one hand our long coast line, with its opulent cities, on the Atlantic and the Gulf of Mexico, and also the eastern coast of South America. On the other hand, we have our Pacific coast line, Alaska, Hawaii, and the Orient. We can not employ our naval force on one side to operate on the other save by the long and tedious route around Cape Horn, or by the proposed Nicaraguan Canal. If the latter is to be used, it must be able to accommodate war vessels of 28 or 30 feet. That will be the size of the battle ship of the future. Battle ships of 14,000 and 15,000 tons have already been ordered by foreign governments. In discussing the problem the question is, How many war vessels can you assemble in a reasonable time at a given point? As I understand, though I may be mistaken, the Suez Canal is available for the largest war ships. This is a short, easy route for European nations to use in effecting a concentration, especially in Eastern waters.

OUR POWER OVERESTIMATED.

If I am right in this line of argument, the next important question is, How far have we proceeded and how strong are we now? I fear the ease with which our naval forces triumphed over Spain in the last conflict has tended to mislead many people in respect to our actual naval strength. The naval strength of Spain was greatly overestimated prior to the actual test of war—overestimated by the world and also by ourselves. Spain has not been in centuries a naval power of any great prominence. She has never exhibited any aptitude for the sea or for maritime warfare in her best days. Her fleet in 1898 looked well on paper—far stronger than the reality. It was not built in Spanish dockyards, but by foreign contractors and on bad lines.

The two great naval combats of the Spanish war—one at Manila Bay, the second at Santiago—showed, indeed, the valor and efficiency of our captains, their crews, and the merit of our ships. But the combats were wholly unequal; the odds were overwhelmingly in our favor. The terrible losses sustained by the Spanish war vessels and the speedy destruction of their ships, while the Americans sustained only trifling losses, proves clearly that the Spanish ships were outclassed. There was no want of courage or devotion evinced by the Spanish officers. They and their sailors proved that they knew how to die at their posts of duty. If any doubt existed as to the imperfect construction, armament, armor protection, and supply of the Spanish war vessels, it will be at once dispelled by a perusal of the statement of Capt. Victor M. Concas, formerly commander of the *Infanta Maria Teresa* and chief of

staff to Admiral Cervera during that ill-fated voyage and the combat off Santiago Harbor on July 3, 1898.

He tells, in vivid story, the tale of the inefficiency and wretched equipment of the four cruisers which were so speedily destroyed by our naval squadron. The admiral and the captains knew that they were being sacrificed by the folly of their home government, and were going to a certain doom. It is not probable that in a generation Spain and the United States will ever have another naval combat, but I venture to remind you that the Spanish navy, as it stood before that war began, is a very different creation from that of Great Britain, France, Russia, Germany, and Japan. If we are to estimate our naval strength, we must compare our present force with that of these governments, and also compare our programme of construction with theirs.

NAVAL INCREASES ABROAD.

Our Naval Intelligence Bureau informs us that the most striking feature in the principal foreign navies is the marked effort to increase their naval strength. Never before, except perhaps during a naval war, has there been such an endeavor and such a rivalry. This is a fact of which we are bound to take cognizance. This rapid, vigorous, and expensive construction may have its origin in the rivalries and jealousies of European governments, and the naval preparation may not be intended for this country. But this does not matter greatly. The fleet built to menace or to strike a European rival can almost as readily be used and employed against us, and the question is, can we afford to disregard what other powers are doing in the way of naval preparation?

BATTLE SHIPS DEMANDED.

In the new tonnage now being built abroad the largest share is set aside for battle ships. The old opposition to the battle ship has died out. The naval combats of the future must be mainly decided by the battle ship fully armed and armored and by the armored cruiser. There was at one time in our country a strong sentiment in favor of the old monitor, but the question of speed and mobility is now deemed so important that except for harbor defense it is not probable any more monitors will be built. It is well stated that the armored cruiser comes next in importance to the battle ship. The advantage of fast cruisers was emphasized in the late war. Their qualities of speed, coal endurance, and means of coaling rapidly will make them specially valuable to the commander of a fleet. All these technical questions however, we must naturally refer to those officers of the Navy Department, who are keenly watching the lessons taught by every naval war and by the development of naval science abroad and at home.

Mr. Chairman, my friend and colleague, the gentleman from Virginia [Mr. RIXEY], states that we are constructing more largely than any other government in the world. I may state it as a fact that in the matter of actual comparison with foreign navies built and being built, although we have no up-to-date table before us exhibiting the relative strength of our own and other governments, it is certain that the number of battle ships we had during the Spanish war has not as yet been very considerably increased—I mean of ships actually built, armored, and now ready to be put in commission for sea service. We had in 1898 the *Iowa*, the *Indiana*, the *Massachusetts*, and the *Oregon*, battle ships of the first class, and the *Texas*, usually called a second-class battle ship. These were all capital fighting ships. Since then the *Kearsarge* has been put in commission, and I believe one or two more battle ships. The report of the Naval Committee last April showed that the total number of first-class battle ships already built and then being constructed, or authorized to be constructed, were 15, and there was also 1 second-class battle ship. Five armored cruisers had been built or authorized. There were a few monitors, but as I have said, these, owing to lack of speed, are hardly adapted for offensive operations at sea.

Unfortunately a number of these battle ships can not be completed for some years to come, and we can not expect speedily to have them as a reinforcement to the American Navy in case of a war. In foreign dock yards a battle ship is completed in a year and a half. In this country the time required is three years or longer. This is the least satisfactory feature of our naval construction. I do not go into the causes of it. I merely mention it in order to show that, if you want to strengthen your Navy, you can not afford to delay the necessary appropriations for construction.

The table of Captain Sigsbee, Chief of the Intelligence Bureau of the Navy Department, appearing on page 25 of last year's report from this committee, throws a good deal of light on what foreign nations had been doing up to that time in comparison with our own. I understand this table to give both the ships built and also those being constructed, and it must be coupled with the fact that these governments construct their vessels far more quickly than we do. England leads off with 70 battle ships, with a total displacement of 823,605 tons; France, with 35 battle ships and 339,599 tons; Russia, with 24 battle ships and 262,912 tons; Germany, with 27 battle ships and 214,859 tons; Italy, with 19 battle ships and 193,104 tons; the United States, with 16 battle ships and 184,149 tons; and Japan, with 7 battle ships and 92,421 tons.

In armored cruisers the United States are greatly inferior to

England, France, and Russia. They are exceeded also by Japan, but are somewhat stronger than Germany and Italy.

As I understand, the naval programmes of nearly all these foreign Governments, England and Germany especially, had been expanded during the last few months.

The last annual report of the Secretary of the Navy, page 11, has a table giving the totals of war vessels now under construction, as follows:

	Battle ships.	Cruisers.
	<i>Tons.</i>	<i>Tons.</i>
England.....	254,800	235,750
France.....	21,680	143,530
Germany.....	111,000	32,500
Russia.....	150,220	102,650
Italy.....	75,000	46,800
The United States.....	36,900	19,200
Japan.....	30,400	17,400

It will be seen that the United States are greatly behind any of these powers in present naval construction, except Japan, with the strong probability that, except Italy, all of them will complete their projects before we will complete ours.

Mr. KITCHIN. Will the gentleman allow an interruption?

Mr. MEYER of Louisiana. Certainly.

Mr. KITCHIN. That estimate does not include the ships authorized by us last year?

Mr. MEYER of Louisiana. The contracts for our vessels authorized last session have just been let.

Mr. KITCHIN. The figures which the gentleman has given for the German navy are the figures authorized under the sixteen-year programme, I believe, are they not?

Mr. MEYER of Louisiana. They are included in a programme extending over a period of years, as I shall explain later.

Mr. KITCHIN. And as to the French navy the figures are in accordance with a programme of construction over several years?

Mr. MEYER of Louisiana. Undoubtedly; yet the figures given show a tonnage greatly superior to our own.

FRENCH PLANS.

The French naval programme contemplates after its execution 28 battle ships, 24 armored cruisers, and a large number of torpedo boats. The total cost of new construction amounts to 712,208,000 francs, or about \$143,000,000. In addition to this, France is to spend about \$20,000,000 on the improvement of the various arsenals and naval stations.

Mr. KITCHIN. Is it not true that the armored cruisers or the protected cruisers of either nation are not included in this statement?

Mr. MEYER of Louisiana. They are included, and the comparisons made seem to me correct.

Mr. KITCHIN. On battle ships alone?

Mr. MEYER of Louisiana. On battle ships and others, as my friend will learn upon further examination.

Mr. KITCHIN. If you should include the armored cruisers and the protected cruisers, would not the relative position of Germany and the United States be reversed?

Mr. MEYER of Louisiana. I believe not; according to my recollection, Germany would still be far ahead.

Mr. KITCHIN. But while the German Empire was planning to accomplish a certain increase in sixteen years our increase last year was four times as great as Germany's would be under that programme. Is not that correct?

GERMANY ACTIVE.

Mr. MEYER of Louisiana. Of course, if I understand you correctly. But with reference to that, I would observe that the Empire of Germany is in commercial energy and a thirst for foreign domination and colonies not behind any other power. Her Emperor is at the head of this movement, and he is well aware of the necessity for a strong navy to support it. The keynote of the policy is that "Germany requires peace on the sea."

It is apparent that Germany is not willing to occupy a place in maritime power second to Russia or France, which have so long excelled her in naval strength. The programme embodied in the German law of April 10, 1898, contemplated a force of 17 battle ships, 8 coast-defense vessels, 9 large cruisers, 26 small cruisers as a fighting fleet ready for sea, and a reserve of 2 battle ships, 3 large cruisers, and 4 small cruisers.

