

by a report (No. 1883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4096) to provide for a site for a depot for the Revenue-Cutter Service, reported the same without amendment, accompanied by a report (No. 1884); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6127) granting an increase of pension to Mrs. Catherine P. McLorinan, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14188) for the appointment of authorized surveyors in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 14189) to permit the occupancy of the public printing building by the Grand Army of the Republic—to the Committee on Printing.

By Mr. NORTON: A bill (H. R. 14190) to amend the third subdivision of section 3244 of the Revised Statutes—to the Committee on Ways and Means.

Also, a bill (H. R. 14191) to amend section 45 of an act entitled "An act to reduce revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 14192) to correct the military record of Palmer G. Percy—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 14193) granting an increase of pension to Warren C. Plummer—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14194) granting an increase of pension to Esther A. Clark—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 14195) granting an increase of pension to David T. Towles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14196) granting an increase of pension to M. W. Dunkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14197) granting a pension to Harriett Wheatley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14198) to correct the military record of William G. Dougherty—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 14199) granting an increase of pension to Jesse Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14200) granting an increase of pension to Franklin Stauter—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A resolution (H. Res. 239) to pay Cash B. Herman for services rendered under the Doorkeeper of the House—to the Committee on Accounts.

#### 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. BURLEIGH: Papers to accompany House bill granting a pension to Joseph M. Foster—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of the Woman's Republican Association of the State of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of citizens of Kingston, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of Thompson & Leavitt and other citizens of Boston, Mass., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Resolutions of Branch No. 551, Polish National Alliance, of Camden, N. J., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RYAN: Petition of Jacob Springweiler and 34 other citizens of the Thirty-second Congressional district of New York, for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Resolutions of Mine Workers' Unions No. 951, of Sato; No. 710, of Casterville, and No. 1941, of Johnston City, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

#### SENATE.

MONDAY, May 5, 1902.

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

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

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

#### HOSPITAL AT FORT RILEY, KANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for the construction of a hospital at Fort Riley, Kans., \$100,000; which, on motion of Mr. PROCTOR, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

#### LEVI HATCHETT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2975) granting an increase of pension to Levi Hatchett, which was, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PRITCHARD, Mr. DEBOE, and Mr. CARMACK were appointed.

#### PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Galesburg Lodge, No. 24, Brotherhood of Railroad Trainmen, of Galesburg, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Columbia Encaustic Tile Company, of Anderson, Ind., praying for the adoption of certain amendments to the national banking laws; which was referred to the Committee on Finance.

Mr. DRYDEN presented a resolution adopted by the Arlington Flag Association, of Arlington, N. J., favoring the official recognition of Dr. Theodore R. Timby for his invention of the revolving gun turret of the *Monitor*; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Rahway, N. J., 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 memorial of Cigar Makers' Local Union No. 138, of Newark, N. J., remonstrating against the present high prices of beef and praying for the removal of the protective tariff on all imports of meat; which was referred to the Committee on Finance.

He also presented a petition of Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Local Union No. 121, of Paterson, N. J., praying that an investigation be made into the so-called beef trust; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Jersey Central Division, No. 307, Order of Railway Conductors, of Somerville; of Lehigh Valley Lodge, No. 33, Brotherhood of Railroad Trainmen, of Jersey City; of Trenton Lodge, No. 38, Brotherhood of Railroad Trainmen, of Trenton; of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden; of Jersey City Lodge, No. 119, Brotherhood of Locomotive Engineers, of Jersey City; of Palisade Lodge, No. 592, Brotherhood of Locomotive Engineers, of Jersey City, and of Jersey City Division, No. 53, Brotherhood of Locomotive

Engineers, of Jersey City, all in the State of New Jersey, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PROCTOR presented a petition of Local Union No. 683, United Brotherhood of Carpenters and Joiners, of Burlington, Vt., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

He also presented a petition of Lumpers, Boxers, and Derrickmen's Local Union No. 9584, of Barre, Vt., and a petition of Federal Labor Union No. 9635, of Vergennes, Vt., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. HOAR presented resolutions adopted by the Springfield Turn Verien, of Springfield, Mass., expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Boot and Shoe Workers' Local Union No. 122, of Randolph; of Federal Labor Union No. 9477, of Lenox, and of Fish Skinners, Cutters, and Handlers' Local Union No. 9582, of Gloucester, all of the American Federation of Labor, in the State of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Local Division No. 439, Brotherhood of Locomotive Engineers, of Boston; of Lodge No. 57, Brotherhood of Locomotive Firemen, of Jamaica Plain; of Lodge No. 73, Brotherhood of Locomotive Firemen, of Worcester; of Lodge No. 553, Brotherhood of Railroad Trainmen, of Worcester; of Lodge No. 486, Brotherhood of Railroad Trainmen, of East Boston, and of Lodge No. 404, Brotherhood of Railroad Trainmen, of Bunker Hill, all in the State of Massachusetts, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. McMILLAN presented a petition of International Longshoremen's Local Union No. 49, American Federation of Labor, of Detroit, Mich., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Thunder Bay Lodge, No. 568, Brotherhood of Railroad Trainmen, of Alpena; of Local Division No. 6, Order of Railway Conductors, of Battlecreek; of Park Lodge, No. 55, Brotherhood of Railroad Trainmen, of Detroit; of Standard Lodge, No. 158, Brotherhood of Locomotive Firemen, of Detroit; of Good Will Lodge, No. 103, Brotherhood of Railroad Trainmen, of Gladstone; of Gladstone Division, No. 340, Order of Railway Conductors, of Gladstone; of Wolverine Division, No. 182, Order of Railway Conductors, of Jackson; of Central City Lodge, No. 121, Brotherhood of Railroad Trainmen, of Jackson; of St. Clair Lodge, No. 241, Brotherhood of Railroad Trainmen, of Detroit, and of Red Jacket Lodge, No. 367, Brotherhood of Railroad Trainmen, of Calumet, all in the State of Michigan, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

He also presented petitions of Tile Layers' Local Union No. 7, of Detroit; of Bolt and Nut Workers' Local Union No. 7375, of Detroit; of Lithographers' Sun Association No. 9, of Detroit; of Retail Clerks' Local Union No. 168, of Detroit; of Switchmen's Local Union No. 13, of Detroit; of Bricklayers' Local Union No. 2, of Detroit; of the Allied Printing Trades Council of Detroit; of the Council of Trades and Labor Unions of Detroit; of Carpenters' Local Union No. 334, of Saginaw; of Team Drivers' Local Union No. 287, of Saginaw; of Bricklayers' Local Union No. 7, of Saginaw; of Carpenters' Local Union No. 226, of Traverse City; of Bricklayers' Local Union No. 8, of Traverse City; of Bricklayers' Local Union No. 13, of Pittsburg; of Bricklayers' Local Union No. 17, of Kalamazoo; of Carpenters' Local Union No. 654, of Jackson; of Boiler Makers' Local Union No. 64, of Jackson; of Retail Clerks' Local Union No. 18, of Grand Rapids; of Retail Clerks' Local Union No. 356, of Hancock; of Carpenters' Local Union No. 585, of Port Huron; of Carpenters' Local Union No. 512, of Ann Arbor; of the Bricklayers' Local Union of Marquette; of Carpenters' Local Union No. 958, of Marquette; of Carpenters' Local Union No. 871, of Battle Creek; of Bricklayers' Local Union No. 11, of Bay City; of Barbers' Local Union No. 15, of Flint; of the Central Labor Union of Flint; of Typographical