The law of 1898 was carried out before the expiration of the period contemplated, but a new proposed programme, which I understand to have been adopted, contemplates an increase of this force by 1916 to 29 battle ships, 20 large cruisers, 51 small cruisers, and 16 divisions of torpedo boats. It is evident that the increase of the German navy is to be pushed as rapidly as the finances of the Empire will permit. Germany is growing rapidly in commerce, population, and wealth, and she will be easily able to carry out her grand and ambitious designs. If the United States desires to keep pace with German naval development and power, it will be necessary to make liberal appropriations to pursue this

object with the energy and zeal shown by the German Empire and to develop every feature and agency of our naval construction.

[Here the hammer fell.]

Mr. KITCHIN. I ask that the gentleman from Louisiana [Mr. MEYER] be allowed to conclude his remarks.

There was no objection.

Mr. MEYER of Louisiana. The Notes of Naval Progress, issued by the Navy Department, July, 1900, contains a number of details into which, for want of time, I can not enter. There are, however, some general statements embodied which are important to be considered in this connection, and which explain sufficiently many of the questions involved.

It is well said of England that Parliament and the nation have long accepted the proposition that her naval strength must be equal in numbers and superior in power to that of the two strongest navies in the world. The British estimates for new construction are, therefore, always framed with reference to that policy. This is to guard against a possible coalition which might menace the maritime ascendancy of England. Her building projects are, consequently, framed from year to year in view of what foreign powers are doing. The navy estimates for 1900-1901 amount to a gross total of £28,553,222, or about \$140,000,000.

ENGLAND'S PROGRAMME.

Under this programme of construction in 1900 England would have 17 battle ships, 20 armored cruisers, 1 first-class protected cruiser, and a number of torpedo boats and destroyers. In 1898 England added 30 ships to her already great navy, with a tonnage of 140,988, and in 1899 she added 19 more vessels, aggregating 122,822 tons. The strength of her navy in officers and men has been increased to 114,880 officers and men. In addition to this total, there is a naval reserve of 26,750 seamen and firemen, of whom 25,712 are actually enlisted.

No party in England criticises this naval preparation, which is regarded as essential to the security and prestige of the Empire.

Mr. GAINES. May I interrupt the gentleman from Louisiana? Mr. MEYER of Louisiana. Certainly.

Mr. GAINES. The gentleman reporting this bill said on yesterday that England had the largest navy in the world, but that a large proportion of her ships had become obsolete. Now, I remember in a discussion of this subject some years ago that the number of battle ships of Great Britain was mentioned as 64, and I understand that that number has been very much reduced by the ships becoming obsolete. I would like to ask the gentleman how many ships we have actually completed, how many are being constructed, and how many are proposed?

Mr. MEYER of Louisiana. Our Navy at the present time, including all ships, as well as those under construction, consists of 254 vessels in Regular Navy and 56 vessels in Auxiliary Navy; a total of 310. I shall, with permission of the House, append a table giving this information in detail.

Regarding the other question, I am not aware that we have any obsolete battle ships at all. All of the vessels of our Navy are usually kept in good condition.

Mr. GAINES. None of ours, I believe, but England's. The gentleman from Illinois referred to England and stated that many of their ships had become obsolete.

Mr. MEYER of Louisiana. I regret that I am unable to give the gentleman the information upon that point. I have no idea that any of England's naval ships of recent construction and of the character embraced in our new Navy are obsolete at all. I have no information myself on that point, but I believe that all of their ships in commission are more or less serviceable.

Mr. GAINES. What about our monitors and older vessels of the Navy?

Mr. MEYER of Louisiana. Mr. Chairman, I believe it is generally understood that while the old vessels of our Navy—the old monitors, for example—may be used in case of war to a certain extent for defending our ports and seaport cities, they can not be utilized for aggressive purposes or as part of a fighting squadron at sea. For this purpose—for the real test of war, the movable squadron—we must depend on the "new Navy," as it is called. In other words, we must rely on the vessels authorized in 1883 and constructed from that time to this. Now, what is the cost of this force? The Secretary of the Navy, in his official report of November, 1899, for that year, answers that question. He says:

In order to show the amount expended on the new Navy the Department has had prepared in the Bureau of Supplies and Accounts the following table, which shows in detail the cost of each finished ship since the rebuilding of the fleet began in 1883, and the amount expended on those under construction. The estimates as to unfinished work were prepared in the respective bureaus.

The total for finished vessels of \$98,529,511.85 and the estimated total for unfinished vessels of \$62,570,610.23 make not a large amount comparatively in view of the result, which is a new Navy of efficient and powerful vessels prepared for the emergencies of national defense. It is hardly more than the sum paid in a single year for pensions to the soldiers and sailors who served a generation ago in the late civil war.

The period of time covered by this statement for building the new Navy—our only reliable force—is seventeen years. It ap-

pears, therefore, that we paid for the finished ships of war an average per annum of \$5,795,855.

Surely this is a very moderate sum to expend per annum. Add, however, cost of the unfinished ships—some sixty-two millions—to that spent for the finished ships, and you have an average expenditure for the seventeen years of construction of \$9,476,442. At the most, it is only some nine and a half millions spent per annum to put the country in a condition of defense and to maintain the honor of the flag.

I ought to add that the sum stated for "unfinished ships" is an estimate of the total cost when completed and that of this sum a very large amount had not been expended on December 31, 1899, and is still unexpended. Deducting these sums from the total expenditure, the annual average for the seventeen years would fall considerably below the annual average I have already stated.

I have discussed this topic at such length that I do not deem it necessary to examine the latest reports of what Italy, Japan, and Russia are doing. I am speaking to a body of gentlemen who probably keep pace to some extent with the progress of naval construction abroad. I have pointed out that the development of our naval force, while it may be necessary to guard our commerce, our coasts and cities, and, indeed, is rendered necessary by our present political environments, is not part of a warlike policy, and that it actually tends to promote and preserve peace. I do not regard a strong navy as a menace to our liberties in the way that a large and permanent increase of our standing Army would be.

PROTECT OUR FLAG.

At the same time, earnestly desirous as I am of a pacific policy and of a simple, economical government, I am not willing to see our flag at the mercy of any one of half a dozen strong naval powers that may choose to assail us. Optimists and philosophers may say that there will be no danger of a war. There will be no war possibly if we make up our minds to submit to every insolent and unjust demand by a foreign power. The people will never consent to such a pusillanimous policy as that. There is nothing in the present situation of affairs throughout the world to indicate that the millennium is near at hand, when the lion and the lamb will lie down peacefully side by side.

WARS POSSIBLE.

At no time has there been more unrest, more disquiet, more class divisions, more readiness to appeal to the sword or to employ brute force. Fear of change possesses the monarchs and cabinets of the world. The bloated armaments of Europe are not reduced. All Europe is an armed camp. The sword is drawn, the guns all shotted. The monarch of all others in Europe most wedded to peace consented to the destruction of the two unoffending South African republics. As an arbiter for peace, our own power and influence are not enhanced by the events of the past three years. It is impossible not to see that the peace of the world may be disturbed any day. In such an hour I hope we may be guiltless, but it is our duty not to be caught unprepared for the emergency if, unfortunately, it shall come upon us. If a general war should come we may be drawn into it, however pacific our policy and purposes. We dare not close our eyes to this possibility. [Applause.]

APPENDIX.

The tabular statement below shows the degree of completion of all vessels under construction on July 1, 1900.

Name of vessel.	Where and by whom building.	Estimates of superintending constructors.	
		Percentage of completion.	Probable date of completion.
Illinois	Newport News Shipbuilding and Dry Dock Co., Newport News, Va.	84.25	Aug. 1, 1901
Alabama*	Wm. Cramp & Sons, Philadelphia, Pa.	97	Aug. 15, 1900
Wisconsin	Union Iron Works, San Francisco, Cal.	93	Nov. 30, 1900
Maine	Wm. Cramp & Sons, Philadelphia, Pa.	30	Dec. —, 1902
Missouri	Newport News Shipbuilding and Dry Dock Co., Newport News, Va.	6	Jan. 1, 1903
Ohio	Union Iron Works, San Francisco, Cal.	20	Mar. 5, 1902
Arkansas	Newport News Shipbuilding and Dry Dock Co., Newport News, Va.	32	Nov. 1, 1901
Monitor No. 8.	Bath Iron Works, Bath, Me.	56	Jan. 1, 1902
Florida	Lewis Nixon, Elizabeth, N. J.	40	Nov. 15, 1901
Wyoming	Union Iron Works, San Francisco, Cal.	46.5	Mar. 5, 1901
Denver†	Neafie & Levy, Philadelphia, Pa.	17	June 14, 1902
Des Moines†	Fore River Engine Co., Weymouth, Mass.	3	June 1, 1902
Chattanooga†	The Crescent Shipyard, Elizabeth, N. J.	5	Aug. 15, 1902
Galveston†	William R. Trigg Co., Richmond, Va.	1	June 14, 1902
Tacoma†	Union Iron Works, San Francisco, Cal.	—	Do.
Cleveland†	Bath Iron Works, Bath, Me.	5	Aug. 14, 1902
Bainbridge	Neafie & Levy, Philadelphia, Pa.	66	July 15, 1901
Barry	do	66	Sept. 1, 1901
Chauncey	do	66	Oct. 1, 1901
Dale	William R. Trigg Co., Richmond, Va.	77	May 10, 1901
Decatur	do	76	May 25, 1901