Union No. 168, of Muskegon, and of Typographical Union No. 166, of Adrian, all in the State of Michigan, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. PLATT of Connecticut presented a petition of the Court of Common Council of Hartford, Conn., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Lodge No. 423, Brotherhood of Railroad Trainmen, of Waterbury; of Lodge No. 118, Brotherhood of Railroad Trainmen, of Hartford; of Lodge No. 285, Brotherhood of Locomotive Firemen, of Hartford, and of Lodge No. 496, Brotherhood of Railroad Trainmen, of New London, all in the State of Connecticut, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. HALE presented a petition of the Maine State Board of Trade, of Portland, Me., praying for the adoption of certain amendments to the national bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented petitions of the American Federation of Labor, of the Brotherhood of Locomotive Engineers, of the Brotherhood of Locomotive Firemen, of the Order of Railway Conductors, of the Brotherhood of Railway Trainmen, of the Order of Railroad Telegraphers, of the Sailors' Union, of the Pacific and International Seamen's Union of America, of the Chinese Exclusion Commission of California, of Iron Molders' Local Union No. 248, American Federation of Labor, of Portland, Me., and of Masons Local Union No. 7, American Federation of Labor, of Bangor, Me., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of the Troy Annual Conference of the Methodist Episcopal Church of Saratoga Springs, N. Y.; of the Methodist Preachers' Meeting of Chicago, Ill., and of the New York East Conference of the Methodist Episcopal Church of Torrington, Conn., praying for the enactment of legislation placing the chaplains of the United States Navy in the matter of their pay and general treatment on an equal footing with the other officers of the same rank in the service; which were referred to the Committee on Naval Affairs.

Mr. BAILEY presented petitions of Bricklayers' Local Union No. 9, of Waco; of Davy Crockett Lodge, No. 145, Brotherhood of Locomotive Firemen, of San Antonio; of Barbers' Local Union No. 11, of Fort Worth; of Street Railwaymen's Division No. 84, of Houston; of Carpenters' Local Union No. 55, of Temple; of Tyler Division, No. 201, Brotherhood of Locomotive Engineers, of Tyler; of Lone Star Lodge, No. 70, Brotherhood of Locomotive Engineers, of Longview; of Sunset Lodge, No. 177, Brotherhood of Locomotive Firemen, of Marshall; of Mission Lodge, No. 281, Brotherhood of Locomotive Firemen, of Yoakum; of Signal Mount Lodge, No. 372, Brotherhood of Locomotive Firemen, of Bigspring; of William McKinley Lodge, No. 422, Brotherhood of Locomotive Firemen, of Greenville; of Barton Spring Lodge, No. 491, Brotherhood of Locomotive Firemen, of Austin; of Ivanhoe Lodge, No. 492, Brotherhood of Locomotive Firemen, of Smithville; of Neches Queen Lodge, No. 590, Brotherhood of Locomotive Firemen, of Beaumont; of J. J. Kress Lodge, No. 492, Brotherhood of Railroad Trainmen, of Commerce; of Terrell Lodge, No. 20, Brotherhood of Locomotive Firemen, of Paris; of the Trades and Labor Council, of Palestine; of the Trades Assembly, of Cleburne; of the Plumbers' Local Union, of Houston; of Lodge No. 368, Brotherhood of Railroad Trainmen, of Palestine; of Brewery Workmen's Local Union No. 182, of Fort Worth; of the Retail Clerks' Local Union, of Hillsboro; of the Painters' Local Union, of San Antonio; of Boiler Makers' Local Union No. 293, of Smithville, and of the Galveston Labor Council, of Galveston, all in the State of Texas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. BEVERIDGE presented a petition of Kramer & Kaufman and 40 other citizens of Indiana, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of William Hugo Lodge, No. 166, Brotherhood of Locomotive Firemen, of Huntington, Ind., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of sundry citizens of Macon, Mo., praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a resolution adopted at a meeting of the Nord St. Louis Turn Verein, of Missouri, expressing sympathy for the people of the South African Republic and Orange Free State; 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. 12788) granting a pension to Elizabeth McDonald;

A bill (H. R. 6645) granting an increase of pension to Ann E. Austin;

A bill (H. R. 11662) granting an increase of pension to Albion P. Stiles; and

A bill (H. R. 6441) granting an increase of pension to William H. Wood.

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

A bill (S. 1184) granting a pension to Mary Florence Von Steinwehr;

A bill (S. 5106) granting an increase of pension to Horace L. Richardson; and

A bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4790) directing payment of pension to Stephen A. Seavey, reported it with amendments, and submitted a report thereon.

He also (for Mr. SCOTT), from the same committee, to whom was referred the bill (H. R. 13416) granting an increase of pension to Isabella H. Thompson, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 12489) granting an increase of pension to Ebenezer Wilson, to submit an adverse report thereon, the soldier having died since the bill passed the House of Representatives. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. DEBOE, 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. 5190) granting an increase of pension to Alvin J. Hartzell;

A bill (H. R. 2129) granting an increase of pension to Warren W. H. Lawrence; and

A bill (H. R. 5188) granting an increase of pension to William Holdridge.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 12552) granting a pension to Erwin A. Burke, alias B. A. Erwin, reported it with an amendment to the title.

He also, from the same committee, to whom was referred the bill (S. 3888) granting a pension to Jesse H. Hubbard, reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 5316) providing for an additional circuit judge in the eighth judicial circuit, reported it without amendment.

Mr. CARMACK, 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. 3277) granting a pension to Frances J. Abercrombie; and

A bill (H. R. 8351) granting a pension to Matthew V. Ellis.

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

A bill (H. R. 8007) granting an increase of pension to James W. Lewis; and

A bill (H. R. 7840) granting an increase of pension to Oliver Kerr.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 712) granting a pension to John Housiaux, reported it with amendments and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Depredations, to whom was referred the bill (S. 3544) to amend an act entitled, "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported it with amendments, and submitted a report thereon.

Mr. GAMBLE. I present a memorandum relating to the bill

just reported by me, and move that it be printed as a document and referred to the Committee on Indian Depredations.

The motion was agreed to.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 3506) granting an increase of pension to Stanley M. Casper, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4710) granting a pension to Anna M. Hogan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2436) granting an increase of pension to James W. Roath; and

A bill (H. R. 12239) granting an increase of pension to Agnes Clark.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5434) to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city, reported it with amendments, and submitted a report thereon.