Name of vessel.	Where and by whom building.	Estimates of superintending constructors.	
		Percentage of completion.	Probable date of completion.
Hopkins.....	Harlan & Hollingsworth Co., Wilmington, Del.	60	Apr. 15, 1901
Hull.....	do	60	July 15, 1901
Lawrence.....	Fore River Engine Co., Weymouth, Mass.	95	Nov. 1, 1900
Macdonough.....	do	93	Dec. 1, 1900
Paul Jones.....	Union Iron Works, San Francisco, Cal.	74	Nov. 15, 1900
Perry.....	do	74	Oct. 31, 1900
Preble.....	do	73.5	Nov. 31, 1900
Stewart.....	Gas Engine and Power Co. and Chas. L. Seabury & Co., Consolidated, Morris Heights, N. Y.	27	July 15, 1901
Truxton.....	Maryland Steel Co., Sparrows Point, Md.	25	Mar. 15, 1901
Whipple.....	do	25	Do.
Worden.....	do	25	Do.
Stringham.....	Harlan & Hollingsworth Co., Wilmington, Del.	98	Aug. 15, 1900
Goldsborough.....	Wolf & Zwicker Iron Works, Portland, Oreg.	95	Oct. 15, 1900
Bailey.....	Gas Engine and Power Co. and Chas. L. Seabury & Co., Consolidated, Morris Heights, N. Y.	93	Oct. 1, 1900
Bagley.....	Bath Iron Works, Bath, Me.	60	Dec. 1, 1900
Barney.....	do	85	Oct. 1, 1900
Biddle.....	do	17	Jan. 15, 1901
Blakely.....	Geo. Lawley & Son Corporation, South Boston, Mass.	88	Dec. 1, 1900
De Long.....	do	88	Do.
Nicholson.....	Lewis Nixon, Elizabeth, N. J.	61	Jan. 1, 1901
O'Brien.....	do	62	Do.
Shubrick.....	William R. Trigg Co., Richmond, Va.	88	Nov. 25, 1900
Stockett.....	do	93	Sept. 25, 1900
Thornton.....	do	86	Jan. 25, 1901
Tingey.....	Columbian Iron Works, Baltimore, Md.	61	Jan. 1, 1901
Wilkes.....	Gas Engine and Power Co. and Chas. L. Seabury & Co., Consolidated, Morris Heights, N. Y.	51	Mar. 15, 1901
Plunger.....	William R. Trigg Co., Richmond, Va.	85	In doubt.
Adder †.....	Holland Torpedo Boat Co. (Lewis Nixon.)	8	Apr. 25, 1901
Grampus †.....	Holland Torpedo Boat Co. (Union Iron Works.)	0	Do.
Moccasin †.....	Holland Torpedo Boat Co. (Lewis Nixon.)	7	May 25, 1901
Pike †.....	Holland Torpedo Boat Co. (Union Iron Works.)	0	Do.
Porpoise †.....	Holland Torpedo Boat Co. (Lewis Nixon.)	7	June 25, 1901
Shark †.....	do	7	July 25, 1901

* Now in service.
 † Protected cruisers, act of March 3, 1899.
 ‡ Six submarine torpedo boats contracted for August 25, 1900.

OUR PRESENT NAVY.

Our Navy at the present time, including all ships, as well as those under construction, is shown by the following table:

Summary showing the number of vessels in the United States Navy.

REGULAR NAVY.	
First-class battle ships.....	14
First-class battle ships, sheathed.....	3
Second-class battle ship.....	1
Armored cruisers.....	5
Armored cruisers, sheathed.....	3
Armored ram.....	1
Steel single-turret monitors.....	4
Double-turreted monitors.....	6
Iron single-turret monitors.....	8
Protected cruisers.....	15
Protected cruisers, sheathed.....	8
Unprotected cruisers.....	4
Gunboats.....	13
Light-draft gunboats.....	3
Composite gunboats.....	6
Training ship (Naval Academy), sheathed.....	1
Special class.....	2
Gunboats under 500 tons.....	22
Torpedo-boat destroyers.....	16
Steel torpedo boats.....	35
Submarine torpedo boats.....	8
Wooden torpedo boat.....	1
Iron cruising vessels.....	5
Wooden cruising vessels.....	7
Sailing vessels, wooden.....	6
Tugs.....	39
Wooden steam vessels unfit for sea service.....	11
Wooden sailing vessels unfit for sea service.....	6
Total number of vessels in Regular Navy.....	254
AUXILIARY NAVY.	
Auxiliary cruisers.....	6
Converted yachts.....	23
Colliers.....	16
Special class.....	11
Total number of vessels in Auxiliary Navy.....	56
Grand total.....	310

Mr. DAYTON. Mr. Chairman, as I understand it the amendment proposed by the gentleman from Virginia is to strike out entirely the provision of the bill providing for an increase of the Navy. In other words, to sweep out with one blow the entire naval programme, which the Naval Committee thinks to be reasonable and a necessity for the interests of the United States, and so prevent any increase whatever in the naval establishment.

I can not conceive for a moment that this House, earnestly seeking to promote the public welfare, will entertain such a motion. I want to call your attention, gentlemen, to the fact that in the minds of very many people in this country the great bulwark of its defenses must be, and is of necessity, the United States Navy; and I want to call your attention to the further fact that the reasons advocated for this slaughter of this increase are fallacious and not based on sound, solid foundations.

The gentleman from Virginia, for instance, makes his main argument upon the ground that we have under contract this year, or will let to contract, some \$40,000,000 of new construction of ships. But he does not call attention to the fact that this new construction is the accumulation of years of authorization, made ineffective by what seems to me to have been a useless fight here on the floor of the House on the armor-plate question and the attachment to the authorization by Congress in the years gone by of those clauses which made it absolutely impossible for them to be carried into effect.

Congress is responsible for the accumulation of the contracts, and not the Naval Committee of the House of Representatives. There has been on the part of the Naval Committee, or the majority of it, I insist, the most careful, thorough consideration given to this question of the increase of the Navy, and they have always come in here with a bill carrying a reasonable and conservative provision for that increase; and I appeal to every member on the floor of this House to bear me out in the recollection that when we entered into the war with Spain, and when the glorious achievements of the American Navy in that war became known, the sentiment of this country with reference to the Navy justified, if it did not demand, a much larger increase than that authorized or suggested by the Committee on Naval Affairs.

I ask the members of the House to remember also one other thing—that this authorization is confined to the larger and superior vessels, to battle ships and armored cruisers. I ask them to remember that three different boards of the Navy Department have recommended that this increase should not be 4, but from 11 to 18, and that the Naval Committee have brought in a bill for an increase of but 2 battle ships and 2 armored cruisers, because they know and recognize the facts existing.

The condition of the Navy was such when that war took place that we sent our agents abroad over the whole world and tried to buy ships. They will remember the fact, in that same connection, that we were enabled to buy the smaller craft, but not a battle ship could be purchased anywhere under the sun, and therefore the committee ask the House to provide for the increase in these larger and superior vessels, which are the very essence of the battle line if war should ever come, and which can not be procured by purchase, but should be built in the American shipyards by American mechanics and of American material and on models which are the best products that the genius of man can discover anywhere on the face of the earth.

Mr. Chairman, I insist that we are not yielding to any sentiment throughout the country by practicing parsimony in the upbuilding of our Navy. On the contrary, if we seek to reduce or destroy this programme, we are going contrary to that sentiment universal throughout this country, which demands that the American Navy shall be improved so that it may be the strongest guaranty of a continuous peace, that guaranty which comes from a wholesome fear of the nation that is able at all times to protect its people. I was impressed in the strongest way by the statement of the gentleman from Iowa [Mr. HEPBURN], and it is a whole argument in itself, that in a little over one hundred years we have had four wars, and if we had had a fully equipped, efficient, and complete Navy we would not have had any of the four. And I say history bears that out. We can save hundreds of dollars in economy, gentlemen, but if the time comes it may be at the expense of millions that we may lose.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I only want to say a word, perhaps more to put myself right touching this matter than for any light I am able to shed upon the discussion or upon the amendment. I have very great confidence in the Committee on Naval Affairs, and with my limited knowledge touching naval construction, and the limited attention I have been able to pay to it, I would hesitate long before I would disagree with the gentleman who presides over that committee, and other members thereof. But I want a minute just to inquire "where we are at" touching the Navy. I am for a sufficient navy—without regard to its cost—until it is sufficient, as emphatically as any member of this House; but when it is sufficient, that is enough.

First, let us ascertain what the condition is. Now, from reading the very able report made last year by the Committee on Naval Affairs and the report made this year upon this bill, as well as from inquiries at the Navy Department, I find that this is substantially true:

According to statement in report on naval bill last session—	
Finished vessels of new Navy had cost.....	\$98,529,511.85
Estimated total cost of unfinished vessels.....	62,570,610.23
	161,100,122.08
New vessels authorized in last naval act—	
Construction, estimated.....	29,200,000.00
Estimated cost of their armor and armament.....	13,994,094.00
	204,294,216.08
New vessels in pending bill.....	15,700,000.00
Estimated cost of their armor and armament on basis of half of cost of construction.....	7,850,000.00
Total.....	227,844,216.08
Incidental to the "new Navy," the number of enlisted men has been increased from 8,250, including apprentice boys, to 20,000, including apprentice boys; and it is proposed further to increase by pending bill to 25,000, including apprentice boys.	
The ordinary expenses of the naval establishment have increased since 1882 from \$14,566,037.55 to \$51,616,635.00 for 1902, according to accompanying bill, after deducting therefrom \$25,400,000 for sums given for new ships.	
According to report, this day, from Secretary of the Navy, it will require to complete ships already authorized, including armor and armament, in addition to amount in pending bill.....	\$59,653,218
Ships authorized in pending bill, including estimated amount for armor and armament, will add.....	23,550,000
Total.....	83,203,218
Amount requisite for yards and docks, additional to sums in pending bill.....	2,627,000
Amount necessary for Naval Academy, additional to sum in pending bill.....	3,490,000
	89,260,218

From which it appears there has been expended and authorized for the new Navy, for ships, \$227,000,000 in round numbers, commencing in 1883, when Senator CHANDLER was Secretary of the Navy, when construction was not rapid. It has grown more rapid since his time, and is more rapid now, I believe, than at any time heretofore. The delay has not been without compensation, because if all the construction had been as it was when we began the building of the new Navy we would now have much of useless material on hand. This total which I have given includes the four vessels authorized by this bill, in the event the bill is enacted into law.

In that same connection I want to say that if the present bill is enacted into law it will require \$83,000,000 to be appropriated in the future to meet the contracts. It requires \$59,000,000, in round numbers, or a little over that, to meet the contracts already authorized by law.

Mr. WHEELER. How much has been appropriated for the Army for the last twelve months?

Mr. CANNON. I am not talking about the Army. Probably the appropriation for that has been one hundred and twenty-five million or one hundred and thirty million dollars.

Mr. WHEELER. How much will the appropriation for the Army be for the next twelve months?

Mr. CANNON. Well, it will probably be that much. But what light does that shed upon this question?

Mr. WHEELER. Why does the gentleman oppose the Navy so strongly, when he does not oppose the Army?

Mr. CANNON. My friend does not seem able to contain himself without comparing this service with some other service or that side of the House with this side of the House. The country at large does not care three hurrahs in the hot place about all those things. [Laughter.] It is well to have a sufficient army and a sufficient navy. I am not now talking about who is entitled to credit or who ought to be blamed.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WHEELER. I ask unanimous consent that the gentleman may conclude his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Illinois may conclude his remarks. Is there objection?

There was no objection.

Mr. CANNON. I will not abuse the courtesy of the House. I say again, that in round numbers \$59,000,000 are required to pay for contracts already made. For the building of the ships authorized in this bill, if enacted into law, an expenditure in round numbers of \$24,000,000 will be required, for the four ships—for the new Navy, for ships alone.

In addition to that, when we commenced the construction of the new Navy the naval bills averaged a little over \$15,000,000 a year. The personnel of the Navy was, in round numbers, 8,000 people. Now the personnel has grown to 25,000, if this bill is enacted, as I have no doubt it ought to be, for the personnel. So that when you subtract the cost of construction as appropriated for in this

bill it leaves \$51,000,000 for the maintenance of the Navy, without regard to construction.

Mr. VANDIVER. Will the gentleman allow me?

Mr. CANNON. In a moment. That is a very large sum indeed. I am not here to say that it is too much. I do not believe that it is too large, but I want merely to call the attention of the House to what the fact is.

Mr. VANDIVER. In connection with what the gentleman has just said about the increase in personnel of the Navy I want to ask him if he has given any attention to the fact that even after this bill becomes a law, increasing the number of men 5,000, I think, the number will still be something like 10,000 short of the number that will be required for the manning of all the vessels provided for?

Mr. CANNON. Oh, if they are all in commission, I suppose probably that many more men would be needed; but I do not speak with certainty. We have not given too many men. I am satisfied we have not gone too far up to this point in creating the new Navy. I am not criticising anybody, but calling attention to facts, as I understand them, and as I gather them from the bureau reports and from the Navy Department.

Mr. VANDIVER. I would like to ask the gentleman to go just a little further and say whether or not he approves of this particular increase.

Mr. CANNON. I will come to that in a moment.

I listened with very great interest to my colleague, the chairman of the Committee on Naval Affairs, when this bill was under general debate in the House. I was agreeably surprised, knowing the careful study that he has given to this and kindred subjects, when he said, for instance, as I recollect it, that our Navy, from the standpoint of efficiency, was ahead of the German navy. Of course, as he stated, and as we all know, it is far below the English navy; and I am here to say that in my opinion, while some gentlemen have said that they want the Navy of the United States to be large enough to whip any navy in the world in the twinkling of an eye—and I think somebody else said the combined navies of the world—it is not practical and not necessary.

Great Britain necessarily needs a greater navy than we do. Three little islands, with 35,000,000 or 36,000,000 people, with their possessions scattered everywhere about the earth, are not in a condition that places them on all fours with the United States. We do not need a navy equal to hers. I do not apprehend that there is danger of war with Great Britain, because our 3,000 miles along our northern boundary, with Canada adjacent, is equivalent to a bond of fate that we will not have troubles with Great Britain, in my opinion. So that with our surroundings, having the Philippines—and we are going to keep them; in fact, could not get rid of them if we wanted to—with our other possessions on the Pacific, and we may have some more, as our population increases from 80,000,000 to almost double or treble that in the next hundred years, I say I want to have a sufficient navy now.

It will wear out in twenty years. I am told by naval experts, and I am also told by naval officers, that it annually takes 5 per cent of the original cost of this Navy to keep it in repair. We want a navy. We do not want more than enough. Now, who does? The people do not. Oh, of course, we sometimes grow enthusiastic, and talk about whipping the entire world, and want to be able to whip them all in a second, and all that kind of thing. It is easy to talk and hurrah, to send out challenges, but the people with sober second thought will be willing to pay the taxes, in my judgment, that will support an army on the one hand and a navy on the other sufficient for the needs of this Government, for the protection of our people and our commerce and our territory. We want no more, in my judgment, than that.

Now, then, so far as I have judgment, with my limited knowledge, I am inclined to believe that when we enact this bill we will have gone as far as we ought to go, unless there is something in the near future to change the present condition in the construction of cruisers and battle ships. I would have been entirely content if the Committee on Naval Affairs had reported this bill leaving out the authorization for these four ships. If that was left to my own judgment, I would be ready to postpone this authorization for another twelve months.

But I think, in deference to the gentleman who heads this committee and that committee which makes this report, out of abundance of caution, I shall vote for this increase, hoping and believing, from the best information that I can get, that our Navy, completed as it is authorized, will be sufficient, in our condition, to meet all comers in defending the flag and protecting our commerce and our citizen. Now, one other thing, and I will sit down. There are many things to do—

Mr. VANDIVER. If the gentleman will allow me—

Mr. CANNON. There are many things to do besides to maintain the Army and the Navy. To specify one, I would vote for a contract that would secure the construction of two cables—and it takes that many—from San Francisco to our Oriental possessions. [Applause.] I would vote for many things that are in

the near future that I think would enable us to utilize the efficiency of the Navy just as much as to authorize the construction of additional battle ships to be completed in three or four years from now.

Mr. CORLISS. Will the gentleman pardon an interruption?

Mr. CANNON. Yes, sir.

Mr. CORLISS. I would like to ask the gentleman if he does not in his judgment believe that the construction of a Pacific cable to our new possessions would double the value of our present Navy in its efficiency?

Mr. CANNON. Oh, I can not say that. In certain conditions I believe it is wise that the United States should control, by contract or otherwise, a cable from here to the Philippines. Just how valuable it will be to our Navy I do not know. But I do know one thing, that with \$753,000,000, including the sinking fund, of appropriations for the coming fiscal year, now in sight, and with our pledge to reduce taxation, I do know that we should inquire touching the necessity for all legislation that authorizes additional expenditures.

Mr. VANDIVER. I would like to ask the gentleman another question.

Mr. CANNON. Very well.

Mr. VANDIVER. In view of all that the gentleman has said, nearly every word of which I approve, does he not think it would be wise, instead of authorizing four more great ships to be constructed now, when we know the contracts have already been let for all that can be constructed in the naval and ship yards of this country for the next four years, does not the gentleman think it would be wise to postpone the authorization of any more vessels at least for another six months, until Congress meets again next fall?

Mr. CANNON. I have already said that I would have been content and better pleased to postpone the four ships until another year, so far as my judgment goes, but that I will subordinate my judgment in this instance to the judgment of the Committee on Naval Affairs.

Mr. FOSS. Mr. Chairman, I desire to say a few words on the proposition before the House. The amendment of the gentleman from Virginia is to strike out the naval programme entirely this year for the construction of two battle ships and two armored cruisers. Now, the gentleman from Illinois has referred to the cost of our new Navy up to the present time, which was started under Secretary Chandler and which we have been building ever since. The Secretary of the Navy in his report last year called attention to the fact that the cost of the new Navy up to last year amounted to \$161,110,122; and he pertinently says:

It is hardly more than the sum paid in a single year for pensions to the soldiers and sailors who served a generation ago in the late civil war.

That was up to last year; that has been the cost of the new Navy—of the ships, I mean. Since that time we have authorized battle ships and cruisers, but, all told, they will not cost more than \$75,000,000. So you get from these figures the present cost of the new Navy, as far as the ships are concerned.

Now, this naval programme which the committee recommend this year is a most moderate one. We have several great boards in our Navy Department; we have a policy board of a large number of naval officers presided over by Admiral Dewey, and they made a recommendation as to the naval programme this year. How many ships did they recommend in their naval programme? They recommended in all—battle ships, cruisers, gunboats, and smaller craft—18 vessels. The board of construction, consisting of the chiefs of the great bureaus, made a recommendation to the Secretary of the Navy as to our naval programme of this year, and what did they recommend?

They recommended battle ships, cruisers, gunboats, and torpedo boats—32 ships in all. The Secretary of the Navy made a recommendation also, and what was it? For 2 battle ships, 2 cruisers, 6 light-draft gunboats, and 1 smaller craft—11 in all. And your committee, after a most careful consideration of that subject, recommend in this bill 4 ships—2 battle ships and 2 cruisers, a most moderate naval programme, about one-half of what we authorized a year ago and about one-half of what we authorized the year before.