Mr. PLATT of Connecticut. I am directed by the Committee on Relations with Cuba, to whom was referred the bill (H. R. 13996) making appropriations for the diplomatic and consular service in the republic of Cuba, to report it back and to ask that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Foreign Relations.

Mr. CULLOM. I desire to state that a few days ago I reported favorably from the Committee on Foreign Relations an amendment making appropriations for the diplomatic and consular service in the republic of Cuba, intended to be proposed to the sundry civil appropriation bill, which contains provisions identical with the bill just reported by the Senator from Connecticut [Mr. PLATT].

The PRESIDENT pro tempore. The Committee on Relations with Cuba will be discharged from the further consideration of the bill referred to by the Senator from Connecticut, and it will be referred to the Committee on Foreign Relations.

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

A bill (S. 4727) granting an increase of pension to Isaac Rhodes; and

A bill (S. 2697) granting an increase of pension to Sarah F. Baldwin.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 4982) granting an increase of pension to John Fler, reported it with amendments, and submitted a report thereon.

#### REPORT ON THE DISEASES OF CATTLE.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle, and I ask for its present consideration.

The joint resolution (S. R. 91) providing for the publication of 50,000 copies of the Special Report on the Diseases of Cattle was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound in cloth 50,000 copies of the Special Report on the Diseases of Cattle, the same to be first revised and brought to date, under the supervision of the Secretary of Agriculture, 27,000 for the use of the House of Representatives, 15,000 for the use of the Senate, and 8,000 for the use of the Department of Agriculture.*

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

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

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

#### REPORT ON THE DISEASES OF THE HORSE.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse, and I ask for its immediate consideration.

The joint resolution (S. R. 92) providing for the publication of 50,000 copies of the Special Report on the Diseases of the Horse

was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be printed and bound in cloth 50,000 copies of the Special Report on the Diseases of the Horse, the same to be first revised and brought up to date under the supervision of the Secretary of Agriculture, 27,000 for the use of the House of Representatives, 15,000 for the use of the Senate, and 8,000 for the use of the Department of Agriculture.

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

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

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

#### THE FIRST JUDICIAL CIRCUIT.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5387) to change the terms of the circuit courts of the United States in the first circuit, to report it favorably without amendment, and I ask that the bill may be put on its passage. It is recommended by all the judges, including the district judges in that circuit, and merely makes the terms of the circuit courts and district courts coincide.

Mr. SPOONER. I should like to have the bill read by title. It is not the bill reorganizing the circuits?

Mr. HOAR. No; it is merely to make the terms of the district courts and the circuit courts in the New England circuit come on the same day instead of different days.

Mr. SPOONER. I did not hear the title; that is all.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

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

Mr. HOAR. In the sixth line of the first section the word "at," which is repeated, should be stricken out. It is a misprint.

The PRESIDENT pro tempore. It will be stricken out.

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

#### HARRY C. MIX.

Mr. BACON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 4446) for the relief of Harry C. Mix, to report it without amendment and to ask for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to relieve Harry C. Mix, of Bibb County, Ga., from any and all liability to pay a certain recognizance given by A. F. Holt and the said Harry C. Mix as security for the said A. F. Holt on the 23d day of January, 1895, in the penal sum of \$1,500, by which recognizance they acknowledged themselves to be held and firmly bound to the United States of America that the said A. F. Holt should personally appear at the then next term of the district court of the United States for the southern district of Georgia, to be held at Savannah, Ga., in said district, on the first Monday in January, 1895, and at the succeeding term or terms, should the case be continued, the said A. F. Holt being charged with the embezzlement of postal funds. But Harry C. Mix shall first pay to the Government of the United States all court costs that may have accrued upon any proceeding instituted for the purpose of forfeiting such recognizance.

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

#### SAVANNAH RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5406) to authorize the construction of a bridge across the Savannah River from the mainland of Aiken County, S. C., to the mainland of Richmond County, Ga., to report it favorably without amendment.

Mr. TILLMAN. That is a matter of some importance to some people in my State. It will take only a minute, if it is not objected to, and I should like to have unanimous consent for its present consideration.

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

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

#### BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 5638) granting an increase of pension to Rudolph Reinhart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE (for Mr. HOAR) introduced a bill (S. 5639) granting a pension to William H. Durham; which was read twice by its

title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5640) granting an increase of pension to Hiram F. Raymore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 5641) granting a pension to Charlotte J. Closser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 5642) granting an increase of pension to Nicholas Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5643) granting an increase of pension to George W. McMullen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McLAURIN of Mississippi introduced a bill (S. 5644) for the relief of Piazza and Botto; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5645) for the relief of Mrs. Eliza A. Curlee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5646) granting an increase of pension to James Hill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5647) to amend the Revised Statutes of the United States relating to the collection district of Genesee, and providing for the appointment of an appraiser in said district and fixing his compensation; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLATT of Connecticut introduced a bill (S. 5648) granting an increase of pension to Frederick Bulkley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 5649) for the erection of a public building at Knoxville, Tenn.; which was read twice by its title; and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a bill (S. 5650) granting an increase of pension to William R. Raymond; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 5651) granting an increase of pension to Samuel G. Magruder; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 5652) granting an increase of pension to Simeon Slusher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5653) to provide bail after conviction, in the Indian Territory, in certain cases; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 5654) for the erection of a public building at Oakpark, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 5655) providing for the erection of a public building at Moberly, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5656) providing for national trophy and prizes for rifle competition; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 5657) to prevent discrimination in grazing permits on the Uintah Forest Reservation; which was read twice by its title and referred to the Committee on Public Lands.

#### AMENDMENTS TO BILLS.

Mr. McMILLAN submitted an amendment providing for a change in the force of the street-sweeping office of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HOAR submitted an amendment providing for the establishment in the Department of the Interior of a laboratory for the study of the abnormal classes, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. DOLLIVER submitted an amendment authorizing the

Secretary of War to lease any stone or grazing lands within the Fort Sill Military Reservation and wood reserve belonging thereto, in the Territory of Oklahoma, and use the proceeds of such leases for the support and benefit of the Apache Indians now held as prisoners of war on that reservation, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes; which was ordered to lie on the table and to be printed.

Mr. BAILEY, Mr. BURROWS, Mr. CULLOM, Mr. DOLLIVER, and Mr. MARTIN submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### SEACOAST GUNS AND MORTAR BATTERIES.

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

*Resolved.* That the Secretary of War be directed to furnish for the information of the Senate copies of all official reports received by the War Department and the Commanding General of the Army from officers of artillery or from officers of the Inspector-General's Department since January 1, 1900, which show the service condition of the magazines and emplacements of seacoast guns mounted on disappearing carriages and of the magazines and emplacements of mortar batteries.

JAMES H. WALKER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4868) granting an increase of pension to James H. Walker; which was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty."

Mr. GALLINGER. I move that the Senate agree to the amendment made by the House of Representatives.

The motion was agreed to.

#### CONSIDERATION OF PENSION BILLS, ETC.

Mr. GALLINGER. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business to-morrow thirty minutes be given to the consideration of unobjected pension bills and bills to correct the military record of soldiers, not to interfere with appropriation bills.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that to-morrow, immediately after the conclusion of the routine business, thirty minutes be given to the consideration of unobjected pension cases and cases unobjected to involving the record of soldiers. Is there objection?

Mr. LODGE. I make no objection to the request, but I give notice that after to-morrow I shall call up the pending Philippine bill immediately after the routine morning business.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

MAJ. CORNELIUS GARDENER.

Mr. PATTERSON. Mr. President, I ask the Chair what is the status of the resolution for the calling of Major Gardener?

The PRESIDENT pro tempore. It is on the Calendar, its right on the table having been exhausted.

Mr. PATTERSON. It seems to me that the resolution ought to remain unfinished morning business until it is disposed of.

The PRESIDENT pro tempore. There is no such thing as unfinished morning business, except by unanimous consent.

Mr. PATTERSON. I was going to ask that such might be the case by unanimous consent. During the debate on Saturday the chairman of the Committee on the Philippines expressed a desire that the resolution should be voted upon and called upon his friends to vote to defeat the resolution. The debate upon it was not finished on Saturday, and it seems to me that it ought to be definitely passed upon by the Senate at the earliest possible time. I ask unanimous consent that it may remain before the Senate in the morning hour until it is disposed of.

Mr. LODGE. The Senator from Colorado can move to take it from the Calendar at any time. He can move now to take it from the Calendar.

The PRESIDENT pro tempore. Hardly now, because there is a bill to come before the Senate in the morning hour by unanimous consent.

Mr. LODGE. The Senator can move to take it up at any time. If he will let us have a vote on it, I shall be very glad.

#### AGREEMENT WITH INDIANS OF THE ROSEBUD RESERVATION.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 2992.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud reservation in South Dakota, and making appropriation to carry the same into effect.

Mr. TELLER. There is an amendment pending which I offered. It is to strike out in section 3, line 25, page 6, after the word "entry," and the balance of the section, which takes the first three lines on page 7, and then to insert:

No person taking a homestead under the provisions of this act shall be allowed to commute under the provisions of section 2289 or 2301 of the Revised Statutes.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment, which will be stated.

The SECRETARY. In section 3, page 6, line 25, after the word "entry" strike out the remainder of the section, in the following words:

Except that homestead settlers who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed herein.

And to insert:

No person taking a homestead under the provisions of this act shall be allowed to commute under the provisions of section 2289 or 2301 of the Revised Statutes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. PLATT of Connecticut. Mr. President, this matter has been so long before the Senate that the Senate is tired of it, and yet it is an important matter and it ought not to be disposed of without full consideration.

With regard to the pending amendment, the proposition is to apply a different rule for the securing of homesteads to this reservation and the lands which are to come into settlement from what is applied to any other lands in the United States. I do not think that there should be an exception made with regard to this reservation. The law as it now stands, if I am correct, is that upon any of the public lands of the United States a person may obtain a homestead entry, and it requires him to live upon the land for five years, at the end of which time he may obtain a patent without any payment to the Government. But the law also provides, if I am correct, that in all such cases of homestead entries the person who goes upon the land as a homesteader may commute his holding at the end of fourteen months by paying to the Government a dollar and a quarter an acre, unless other rates have been fixed by different acts of Congress.

Now, that is the general land policy of the United States. If we are ready to repeal as to all lands the commutation provision, then it is all right; but so long as we are to keep it with reference to other lands, I know of no reason why it should be repealed as to these lands, which are to be opened for settlement.

There has been a good deal said to the effect that the commutation clause is the one which leads to fraud or speculative entries upon the public lands, but it is a clause which is both for the benefit of the Government and the benefit of the settler. It is for the benefit of the Government in this way: If the entry is commuted, the Government receives pay for the land. It is for the benefit of the settler in this way: He can put no mortgage upon his property; he can neither encumber it nor sell it until the end of five years without the commutation privilege. He can, with the commutation privilege, if he can find friends to advance the money, get a perfect title to his land in fourteen months from the time he settles upon it. That enables him to acquire the means by which the better to improve his holding. It has been for many years the settled policy of the Government that he should have that opportunity.

I do not wish to take up more time with this matter, but I wished to make this statement of the situation. I do not believe it wise to make one section of land which is open to homestead entry subject to the commutation law and another one not subject to the commutation law.

Mr. STEWART. Mr. President, what troubles me about this case is the price of the land. We have not sufficient information on the subject, it seems to me, to pay \$2.50 an acre for the land. The best of it, along the streams, has been already allotted to the Indians, and inasmuch as the treaty may remain pending until next March, I think it would be a wise course to recommit the bill and let us have an investigation of the price of the land. There is not enough evidence to satisfy my mind that it is worth \$2.50 an acre, and I am not prepared to vote for the bill with the knowledge I have. It seems to me that the price is too high. If we go on in this way we shall have to spend a vast amount of money for the land.

In order to test the sense of the Senate, I move to recommit the bill to the Committee on Indian Affairs, so that we may have more information as to the price of the land before it is finally acted on by the Senate. I make that motion.

Mr. MORGAN. Mr. President, I desire very much indeed to vote for any bill that would facilitate the improvement of the

State of South Dakota or any of the Northwestern States, but there is a principle involved in this bill that I can not reconcile myself to support. It is the lottery principle. Why should the United States Government condemn in a criminal and highly penal statute all lottery arrangements of every kind and then turn around and by a statute invite the people from all over the United States to come and enter into a drawing of lands in South Dakota? We simply stultify ourselves, in my judgment, in abandoning that principle which has worked so much good in this country. The suppression of the lottery system in the United States has worked one of the greatest moral reforms we have ever inaugurated in this country.

I notice that other governments, particularly the Government of France, resort to the lottery scheme for the purpose of raising money out of the people to carry on works of improvement, and it seems to encourage a disposition to gamble and to sanction the principle that gambling must be resorted to here to get rid of public lands.

It is true these men do not put up anything except their homestead qualifications against a tract of land, but there are hundreds of thousands of tramps and hoboes in this country who are entitled to qualify. If I were living in a State like South Dakota, or any of the Northwestern States, I think I would not like to fill up the population of that State by men invited in under such circumstances. I would rather wait and let a decent, strong, earnest population come in there who are able to take care of themselves, and not bring in the poorest off scourings of the earth, or men who might gamble themselves into an opportunity to make a settlement there.

The principle of the bill, in my judgment, is wrong, and I am obliged to vote against it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nevada [Mr. STEWART] to recommit the bill.

The motion was not agreed to.

The PRESIDENT pro tempore. The question now is on the amendment offered by the Senator from Colorado [Mr. TELLER]. The amendment was agreed to.

Mr. GAMBLE. I submit the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Amend the bill, in section 3, line 16, page 6, by striking out after the words "And provided further, That" the words "the price of said lands shall be two dollars and fifty cents per acre, but," so as to make the additional proviso read:

And provided further, That settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall be entitled to a patent for the lands so entered, etc.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. GAMBLE].