That is the programme, and the gentleman from Virginia [Mr. RIXEY] would strike out these battle ships and the cruisers. How many battle ships has England to-day? Seventy. How many battle ships has France? Thirty-five. Russia has 24; Germany, 27; Italy, 19. How many has the United States? About 6 in commission, about 6 in the process of construction, and 5 just contracted for—making 17 first-class battle ships in commission, under construction, and under contract—only 17—less than Italy has, less than Germany has, less than Russia has, less than France has, less than England has. Now, how many cruisers has England? Thirty-one.

[Here the hammer fell.]

Mr. DAYTON. I ask unanimous consent that the gentleman from Illinois [Mr. Foss] be allowed to conclude his remarks.

There was no objection.

Mr. FOSS. England has 31 cruisers; France, 20; Russia, 12; the United States, 5; and we have authorized 3 more, making in all 8 cruisers. Will you cut off the armored cruiser?

That is the position in which the American Navy finds itself to-day. Yet there are gentlemen on this floor who would stop the construction of the American Navy now, when we have only a few ships in commission and some more being built—with only 17 first-class battle ships in all, and only 8 cruisers in commission, under construction, and contracted for.

Of course it rests with this body to say whether we shall stop building a navy or not. But for my part I am not willing to admit that the members of this House have got to the point where they are willing to stop the onward growth and progress of the American Navy.

Why, sir, we are not building a navy for war; we are building it for peace. We are building a navy for commerce. We talk about the rebuilding and rejuvenation of the merchant marine. The American Navy is an essential auxiliary to the merchant marine. The American merchant marine and the American Navy must go together, the one to bear the commerce of the country, the other to defend it.

There are many reasons for the upbuilding of our Navy, but I do not propose at this time to enter into a general discussion of that topic. I hope that gentlemen on both sides of the House will vote for this measure as reported and against striking out the provision for our battle ships and our cruisers, as urged by my colleague on the committee, the gentleman from Virginia. [Applause.]

Mr. Chairman, I call for a vote.

The question being taken on the amendment of Mr. RIXEY, it was rejected; there being—ayes 46, noes 90.

Mr. VANDIVER. Mr. Chairman, I move to amend by striking out, on page 63, all after the word "each," in line 5, down to and including the word "each," in line 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "each," in line 5, page 63, strike out the following:

"Two unsheathed armored cruisers, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about 14,000 tons each, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,000,000 each."

Mr. VANDIVER. Mr. Chairman, the effect of this amendment, as will be observed, is to strike out the provision for the construction of two more armored cruisers. I will say frankly that I was not in favor of constructing at this time the two additional battle ships and the two cruisers. But the Committee of the Whole has just voted against the proposition to strike out all four of them. I offer this amendment as a compromise. It proposes to strike out the two armored cruisers, leaving the two first-class battle ships to be authorized by the passage of this bill.

Mr. Chairman, I do not desire to occupy the time of the House. The question has already been sufficiently argued. But I want to call the attention of the House, and especially the attention of the chairman of the committee, to a statement which was made yesterday, and which, I think, was an unfortunate statement and indicated an unwise policy. The chairman of the committee, when questioned in regard to the matter yesterday, stated that he understood it to be the policy of the Government—a policy to be followed out by this House—to increase the American Navy, all the time keeping it a little in advance of the German navy.

When that statement was made I remembered that about a year ago or less than a year ago, when the naval bill was before this House and during its consideration, the press dispatches from Germany announced that the proposition then pending in the Reichstag for the increase of the German navy was based on the assumption that the American Government had just arranged for an increase of the American Navy, and therefore it was necessary for the German Government to increase its navy. Now comes the proposition from this side of the water that we must increase our Navy again to keep it a little ahead of the German navy.

I suppose when this proposition carries, the next dispatch from Germany will be to the effect that they must make another increase in order to keep a little ahead of us. And next winter we will come back here and make another increase to keep a little ahead of them. And so we must go on, one against the other, each nation building up a great naval force and at the same time piling up a great expense account for the people to pay.

I want to say that I am in perfect accord and hearty sympathy with a movement that would keep the American Navy up to a high point of efficiency and have it sufficiently enlarged to ward off all danger of attack from without.

And I want to say further, Mr. Chairman, that if it were not for the fact that battle ships and cruisers have already been contracted for which will require four or five years to complete, and are all that the shipyards can complete within that time, I should not strenuously oppose the authorization of two more ships at the

present time. But I think it exceedingly unwise to go ahead, regardless of what the shipyards of the country can do or the expense entailed and regardless of consequences to the taxpayers, and authorize more armored cruisers and battle ships to be constructed, when we know that the progress of naval architecture and naval improvements are proceeding rapidly, and before these ships can be built new vessels and new models, new ideas perhaps, will be required.

The CHAIRMAN. The time of the gentleman has expired. Mr. VANDIVER. I would like, Mr. Chairman, to be permitted to proceed for three minutes longer.

The CHAIRMAN. Is there objection? There was no objection.

Mr. VANDIVER. I was proceeding to state, Mr. Chairman, that there were great improvements going on all the time in the construction of battle ships, and before these ships can be completed it is highly probable that improvements will be made which will render them at least partially out of date and obsolete.

I am in favor of holding up a little, at least until the next session of Congress, so as to give the shipyards a chance to get a little ahead in the construction of the ships already ordered. It is useless to order more when these shipyards can not take them at the present time. Here we are going forward at the rate of two battle ships every year, and from two to four armored cruisers, when we know that the shipyards of the country can not keep up with the orders.

Another fact to which I wish to call attention is that we are now more than 10,000 men short of the number sufficient to man the several vessels already contracted for. So, if we pass this measure we will need to pass another for the increase of the officers, the increase of the enlisted men, and the increase of the facilities in the Naval Academy and of the entire naval establishment, all along the line; because all of that goes along hand in hand with this hasty and inconsiderate policy.

I think, sir, that if we are to pursue the policy of wisdom and caution, if we are to exercise prudence and deliberation in these matters instead of allowing ourselves to be carried away by the spirit of war and the "jingo" spirit running riot in the country, we should let this matter wait until we have further information or until there is some probability of getting these ships constructed. No harm will result from a delay of a few months before authorizing the construction of more ships.

This will give us opportunity to take advantage of any improvements that may be made in design and also possibly some competition among shipbuilders, who will then want contracts.

Mr. FOSS. Mr. Chairman, I am sure my colleague did not intend to misquote me in his remarks. The question as to the strength of the German navy came up incidentally yesterday. My colleague from Illinois asked me in reference to it, and I mentioned that we were ahead of the German navy in naval strength. It was not my intention to single out Germany in preference to any other country. I simply stated, as a matter of fact, that we are ahead of Germany just as we are ahead of Italy, Japan, and other countries; but I do not care to have the impression go out that I desired to institute a comparison between this country and Germany, or was anxious to bring about a rivalry with Germany or any other country in the construction of our Navy.

I ask a vote.

The question was taken and the amendment was rejected. Mr. FITZGERALD of New York. Mr. Chairman, I offer the amendment I send to the desk.

The CHAIRMAN. The amendment will be read. The Clerk read as follows:

Page 62, line 24, amend by inserting after the word "contract" "or in the navy-yards of the United States under the direction and supervision of the Secretary of the Navy."

Also, on page 63, line 11, after the word "and," insert "if by contract."

Also, on page 63, line 17, after the word "vessels," insert "built by."

Mr. DAYTON. I raise the question of order on the amendment. I do not quite comprehend the scope of it.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

[Mr. FITZGERALD of New York addressed the committee. See Appendix.]

The CHAIRMAN. If the gentleman from New York has concluded, the Chair would be glad to hear from the gentleman from West Virginia on this question.

Mr. DAYTON. Mr. Chairman, I simply want to call the attention of the Chair to the fact that, under existing law, the Secretary of the Navy is compelled to build these ships by contract. That is existing law.

The CHAIRMAN. Will the gentleman refer the Chair to that law?

Mr. DAYTON. It is the law embodied in every one of the appropriation bills for a number of years. It goes back, I think, to 1887, when it was first provided that this should be done by con-

tract. I want to call the Chair's attention further to the fact that at the last session of Congress the point of order was raised against the same provision and was sustained on the ground that it was new legislation and in opposition to existing law. And if the Chair will pardon me a moment, I think I can find the argument that was then had upon the question.

[Mr. FITZGERALD of New York addressed the committee. See Appendix.]

The CHAIRMAN. It is suggested to the Chair that section 3709 of the Revised Statutes is the permanent law regulating this subject. The Chair would like to hear from the gentleman from New York [Mr. FITZGERALD] on that question. The section is this:

All purchases and contracts for supplies or services in any of the departments of the Government, except for personal services, shall be made by advertisement.

And so forth.

The CHAIRMAN. It is suggested to the Chair that section 3709 of the Revised Statutes is the permanent law regulating this subject. The Chair would be glad to hear from the gentleman from New York on the subject.

Mr. FITZGERALD of New York. What is the section?

The CHAIRMAN. The section is this:

All purchases and contracts for supplies or services in any of the Departments of the Government, except for personal service, shall be made by advertisement, etc.

Mr. FITZGERALD of New York. That is where the contract has been authorized; but no contract for the building of these vessels has been authorized. If the Chair will really look at the bill itself, he will see the bill provides that the President is "hereby authorized to have constructed by contract." There is where the authorization to contract for these vessels is contained, and this amendment limits his power. It is a limitation upon his power. There is no general law that provides that all vessels authorized for the Navy shall be built by contract. I make no question that if these vessels are to be built by contract that law applies.

The CHAIRMAN. Has the gentleman from West Virginia any further general law bearing upon this question?

Mr. DAYTON. Not at this time. I have the impression that in one of the appropriation bills some time in the past it has been provided that the vessels shall be built by contract. I remember when the question came up last year I regarded it as *res adjudicata*, and hence have not looked the matter up since.

Mr. FITZGERALD of New York. This is an entirely different amendment. We tried to avoid the trouble of last year.