The amendment was agreed to.

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

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

Mr. HANSBROUGH. Mr. President, in connection with this measure, I desire to have inserted in the RECORD that portion of the report of the Secretary of the Interior describing the manner of disposing of Indian lands by lot. It is a very interesting report, and I will also ask that it be printed as a document.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the papers sent to the desk by him may be printed in the RECORD and also printed as a document. Is there objection? The Chair hears none, and that order is made.

The report referred to is as follows:

REPORT OF W. A. RICHARDS, ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE, RESPECTING OPENING OF KIOWA, ETC., LANDS IN OKLAHOMA.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.  
Washington, October 9, 1901.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit the following report respecting the opening to settlement and entry of the Kiowa, Comanche and Apache, and Wichita lands situated in the Territory of Oklahoma, ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 8, 1900.

Acting under instructions dated May 13, 1901, I subdivided the territory embraced in the above-named lands into three counties, after having first attached to some of the surrounding counties small portions of the lands more properly belonging to those counties.

The county embracing the lands to the northeast was named Caddo County; the one embracing the lands to the northwest was named Kiowa County, while the one embracing the lands to the south was named Comanche County.

Sites were also selected for the county seats of these new counties, that for Caddo County being in the immediate vicinity of Anadarko station on the Chicago, Rock Island and Pacific Railroad, which was named Anadarko; that for Kiowa County being near the station of Kiowa on the above-named railroad and named Hobart, while the site for the county seat of Comanche County was located 5 miles south of Fort Sill and named Lawton. These

town sites each embraced 320 acres and were surveyed into blocks, lots, streets, and alleys. The surveys of these town sites were made by examiners of surveys detailed from the General Land Office for that purpose.

The location of the boundaries of the three new counties and of the town sites for their respective county seats was completed upon June 11, 1901, and a detailed report of my action in connection therewith was submitted and approved.

The expenses incident to the surveying, subdividing, and platting of the town sites, reimbursable to the Government from the sale of lots by the act of March 3, 1901, were \$5,284.24, as set forth in the itemized statement herewith submitted.

#### REGISTRATION.

In accordance with your letter of June 29, 1901, under which I was instructed to take charge of the prospective opening of the Kiowa, Comanche and Apache, and the Wichita reservations, I proceeded to Elreno, Okla., arriving at 2 o'clock a. m. of July 10, the day upon which registration was to begin.

Under date of July 4, 1901, the Commissioner of the General Land Office, by direction of the President, established two new land districts in Oklahoma—the Elreno land district, which includes the Wichita Reservation and the northern portion of the Kiowa Reservation, with the land office at Elreno, and the Lawton land district, which includes the remaining portion of the Kiowa and Comanche and Apache reservations, with the land office at Lawton.

By the proclamation of the President of July 4, 1901, Elreno and Lawton were designated as places of registration, it being provided that the registration at each office should be for both land districts, but that at the time of registration each applicant should be required to elect and state in which district he desired to make entry. It was calculated that under this plan three-fourths of those desiring to make entry would register at Elreno and one-fourth at Lawton, which estimate proved to be practically correct. Thirty-three clerks were detailed from the General Land Office to make the registration, 8 of whom went to Lawton and 25 to Elreno.

The proclamation also provided that the office at Lawton should occupy provisional quarters in the immediate vicinity of Fort Sill until suitable quarters could be provided at Lawton. Under authority obtained from the honorable Secretary of War, the registration for the Lawton district was made at Fort Sill, where a commodious building was furnished for the use of the clerks. The registration at this point was very greatly facilitated by the efficient service rendered by the commanding officer, Maj. G. L. Scott, and the officers and men under his command. A very large proportion of those who registered at Fort Sill came there in wagons and went into camp in the valley of Cache Creek, upon the military reservation. During a portion of the period of registration this camp contained more than 10,000 people. Good order prevailed both in the camp and at the registration booth, which speaks well for the efficiency of those in charge of the registration, the military, and the people themselves.

The registration at this place proceeded in a perfectly orderly manner throughout the entire period and was concluded at 6 p. m. of July 25 with a total registration of 29,000, and no qualified applicant was left unregistered at the close of business. Upon the conclusion of the registration, the clerks in charge were transported to the railroad station, 30 miles distant, in Government ambulances kindly furnished by Major Scott, and at 5 o'clock a. m. of July 27 reported for duty to me at Elreno.

The clerks who were to make the registration at Elreno reached that place at 2 a. m. of July 10, and at 10 a. m. of that day began the registration at six booths, which had been previously secured and furnished. Four clerks were placed in each booth to work under the direction of one of their number designated as chief.

Upon the opening of the booths several thousand people were in line before them, some of them having been there more than twenty-four hours. There being a great many women in the lines, I proceeded to secure and furnish a booth to be used exclusively by women, and opened the same at 1 o'clock p. m. of July 10 with two land-office clerks and two clerks temporarily employed, the places of these two clerks in their respective booths being filled by hiring two additional temporary clerks.

The establishment of this booth was heartily indorsed and highly appreciated by the women, of whom about 8,000 were registered there. As they were not prohibited from registering at the other booths, it is estimated that about 2,000 were so registered, making an estimated total of 10,000 women who were registered at Elreno.

Upon July 10, the first day of registration, 4,018 people were registered, which was very satisfactory, all things being considered.

As it was necessary that applications for registration should be sworn to before being presented to the registering clerks, notaries public, clerks of courts, justices of the peace, and others authorized to administer oaths engaged in the business of preparing such papers. At first exorbitant charges were made for such services. To correct this practice I refused to furnish blanks to any officer who would not agree to charge but 25 cents for his services in each case, which resulted in fixing that amount as the general charge. At Fort Sill, where, on account of the military supervision, the matter could be more easily controlled, the charge was fixed at 10 cents.

Upon July 13, through an accident to the pumping machinery at the waterworks, water was shut off from the mains supplying Elreno with water. The weather was very hot, and there were not less than 15,000 transient people in the city, making the situation one of great seriousness. Unless it could have been remedied at once it would have been necessary to have transferred the registration to some place where there would have been sufficient water. In conference with the city officials, this fact was impressed upon them and it was urged that immediate steps be taken to repair the waterworks. It was also suggested as a means of temporary relief that casks, with drinking cups attached, be placed at convenient places upon the streets and kept filled with water obtained from wells, with a cake of ice in each cask. These suggestions were acted upon without delay, the waterworks were speedily repaired, and the public drinking places provided and found to be so useful that they were maintained during the entire period of registration.

In this connection I take pleasure in stating that during the registration and the drawing which followed it the people of Elreno put forth every exertion to provide for the comfort and convenience of the strangers who visited their city. There was no raise in the prices of any of the commodities or accommodations necessary to their comfort, and while for thirty days the city contained more than ten times its normal population, there were no hardships nor suffering, but all were well cared for and made comfortable at very reasonable expense.