The CHAIRMAN. The amendment offered by the gentleman from New York seeks to amend this section in such a way that the President be authorized to construct these ships enumerated in the section either by contract or in the navy-yards of the United States. The provision reported by the committee only authorizes the construction of the ships by contract. There has been no general law suggested to the Chair which would be altered by the amendment proposed by the gentleman from New York. The Chair, therefore, is compelled to think that it is in order, in the absence of any such statute, and therefore overrules the point of order. The question is upon agreeing to the amendment.

[Mr. FITZGERALD of New York addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired. Mr. FITZGERALD of New York. I ask unanimous consent to continue my remarks.

Mr. FOSS. I call for a vote. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may continue his remarks for five minutes. Is there objection?

Mr. DAYTON. I object.

The CHAIRMAN. Objection is made. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. FITZGERALD of New York. Division, Mr. Chairman.

The committee divided; and there were—ayes 59, noes 72.

Mr. FITZGERALD of New York. I ask for tellers.

The question was taken, and tellers were ordered; and the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. FOSS] were appointed as tellers.

The House again divided; and the tellers reported 66 ayes and 72 noes.

So the amendment was rejected.

Mr. FITZGERALD of New York. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 62, line 24, after the word "contracts," strike out the word "two" and insert "one;" line 25, strike out "ships" and insert "ship;" page 63, in line 1, strike out the word "their" and insert "its;" line 2, strike out the word "each;" line 5, strike out the word "each" and the word "two" and insert "one;" line 6, strike out the word "cruisers" and insert "cruiser;" line 7, strike out the word "their" and insert "its;" line 8, strike out the word "each;" line 11, strike out the word "each;" strike out the word "contracts" and insert "contract;" line 14, strike out all after the word "delivery" down to and including the word "party," in line 17; line 22, strike out all after the word "followed," on page 63, and on page 64 down to and including line 10.

Mr. WHEELER. A point of order, Mr. Chairman. The amendment is practically the same as the one voted on by the House twice this afternoon.

Mr. KING. I do not care, Mr. Chairman, to make any observations on the point of order; it seems to me it is not well taken. The effect of the amendment is merely to strike out where the word "two" occurs and insert the word "one." It provides for the construction of one armored cruiser and one battle ship, and seeks to amend the section to that extent.

The CHAIRMAN. The Chair is not able to see that the amendment is precisely the same, and overrules the point of order.

Mr. SMITH of Kentucky. Mr. Chairman, I would like to ask the gentleman who offered the amendment if his amendment leaves in this bill a provision for the construction of one battle ship and one cruiser?

Mr. KING. Yes.

Mr. SMITH of Kentucky. I was in favor of the amendment offered by the gentleman from Virginia [Mr. RIXEY], and I am in favor of this.

The question was taken, and the amendment was rejected.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I want to say that in some remarks I made this afternoon I stated that the battle ships provided for in the act of 1900 were of 15,000 tons displacement; but upon investigation I have found that they were only of 13,500 tons instead of 15,000.

The Clerk, proceeding with the reading of the bill, read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of June 10, 1896; those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by the act of June 7, 1900, \$4,000,000.

Mr. UNDERWOOD. Mr. Chairman, I want to ask the gentleman the chairman of the committee if the provision in this section for armament and armor plate is to carry out a contract already made?

Mr. FOSS. It is to carry out the contract.

Mr. UNDERWOOD. In making this appropriation it is not specified what a reasonable price for this armor plate is, but it is merely for the contract already made for the Government.

Mr. FOSS. Already made.

The Clerk, proceeding with the reading of the bill, read as follows:

That sections 1529 and 1530 of chapter 6, Title XV, of the Revised Statutes of the United States, be amended so as to read as follows:

"Sec. 1529. Vessels of the Navy of the United States, except torpedo boats and other special vessels, shall be divided into four classes, and shall be commanded as nearly as may be as follows: First and second rates, by captains; second and third rates, by commanders; fourth rates, by lieutenant-commanders and lieutenants; torpedo boats and other unclassified vessels, by officers below the grade of lieutenant-commander.

"Sec. 1530. Vessels of 5,000 tons displacement or more shall be classed as first rates; those of 3,000 tons or more and below 5,000 tons, as second rates; those of 1,000 tons or more and below 3,000 tons, as third rates; those of less than 1,000 tons, as fourth rates."

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I want to offer an amendment.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I make a point of order against this provision, because I do not understand how it is a change of existing law, and I want to hear the chairman of the committee on that matter.

Mr. FOSS. I desire, Mr. Chairman, to offer an amendment in place of this section.

Mr. RICHARDSON of Tennessee. The amendment is not in order. I would like to hear how this changes existing law.

Mr. FOSS. I will admit the point of order. This classification is a new one for our vessels. The last one was made a quarter of a century ago and applied to the old wooden ships, and now we are building steel ships and in consequence of that there is a necessity for a new classification. There is no appropriation of money connected with it in any way, shape, or manner. It is recommended by the Secretary of the Navy in his report. I would ask the gentleman from Tennessee to withdraw his point of order and hear the amendment which I have offered. I will say that the same point of order would lie against the amendment.

Mr. RICHARDSON of Tennessee. I am willing to do that.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Strike out all on page 65 and insert in lieu the following: "That the President be, and is hereby, authorized to establish and from time to time modify, as the needs of the service may require, the classification of vessels of the Navy, and to formulate appropriate rules governing assignments to command of vessels and squadrons."

Mr. FOSS. This I offer in place of that which is on page 65 of the bill.

Mr. RICHARDSON of Tennessee. As a substitute for the language of the bill?

Mr. FOSS. For that much of the bill which appears on page 65. My amendment includes lines 1 to 17.

Mr. RICHARDSON of Tennessee. I would be glad if the gentleman would make some explanation of the amendment. I confess I do not catch its purport.

Mr. FOSS. Then I will read from the report of the Secretary of the Navy:

The classification of naval vessels prescribed in these two sections is obsolete. It was established before the era of steel ships and rapid-fire breech-loading ordnance, and is not applicable to a modern navy. In present conditions neither of these sections can be carried into effect, the classification of ships according to section 1530 being impracticable, and the assignments to command, which are dependent upon such classification, being likewise impracticable, and with respect to the grade of commodore, which has been abolished by statute, impossible.

Inasmuch as the presence on the statute books of provisions of law which can not be observed is objectionable, it is desirable that these sections be repealed.

In view of the many elements which should be taken into consideration in determining the relative importance of vessels of the several classes, and in consideration of changing conditions affecting not only the vessels themselves but the Navy list also, which may speedily render any fixed rule inapplicable, it is suggested that no absolute application of vessels or prescription as to command be embodied in the statute, but that instead the President be authorized to establish classification of naval vessels and to prescribe appropriate rules governing assignments to command. Such classification and rules would be susceptible of modification from time to time as altered conditions might require.

Mr. RICHARDSON of Tennessee. After the statement of the gentleman from Illinois, I have no desire to press the point of order against the amendment.

The CHAIRMAN. The point of order is withdrawn.

Mr. FITZGERALD of Massachusetts. I renew the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD of Massachusetts. Withholding the point of order, I wish to offer an amendment to the section just read, and I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. Did the Chair sustain the point of order raised by me?

The CHAIRMAN. The Chair did.

Mr. FITZGERALD of Massachusetts. I wished to reserve it, I do not think it proper for the Chair to take me off my feet.

The CHAIRMAN. The Chair misunderstood the gentleman.

Mr. FITZGERALD of Massachusetts. I wish to have the Chair understand that I made the point of order with the intention of reserving it so as to offer an amendment to the section, which I think it is within my province to do as a member of the House; and I ask that— [Cries of "Regular order!"]

The CHAIRMAN. The gentleman's amendment would be in order as an independent proposition.

Mr. FITZGERALD of Massachusetts. I wished, while offering an amendment to the whole section, to reserve the point of order. I think that is within my province.

The CHAIRMAN. The regular order being called for, the regular order is the ruling of the Chair. The Chair sustains the point of order.

Mr. FITZGERALD of Massachusetts. Under the rules of the House have I not the right to reserve the point of order?

The CHAIRMAN. A decision being demanded by the call for "Regular order," it becomes the duty of the Chair to rule. The reservation of a point of order is by common consent.

Mr. FITZGERALD of Massachusetts. Do I understand the Chair to state that it is impossible under the rules for me to reserve the point of order while I have the floor?

The CHAIRMAN. The Chair did not so state.

Mr. FITZGERALD of Massachusetts. Then I appeal to the RECORD to prove— [Renewed cries of "Regular order!"] I think we shall get through with this question much more quickly if the members of the House on the other side will treat the minority with proper courtesy and consideration.

The CHAIRMAN. The gentleman from Massachusetts is out of order. The Chair hopes he will not compel the Chair to insist on order.

Mr. FITZGERALD of Massachusetts. Then I wish to ask the Chair what is the parliamentary position of the point of order I raised a few moments ago, which I intended to reserve, and which I asked should be reserved?

The CHAIRMAN. The gentleman from Massachusetts, as the

Chair understood, renewed the point of order which the gentleman from Tennessee abandoned.

Mr. FITZGERALD of Massachusetts. With the reservation—
The CHAIRMAN. The gentleman from Massachusetts subsequently stated that he reserved the point of order.

Mr. FITZGERALD of Massachusetts. I said so at the time.
The CHAIRMAN. The Chair then revoked his ruling and stated to the gentleman from Massachusetts that he had a right to reserve the point of order. Then the demand for the regular order became general and manifest; and in accordance with a decision made at the first session of this Congress that a point of order can not be reserved by a member if any other member insists on an immediate decision, the Chair, in obedience to the demand for the regular order, ruled upon the question of order and sustained the point. Now, the gentleman from Massachusetts is out of order in pursuing it further.

Mr. FITZGERALD of Massachusetts. A parliamentary inquiry.

Several MEMBERS. Regular order!

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FITZGERALD of Massachusetts. Do I understand that the section has been stricken out upon the point of order?

The CHAIRMAN. It has.

Mr. FITZGERALD of Massachusetts. So that my amendment is not germane at the present time?

The CHAIRMAN. There is nothing pending to which it can be germane. It might be germane to something else.

Mr. FITZGERALD of Massachusetts. I offer the amendment which I send to the desk as an additional section to the pending bill.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment in the nature of an additional section, which will be read.

The Clerk read as follows:

Add at the end of page 64 the following as an additional section:
"There shall be in the Navy of the United States in actual service not exceeding 30 chaplains, who shall be appointed by the President, with the advice and consent of the Senate."

Mr. DAYTON. Mr. Chairman, I raise the point of order on that proposition. It is new legislation.

Mr. FITZGERALD of Massachusetts. I ask unanimous consent, if the point of order is to be sustained, and I presume it must be under the rules of the House, to have a communication on this question from Secretary Long in favor of my amendment read. It will take but a minute.

Mr. DAYTON and others objected.

Mr. FITZGERALD of Massachusetts. Then, on the point of order I suppose I may be heard, Mr. Chairman?

The CHAIRMAN. Does the gentleman think there is any question about the point of order? If so, the Chair will hear him with pleasure.

Mr. FITZGERALD of Massachusetts. I wish to know if I am entitled to be heard on the point of order?

The CHAIRMAN. If the gentleman thinks that the point of order is debatable, the Chair will hear him with pleasure if, on his honor as a member of the House, he believes he is entitled to be heard.

Mr. FITZGERALD of Massachusetts. I suppose the point of order must be sustained under the rulings heretofore made, and I will not take the time of the House in discussing the matter. [Cries of "Regular order!"]

The CHAIRMAN. The Chair sustains the point of order.

Mr. FOSS. I ask unanimous consent to return to page 2 of the bill. At the end of line 16 of that page, after the word "dollars," I desire to offer an amendment which has become necessary by reason of a recent communication from the Department.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I notice that it is now after 5 o'clock, and I move that the House do now adjourn.

The CHAIRMAN. That is not in order.

Several MEMBERS. This is a committee. Move that the committee rise.

Mr. FITZGERALD of Massachusetts. I object to the request to recur to page 2 of the bill.

Mr. WILLIAMS of Mississippi. I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 48, noes 60.

So the motion was rejected.

Mr. FOSS. Now, Mr. Chairman, I ask that, after the word "dollars," on page 2, in line 16, the words "of which sum \$50,000 is to be immediately available" be inserted.

I have just received a letter from the Secretary of the Navy saying that this money is absolutely needed right away in the enlistment of men.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I objected to unanimous consent being given to recur to this para-

graph in the bill, and I do not understand how the gentleman from Illinois can offer this amendment to this section at this time. I demand the regular order.

Mr. FOSS. Of course, Mr. Chairman, this is only a matter of unanimous consent. If the gentlemen object—

Mr. FITZGERALD of Massachusetts. I do object. The chairman of the committee will not allow the question of increase of chaplains to be considered, and I therefore object to considering this proposition at this time.

The CHAIRMAN. Objection is made.

Mr. FOSS. There is only one other matter in connection with the bill which has not been disposed of, and that is the section referred to by the gentleman from Illinois [Mr. CANNON], relating to the buildings at the Naval Observatory. This was passed over by consent, with the right to recur to it again.

Mr. FITZGERALD of Massachusetts. I demand the regular order.

The CHAIRMAN. The regular order is the return to the paragraph passed over at the request of the gentleman from Illinois.

Mr. CANNON. I will ask the gentleman from Illinois in charge of the bill, as this will take considerable time, or at least some little time, to let the bill go over until to-morrow morning. I would suggest that the gentleman will find it will take twenty or thirty minutes to dispose of this matter. In the morning the members will be here, and we can dispose of it in a short time.

Mr. FOSS. I believe there is a special order for to-morrow.

Mr. DALZELL. No; to-morrow is pension business.

Mr. CANNON. Oh, well, there will be no difficulty in getting the half hour necessary to complete this bill.

Mr. RICHARDSON of Tennessee. These gentlemen, Mr. Chairman, on the other side seem to be engaged in a private controversy. The committee would like to know what is going on.

Mr. FOSS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts reported that the Committee of the Whole House on the state of the Union, having had under consideration the naval appropriation bill, had come to no resolution thereon.

AGRICULTURAL RESOURCES OF HAWAII.

The SPEAKER. The Chair submits the following message from the President of the United States, which will be read.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a report of the investigations of the agricultural resources and capabilities of the Hawaiian Islands, with special reference to the establishment of an agricultural experiment station in those islands, made in accordance with the act of Congress making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901.

The attention of Congress is called to the request of the Secretary of Agriculture that 2,000 copies of the report be printed for the use of the Department of Agriculture.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, January 24, 1901.

The SPEAKER. This message will be referred to the Committee on the Territories.

FORDYCE M. KEITH.

The SPEAKER laid before the House the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That the President is hereby requested to return to the Senate the bill (S. 1456) entitled "An act increasing the pension of Fordyce M. Keith."

The SPEAKER. Without objection, this will be considered now.

There was no objection.

The resolution was agreed to.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 86:

Resolved by the Senate (the House of Representatives concurring), That of the document known as the Documentary History of the Constitution of the United States, 7,000 copies be printed, of which number 2,000 shall be for the use of the Senate, 4,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of State—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROSIUS, for one day, on account of important business.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. McCLELLAN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Edmund T. Ryan, Fifty-fifth Congress, no adverse report having been made thereon.

LEAVE TO PRINT.

By unanimous consent, Mr. HENRY C. SMITH was granted leave to print remarks on the reapportionment bill.

Mr. KING. Mr. Speaker, I ask unanimous consent to supplement my remarks, made this morning in regard to the civil service, by adding some documentary evidence which I have in my possession.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

And then, on motion of Mr. Foss (at 5 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John M. Bass, administrator of William O. Moseley, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of M. D. Rountree, administrator of George T. Long, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Charles L. Stewart, executor of Charles Stewart, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WADSWORTH, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902, reported the same, accompanied by a report (No. 2452); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILL, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 13099) to maintain the legal-tender silver dollar at parity with gold, reported the same with amendment, accompanied by a report (No. 2456); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 48) authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow, reported the same without amendment, accompanied by a report (No. 2462); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13372) to provide for supports of entry and delivery in the Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 2463); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3901) providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin, reported the same without amendment, accompanied by a report (No. 2465); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill H. R. 13198, reported in lieu thereof a bill (H. R. 13802) supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 9, 1888, accompanied by a report (No. 2453); which said bill and report were referred to the House Calendar.

Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill H. R. 13309, reported in lieu thereof a bill (H. R. 13803) to amend section 19 of chapter 252, 29 Statutes at Large, approved May 28, 1896, accompanied by a report (No. 2464); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions 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. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13569) granting a pension to the children of Henry R. Hinkle, deceased, reported the same with amendment, accompanied by a report (No. 2428); 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. 12121) granting a pension to Caroline H. Wright, reported the same with amendment, accompanied by a report (No. 2429); 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. 12392) granting a pension to Dr. Henry Smith, reported the same with amendment, accompanied by a report (No. 2430); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13237) granting a pension to Jacob Hoerr, reported the same with amendment, accompanied by a report (No. 2431); 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. 10564) granting an increase of pension to James R. Husted, reported the same with amendment, accompanied by a report (No. 2432); 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. 10055) granting an increase of pension to Frederick G. McDowell, reported the same with amendment, accompanied by a report (No. 2433); 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. 13593) granting an increase of pension to Lewis W. Phillips, reported the same without amendment, accompanied by a report (No. 2434); 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 House (H. R. 1235) granting a pension to Chamness S. Burks, reported the same with amendment, accompanied by a report (No. 2435); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6503) granting an increase of pension to William Gross, reported the same with amendment, accompanied by a report (No. 2436); 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. 12686) granting a pension to John W. Conely, reported the same with amendment, accompanied by a report (No. 2437); which said bill and report were referred to the Private Calendar.

By Mr. SULLOWAY, from the committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12696) granting a pension to John B. Frisbee, reported the same with amendment, accompanied by a report (No. 2438); 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. 12004) granting an increase of pension to George B. Smith, reported the same with amendment, accompanied by a report (No. 2439); 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. 13080) for the relief of John F. Carbee, reported the same with amendment, accompanied by a report (No. 2440); 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. 12883) granting an increase of pension to Condy Menalis, reported the same with amendment, accompanied by a report (No. 2441); 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. 13133) granting a pension to Capt. Joseph V. Hoffecker, reported the same with amendment, accompanied by a report (No. 2442); 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. 13567) granting a pension to Martha M. Stephens, reported the same with amendment, accompanied by a report (No. 2443); 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. 13447) granting an increase of pension to Benjamin Eason, reported the same with amendment, accompanied by a report (No. 2444); 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. 11618) granting an increase of pension to John Burns, reported the same with amendment, accompanied by a report (No. 2445); 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 House (H. R. 10748) granting an increase of pension to Julius Sporleder, reported the same with amendment, accompanied by a report (No. 2446); 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. 6552) to increase the pension of A. P. Pew, late a member of Companies I and D, Fifty-seventh Pennsylvania Volunteers, reported the same with amendment, accompanied by a report (No. 2447); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13204) granting an increase of pension to Henry H. Brown, reported the same with amendment, accompanied by a report (No. 2448); 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. 13123) granting an increase of pension to Charles Hawkins, reported the same with amendment, accompanied by a report (No. 2449); 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. 11197) granting an increase of pension to Eugene Leahy, reported the same with amendment, accompanied by a report (No. 2450); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12816) granting a pension to Samuel A. Needham, reported the same with amendment, accompanied by a report (No. 2451); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the House (H. R. 7378) for the relief of George Rea, deceased, late of Copiah County, Miss., reported the same without amendment, accompanied by a report (No. 2454); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the Senate (S. 3063) for the relief of Charles Hurrel, reported the same without amendment, accompanied by a report (No. 2455); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 651) to correct the military record of Charles Bredt, reported the same with amendment, accompanied by a report (No. 2457); which said bill and report were referred to the Private Calendar.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13743) for the relief of Joseph M. Campbell and Stephen Blacksmith, reported the same without amendment, accompanied by a report (No. 2458); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7760) for the relief of James Kelly, reported the same with amendment, accompanied by a report (No. 2459); 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. 1293) for the relief of Francisco V. De Coster, reported the same without amendment, accompanied by a report (No. 2461); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5676) to remove the charge of desertion from the military record of John Carrol, reported the same adversely, accompanied by a report (No. 2460); which said bill and report were referred to the Private Calendar.