The registration progressed in an orderly manner, but on account of the applicants being largely in excess of the number which had been expected it became necessary to employ additional assistance. Booth No. 1 was so situated that a greater number of people applied for registration there than at any other point, and the largest number of clerks employed in one place were in this booth. It was used as a training school, from which clerks could be taken as needed for use in other booths. By keeping fully informed of the

movement of trains upon the railroads entering Elreno I was enabled to so arrange the clerks as to be continually prepared to speedily register the great numbers of people who arrived daily. After the second day no unregistered people were left in front of the booths when they were closed for the night. The time appointed for the opening of the booths was 8 o'clock a. m., but they were frequently opened earlier by the voluntary action of the clerks. The hours of closing were regulated by the number of people who arrived during the day, but 5 o'clock p. m. was the general hour for closing.

Upon Wednesday, July 24, the reports from the railroads and the numbers of people present indicated that the registration would be unusually large, for which we were fully prepared. Between the hours of 8 a. m. and 12 o'clock noon 11,536 people were registered. As eight heavily loaded trains were due to arrive between 4 and 6 p. m., it was arranged that the booths should be kept open until 8 o'clock or until everybody who so desired had been registered. We were disappointed by the railroads, however, and only two of the trains arrived before 8 o'clock, the total registration for the day being something in excess of 16,000.

Registration was effected by the applicant presenting a sworn statement of his qualifications and his desire to be registered, which was received and filed. A small blank was then filled out with the description of the applicant, the name of the land district in which he desired to make homestead entry, and his post-office address, which he signed, after which he was given a certificate of registration.

Upon July 11 a force of clerks was engaged and, in charge of an experienced clerk, was employed in separating by districts and arranging in alphabetical order the applications and identification cards received at the booths on the preceding day. After having been placed in order, each identification card was compared with its corresponding application, and by this means any errors which might have occurred in the registration were corrected. At the same time a typewritten list was made for each district, embracing the names of those registered for that district, each day's work alphabetically arranged.

The applications, identification cards, and lists for each district were subsequently placed in the respective land offices and afford a means of detecting any frauds which may have been attempted through double registration or the attempt to impersonate another person in making an entry.

After the first week of registration the applications of soldiers to register by agent became so numerous and so impeded the registration of others that it became necessary to organize a separate booth for the registration of soldiers by soldiers' agents, which booth was placed in charge of an efficient clerk, and in which were located the register and receiver of the Elreno office, who rendered faithful and efficient service.

It is believed that the fact that all soldiers' agents were required to register at one booth prevented some designing men from attempting to act as agent for more than one soldier, which they might have done successfully if allowed to register at any of the other booths.

Upon Friday, July 26, registration was closed in every booth simultaneously at 6 o'clock p. m., the chief of each booth having set his watch by city observatory time, in addition to which the city fire bell was struck at that hour. At the time of closing there was no unregistered person in front of any booth in the city.

The total registration at Elreno was 135,416. Upon the first day of the registration there was considerable disorder at several of the booths at this place, the people appearing to have an idea that it was necessary for them to secure and hold their positions in line by force and to take every means to guard their own interests. In a very short time they appeared to become satisfied that they were to receive fair treatment; that there would be no favoritism, and that the entire matter was to be honestly managed, after which there was absolutely no disturbance of any kind in connection with the registration. In fact, there was very little disorder of any character in the city at any time, notwithstanding its overcrowded condition.

Upon the conclusion of the registration all of the land-office clerks were immediately employed in placing the identification cards in proper envelopes and sealing the same, which had been delayed until this time by the fact that it was impossible to obtain the envelopes in time to place the cards in them when the registration was made.

I consider that it was an advantage to those who registered that the cards should not have been placed in the envelopes at the same time that the registration was made, as by the delay an opportunity was afforded to compare each identification card with the sworn application, thus affording a complete check upon the registration and a means of correcting any errors that might have been made in the rush of work.

The identification cards were carefully guarded during the day, at the time of registration, by being placed in locked cash boxes through a slit cut for that purpose, no one but myself having a key to any of these boxes. At night these cards were placed in the vault of the Citizens' State Bank, of El Reno, and were taken out only upon my order.

No one but land-office clerks were employed in placing these cards in the envelopes, which was completed about 4 o'clock of Sunday, July 28, this being the only Sunday upon which we found it necessary to work.

#### THE DRAWING.

By your letter of July 20, 1901, Hon. David P. Dyer, of Missouri; Hon. Frank Dale, of Oklahoma, and myself were appointed a committee to have the supervision of the drawing to determine the order in which registered applicants would be permitted to make entry in conformity with the President's proclamation of July 4, 1901, of which committee I was appointed chairman.

This committee first met at Elreno on the evening of the 25th day of July and readily agreed upon the plan by which the drawing should be conducted. In pursuance thereof a platform 32 feet square was erected in one of the streets of the city, fronting the high-school grounds, which rose gradually from the platform, affording ample space for those desiring to witness the drawing. A canvas roof covered the platform and canvas curtains were provided with which to inclose its sides in case of a storm.

Two boxes were constructed in which were to be placed the envelopes containing the names of those who had been registered. Each of these boxes was 10 feet long, 2½ feet deep, and 2½ feet wide, with an iron rod running the entire length through the middle of each box, securely fastened. Iron bolts were placed in either end of the boxes and served as pivots upon which the boxes could be revolved. On one side of each box there were three openings about 2 feet apart for the purpose of receiving the envelopes. On another side of each box there were five holes, each separately numbered, large enough to admit the hand and arm of a person and through which the envelopes were to be drawn. These holes were covered with slides except when opened for the purpose of withdrawing an envelope.

On the morning of the 29th of July, at the hour designated in the President's proclamation for the drawing, these boxes were taken upon the platform and placed upon trestles, upon which they could be revolved. The envelopes, containing the names of all who had been registered, were also brought upon the platform. These envelopes had been separated according

to the respective land districts, were of two colors, one being buff and the other white, and bore no distinguishing mark other than the name "El Reno" on those for one district and "Lawton" on those for the other. The envelopes were in pasteboard boxes, each of which contained 400 envelopes, and the boxes for each district were consecutively numbered. Small cards had been prepared bearing numbers corresponding to the numbers upon the envelope boxes, which cards were placed in a receptacle, from which they were drawn at random, and the envelope boxes taken in the order in which the cards were drawn and their contents placed in the larger boxes, a portion of each box through each of the three larger openings, and well scattered throughout the entire length of the box.

When all of the envelopes had been thus placed, these openings in the drawing boxes were closed and securely sealed, and the boxes revolved until the envelopes were thoroughly mixed. Then reputable young men had been selected, all of whom were underage and therefore not registered and in no wise interested in the drawing, to draw the envelopes from the boxes. These young men were assigned to the holes in these boxes by lot, and it was also determined by lot which one should begin the drawing at each box. The young man at the hole numbered 3 drew the number entitling him to take the first envelope from the Elreno box, and the young man at the hole numbered 4 drew the number entitling him to take the first envelope from the Lawton box, the drawing thereafter to continue in numerical order.

The drawing began with the Elreno box by the young man at hole No. 3 drawing an envelope, which he handed to Mr. Dale, of the committee, who caused the same to be numbered 1. He then opened the envelope and took therefrom the identification card and caused the same number to be placed upon it, and then handed the card to Mr. Richards, of the committee, who inspected the same and in turn handed it to Mr. Dyer, of the committee, who announced the name and description of the person to the people. This course was followed until 25 envelopes had been drawn from the Elreno box, after which the box was closed and 25 envelopes were drawn from the Lawton box in the same order and disposed of in the same manner, after which this box was closed and both boxes securely sealed and adjournment taken until 2 o'clock p. m.

Great interest was shown by the people in this part of the drawing, and it was estimated that there were not less than 30,000 present to witness it. The location of the stand and the elevation of the grounds surrounding it were such as to enable all to have a fair view of the proceedings. There was no disorder of any kind, and the announcement of the names drawn was received with great applause.

In the afternoon of this day the drawing was continued until 500 names had been drawn from each box, the same order observed in the drawing of the morning being followed, except that instead of the announcement being made from the platform typewritten lists were prepared, which were taken out into the midst of the audience and read and then posted upon bulletin boards which had been provided for that purpose.

Provision had been made upon the stand for the accommodation of newspaper reporters, of whom a large number were in attendance, and to whom manifold copies of these typewritten lists were furnished and by them supplied to their respective newspapers. All of the daily papers of Oklahoma and many of those of the States of Kansas, Missouri, and Texas published complete lists of the names and numbers of the first 6,500 drawn for each land district, thus affording notification to those interested.

While the drawing of names was in progress a force of land-office clerks was engaged in preparing postal-card notices to those whose names had been drawn, which were placed in the post-office upon the evening of that day. This course was followed during the entire drawing of the 6,500 names from each land district, the postal cards being mailed on the same day upon which the names were drawn.

At the close of the first day's drawing the boxes were sealed up and left in charge of some of the land-office clerks and a guard of deputy United States marshals, which course was pursued during the entire period of the drawing.

The drawing was continued upon the platform at the rate of 2,000 per day for each land district until the total of 6,500 envelopes had been drawn for each district, which covered a period of four days. The drawing of this number might have been concluded in a shorter space of time, but it was not deemed advisable, as the number drawn per day was as large as the newspapers could conveniently handle. As it was estimated that there was only a sufficient amount of land in each land district to supply 6,500 entrymen, only that number in each district were notified to appear at the respective land offices upon stated days.

Upon the conclusion of the drawing of these 6,500 names for each land district the boxes were removed to a building where the drawing could be more expeditiously conducted and where it was continued in the same manner, each envelope and identification card being given corresponding number. The drawing continued until the afternoon of the 6th of August, when the whole number of envelopes deposited in the two boxes had been separately drawn and numbered.

The postal-card notices for all of the 6,500 names drawn for each land district were mailed by land-office clerks, who exercised great care in this work in order that each one might be properly notified. Upon the conclusion of the mailing of these essential notices a force of clerks was employed, who were nearly all residents of Elreno, and placed in charge of a competent land-office clerk and proceeded to mail notice of the number drawn by each of the remaining ones in each of the land districts. This was done in accordance with the requirements of the President's proclamation, and was a wise provision, as by it each applicant had the satisfaction of knowing that his name had been placed in the box of the district in which he desired to enter and had been drawn in its order.

The commission duly certified to the land officers at Elreno and Lawton the lists of 6,500 names for each land district drawn from the box, showing the order in which those whose names were drawn might make their homestead entries.

While the greatest interest was shown by the people in the first day's drawing, and a larger number were present that day than upon any subsequent day, a very large number of people remained at Elreno until the conclusion of the drawing of 6,500 names in each district. There was the same good order which had prevailed throughout the entire period of registration. No dissatisfaction was at any time expressed as to the plan of the drawing or the manner in which it was conducted, but, upon the contrary, both were very generally commended. Even those who met with disappointment in the drawing of numbers had no criticism to offer, but expressed themselves as satisfied that they had been treated with absolute fairness.

#### SALE OF TOWN SITES.

By your letter of July 19, 1901, I was instructed to take charge of and superintend, subject to the provisions of the act of March 3, 1901, and the regulations contained in said letter, the offering and sale of the town lots in the county-seat town sites of Lawton, Adair, and Hobart, in the respective and duly formed counties of Comanche, Caddo, and Kiowa, which instructions

were supplemented by your telegram of July 28, 1901, relating to the appointment of commissioners.

Acting under these instructions, I appointed J. R. Hampton as commissioner for the sale of the town site of Lawton, C. F. Nesler as commissioner for the sale of the town site of Anadarko, and E. P. Holcombe as commissioner for the sale of the town site of Hobart, and designated the auctioneers and clerks who were to assist them. These commissioners gave the required bonds, which were approved by the Department, entered upon their duties, and began the sale of the town lots promptly at 9 o'clock of August 6 in each of the three town sites. The sales were continued from day to day without any special incidents worthy of note. There was no occasion to suspend the sales and no evidence of any combination among the bidders to suppress competition or prevent the sale of lots at a reasonable value, nor was there any disturbance among the bidders or those present which prevented the orderly progress of the sale. All lots purchased were immediately paid for in cash, and the money received therefor was transmitted by each commissioner, without delay, to the treasury at St. Louis. Every precaution was taken for the safe-keeping of the money while in the possession of the commissioners. The greatest precaution taken to protect the money received from these sales was at Lawton.

When the sales began at this place, on the 6th of August, the nearest railroad station was Rush Springs, Ind. T., a distance of 30 miles, the road from Lawton to which place ran through an unsettled country. A military escort of 10 cavalrymen, in command of a sergeant, was provided by Major Scott, the commanding officer at Fort Sill, and as it was necessary to make this trip of 30 miles six times a week, it required two details upon the road all the time. Subsequently the Chicago, Rock Island and Pacific Railroad was completed to a point 12 miles north of Fort Sill, at which point an express office was established, after which the funds were taken to that point, and at the conclusion of the sale the road had been completed to Fort Sill.

A guard of cavalrymen was also furnished each day for the protection of the money during the sale and during its transmission from Lawton to Fort Sill, where it was necessary that it should be kept overnight, which was also done under guard. The money paid for town lots at Lawton was under a military guard from the time it was paid to the commissioner until it was delivered to the express company. The same was true of the money received from the sale of lots at Anadarko, a detachment of cavalry being stationed at that place for the purpose of guarding the receipts of the sale of that town site.

There were no troops stationed at Hobart, the protection of the funds received there being provided by deputy United States marshals. The deputies furnished by the United States marshal also rendered very efficient services at Anadarko and Lawton, in conjunction with the military guard. There was no loss of funds of any kind at either of these town sites.

The sales progressed without interruption, every lot in each of the town sites being sold and paid for and the sales concluded within the time prescribed by your instructions. The receipts from the sales of these town sites were as follows:

Town site.	Number of lots.	Total receipts.
Lawton	1,422	\$414,845
Anadarko	1,129	188,455
Hobart	1,308	132,733

making the total receipts from the sale of the three town sites \$736,033.