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. WADSWORTH, from the Committee on Agriculture:

A bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902—to the Union Calendar.

By Mr. JENKINS, from the Committee on the District of Columbia: A bill (H. R. 13802) supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 9, 1888, in lieu of H. R. 13198—to the House Calendar.

By Mr. FLEMING, from the Committee on the Judiciary: A bill (H. R. 13803) to amend section 19 of chapter 252, 29th Statutes at Large, approved May 28, 1896, in lieu of H. R. 13309—to the House Calendar.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 13820) relating to employment of chaplains in the United States Navy—to the Committee on Naval Affairs.

By Mr. MUDD: A bill (H. R. 13821) prescribing and regulating the pay of certain classes of employees at the Government Hospital for the Insane, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BERRY: A resolution (H. Res. 386) to pay J. J. Constantine \$300—to the Committee on Accounts.

By Mr. SHERMAN: A resolution (H. Res. 388) for the appointment of a select committee of five to investigate hazing at the Annapolis Naval Academy—to the Committee on Naval Affairs.

By Mr. WEYMOUTH: A resolution (H. Res. 389) to pay Minot Reed Stewart \$295—to the Committee on Accounts.

By Mr. SULLOWAY: A resolution (H. Res. 390) authorizing continued employment of a stenographer to Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. LONG: A concurrent resolution of the legislature of Kansas, favoring an appropriation to repair and improve Galveston Harbor—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CARMACK: A bill (H. R. 13804) for the relief of S. R. Timberlake—to the Committee on War Claims.

By Mr. CLARK: A bill (H. R. 13805) granting a pension to Mrs. Mary Followill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13806) granting an increase of pension to Cornelius Springer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13807) removing the charge of desertion from the record of William E. Talbert—to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 13808) granting a pension to Andy Thompson—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 13809) to remove the charge of desertion now standing against Edward Reno—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 13810) granting an increase of pension to Isaac C. Boley—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13811) granting an increase of pension to Mrs. Bessie H. Lester—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 13812) granting an increase of pension to Clara S. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13813) granting an increase of pension to Ira L. Evans—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 13814) granting a pension to John B. Wilson—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: A bill (H. R. 13815) granting a pension to Martha R. Griswold—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13816) granting a pension to Margaret Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13817) for the relief of R. H. Dunaway—to the Committee on War Claims.

By Mr. ZIEGLER: A bill (H. R. 13818) granting a pension to Thaddeus A. Smith—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 13819) granting an increase of pension to Margaret Jane Lewis—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 11866) to provide for the inspection of the boiler of the tug *Rocket*, and the same was referred to the Committee on the Merchant Marine and Fisheries.

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. ADAMS: Resolutions of the Bricklayers' Company of the City and County of Philadelphia, Pa., in favor of Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Philadelphia Board of Trade, favoring House bill No. 11350, to establish a national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. ATWATER: Papers relating to the claim of Elizabeth Powers, of Wake County, N. C.—to the Committee on War Claims.

By Mr. BOUTELLE of Maine: Petition of the Bangor Woman's Indian Association, Maine, relative to an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. BOWERSOCK: Petition of assistant microscopists of Bureau of Animal Industry, Kansas City, Kans., asking that they be not furloughed without pay—to the Committee on Agriculture.

By Mr. BULL: Petition of the Rhode Island Women's Indian Association, in favor of irrigation for the benefit of the Pima and Papago Indians—to the Committee on Irrigation of Arid Lands.

By Mr. BUTLER: Petition of 100 persons of Marple, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CAPRON: Petition of the Rhode Island Women's Indian Association, in favor of irrigation for the benefit of the Pima and Papago Indians—to the Committee on Irrigation of Arid Lands.

Also, papers to accompany House bill granting an increase of pension to Margaret Jane Lewis—to the Committee on Invalid Pensions.

By Mr. CARMACK: Petition of William Johnson, administrator of Thomas I. Johnson, deceased, late of Fayette County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: Petition of Methodist Episcopal churches at North Prairie and Eagle, and A. C. Grier, of Racine, Wis., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. DALZELL: Resolutions of the Pittsburg (Pa.) Chamber of Commerce, urging the passage of the Pacific cable bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Philadelphia Board of Trade, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of Reformed Presbyterian Church of Wilkesburg, Pa., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

By Mr. FARIS: Papers in support of House bill No. 13513, granting an increase of pension to George Burton—to the Committee on Invalid Pensions.

Also, photograph to accompany House bill No. 13512, to increase the pension of Joseph F. Bolen—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: Petition of Frank P. Nowlan and 8 other employees of the Bureau of Animal Industry at Boston, Mass., in relation to the employment and salary of taggers in that department—to the Committee on Agriculture.

Also, petition of the Boston Central Branch of the United Irish League, protesting against the shipment of horses, mules, and war supplies to Great Britain—to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Resolution of the Woodward (Okla.) Bar Association in support of House bill No. 12842, and urging the appointment of three additional judges for the supreme court in the Territory of Oklahoma—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of Andy Thompson, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. GLYNN: Petition of citizens of Salt Lake City, Utah, in relation to the erection of a Federal building in Salt Lake City—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: Petition of the Philadelphia Board of Trade, in favor of the establishment of the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of M. T. Richardson Company, of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

Also, petition of Thomas Shayne, favoring the policy of the Administration toward the natives of the Philippine Islands—to the Committee on Insular Affairs.

By Mr. HILL: Petition of Winsted Indian Association, of Winsted, Conn., in favor of making provisions for an adequate and

permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. LACEY: Resolutions of Oskaloosa (Iowa) public schools, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. LONG: Petition of Charles E. Bradt and 30 others, urging the passage of a measure providing a permanent supply of live water for irrigating purposes for the Pima and Papago Indians in Arizona—to the Committee on Indian Affairs.

By Mr. McALEER: Petition of the Philadelphia Maritime Exchange, favoring the proposed establishment of a beacon light near Grubbs Landing, Delaware River, Delaware—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Farragut Association, No. 1, Naval Veterans, of Philadelphia, Pa., for the passage of Senate bill No. 3422, to equalize the rank and pay of certain retired officers of the Navy—to the Committee on Naval Affairs.

Also, resolutions of Naval Command, No. 1, Spanish-American War Veterans, Philadelphia, in opposition to the pending Army bill—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Petition of citizens of Vincennes, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MORRELL: Petition of the Bricklayers' Company of Philadelphia, Pa., favoring such legislation as will strengthen our maritime position—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Philadelphia Board of Trade, in favor of the establishment of a national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. PAYNE: Resolutions of the New York Electrical Society, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of George H. Lookup and others, of Marion, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of 25 citizens of Rose, N. Y., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUSSELL: Petition of New London (Conn.) Indian Association, favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

Also, petition of New London (Conn.) Indian Association, for construction of dam across Gila River, San Carlos, Ariz., for purposes of irrigation for Pima Reservation—to the Committee on Indian Affairs.

By Mr. SCUDDER: Petition of Presbyterian Church of Bridgehampton, Suffolk County, Long Island, in favor of legislation prohibiting sale of intoxicating liquors to helpless people—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Resolutions of the Chamber of Commerce of Knoxville, Tenn., in favor of an appropriation for the special or fast mail service between New York and New Orleans via Atlanta—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART of New Jersey: Petition of 18 citizens of Garfield, Bergen County, N. J., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Bergen County, N. J., for ratification of treaty between civilized nations—to the Committee on Foreign Affairs.

By Mr. VAN VOORHIS: Petition of citizens of Marietta, Ohio, praying for the passage of a bill providing for a live water supply for irrigation purposes for the Papago and Pima Indians of Arizona—to the Committee on Irrigation of Arid Lands.

By Mr. JAMES R. WILLIAMS: Papers in support of House bill for the relief of R. H. Dunaway—to the Committee on War Claims.

By Mr. YOUNG: Petition of John Lucas & Co., Philadelphia, Pa., favoring the adoption of a system by which the exchangeability of the metallic currencies at the Treasury, at the will of the holder, may be maintained—to the Committee on Banking and Currency.

Also, petition of M. T. Richardson Company, publishers, favoring the erection of a new post-office building in New York City—to the Committee on Public Buildings and Grounds.

Also, petition of the Board of Trade of Philadelphia, Pa., for the establishment of the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Bricklayers' Company of Philadelphia, Pa., in favor of Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ZIEGLER: Petition and papers to accompany House bill granting a pension to Thaddeus A. Smith—to the Committee on Invalid Pensions.