The expenses incurred in making the sales of these town sites are as follows:

Lawton	\$2,489.62
Anadarko	1,544.53
Hobart	1,797.00
Total	5,831.15

which is a little less than four-fifths of 1 per cent of the total receipts.

Under the authority of your telegram of August 3, 1901, these expenses, which included the pay of the commissioners, were paid from the receipts of the respective sales, and the net receipts only were deposited in the treasury at St. Louis to your credit as trustee for the respective town sites. These amounts so deposited are, respectively, as follows:

Lawton:	
Total receipts	\$414,845.00
Total expenses	2,489.62
Amount deposited	\$412,355.38
Anadarko:	
Total receipts	188,455.00
Total expenses	1,544.53
Amount deposited	186,910.47
Hobart:	
Total receipts	132,733.00
Total expenses	1,797.00
Amount deposited	130,936.00
Total amount deposited	730,201.85

It is provided in the act of March 3, 1901, that "the receipts from the sale of these lots in the respective county seats shall, after deducting the expense incident to the surveying, subdividing, platting, and selling of the same, be disposed of under the direction of the Secretary of the Interior, in the following manner," etc.

A statement has heretofore been submitted of the expenses incident to the surveying, subdividing, and platting of the town sites of Lawton, Anadarko, and Hobart. As these town sites embrace the same number of acres, and the expenses incident to their survey were practically the same in each case, no attempt has been made to keep an account with each town site, but the expenses incident to their survey are submitted in one account, with the suggestion that in my opinion they should be divided equally between the three town sites, one-third of the gross amount to be charged to each one.

These accounts have all been audited in the General Land Office and paid from the appropriations to which they are properly chargeable.

It appears that the entire amount of expenses so incurred and paid and which should now be deducted from the receipts of sales of said town lots on account of said expenses, and deposited to the credit of the Treasurer of the United States, is \$5,284.24, one-third of which is \$1,761.41, which amount it is recommended should be charged against the receipts from the sale of each town site.

If the distribution of expense of survey is made as herein suggested, the net balances to the credit of the town sites will be as follows:

Lawton:	
Gross receipts	\$414,845.00
Less expense of survey	1,761.41
Less expense of sale	2,489.62
Total expense	4,251.03
Total net receipts	\$410,593.97
Anadarko:	
Gross receipts	188,455.00
Less expense of survey	1,761.41
Less expense of sale	1,544.53
Total expense	3,305.94
Total net receipts	185,149.06
Hobart:	
Gross receipts	132,733.00
Less expense of survey	1,761.41
Less expense of sale	1,797.00
Total expense	3,558.41
Total net receipts	129,174.59
Total net receipts from sale of three town sites	724,917.62

Great credit is due to the commissioners and those associated with them for the successful manner in which the sales of these town sites were conducted. At the beginning of the sales there were no buildings upon either of the town sites which could be used by the commissioners, and it was necessary that temporary platforms should be erected, upon which the sales were conducted. At Lawton a small building was also constructed, which was occupied by the commissioner and his clerks, while they occupied sleeping apartments and boarded at Fort Sill. At Anadarko the commissioner and his assistants obtained board and lodging at the Indian agency, adjoining the town site, while at Hobart the commissioner and his assistants lived in a tent adjoining the platform upon which the sales were made.

While the time devoted to the sale of lots was from 9 a. m. until 4 p. m., it was necessary that the commissioners and their assistants should begin work much earlier than 9 o'clock, while the making up of their accounts and reports occupied their time for several hours after the sales were closed.

At each one of the town sites it was necessary that the money received from the day's sales should be retained by the commissioner over night, as the express company would not receive it until the following day. This necessitated a night guard upon the money, and was a constant source of care to the commissioners.

The sales were conducted to the entire satisfaction of those who participated in the purchase of lots, while the amounts received were larger than had been expected. The expenses incident to the survey and the sale were as small as the conditions under which they were made would permit, and the net receipts are sufficient to place each of the new counties upon a good financial basis.

#### THE ENTRIES.

In accordance with the President's proclamation, the land offices at Elreno and Lawton were duly opened for business upon the qualification of their respective registers and receivers. Prior to August 6, 1901, the business of these offices was principally confined to passing upon applications for reservations for town-site purposes, of which there were seven in the Elreno district and three in the Lawton district which finally received your approval, and to receiving the additional entries of those entrymen having entries adjoining the ceded lands of less than 160 acres. While not so employed the local land officers of these districts were engaged upon the registration in progress at Fort Sill and Elreno, in which they rendered valuable assistance. Upon August 6, at 9 o'clock a. m., these officers were opened for the receipt of entries by those holding numbers entitling them to make homestead entries. Both at Lawton and Elreno buildings suitable for land-office purposes had been erected and furnished.

In addition to the usual supply of blanks, maps, and plats, each office was provided with a map of its district, drawn upon a scale sufficiently large to distinctly show each smallest legal subdivision of land. Each of these maps was in charge of an experienced land-office clerk, and was accessible to those desiring to make entries. As soon as made each entry was marked off upon the map, and thus it constantly showed the land open to entry in that district, which was of very great assistance to the entrymen. In addition to the regular clerks allowed the local land offices, several detailed clerks from the General Land Office were on duty in each of these offices. With this force no difficulty was experienced in receiving and recording the 125 entries per day provided by the proclamation. Those holding low numbers entitling them to make early entries, generally selected land contiguous to some one of the town sites, preference being given to those designated as county seats. Upon the land adjoining these town sites, and especially at Lawton, large numbers of people had congregated prior to the day of opening. This unwarranted occupation was not brought to my attention until August 5. As the entries were to begin at 9 o'clock a. m., of August 6, and these occupied lands would be the first applied for, immediate action was necessary. I therefore prepared the following order to the register and receiver of the Lawton office, a copy of which was also filed in the Elreno office:

"The occupation of the south half of section 31, township 2 north, range 11 west, or any other portion of the reserved lands in your district, by any person for purposes of residence, trade, or business, except after having made a legal entry of the same, is in violation of law and the President's proclamation, and gives such persons no rights whatever. You will allow homestead entries of said lands by qualified entrymen, notwithstanding any such occupation. Acknowledge receipt."

A copy of this message was filed in the telegraph office, and another mailed, but as both these means of communication were very uncertain owing to the great pressure of business, another copy was entrusted to a clerk going to Lawton by way of Rush Springs, while a fourth copy was given a clerk going to Anadarko, who placed it in the hands of an Indian courier, who left that place at midnight and made the ride of 40 miles to Lawton before 9 o'clock of August 6. The first two entries made at the Lawton office were for the half section of land mentioned in this order. Several attempts have been made to contest one of these entries upon grounds covered by this order, but all have failed.

The entries at the land offices continued without interruption throughout the prescribed period of sixty days. The numbers of those entitled to make entry each day were called in their order. Anyone failing to respond was passed until after the other applications assigned for that day had been disposed of, when he was again called both by name and number, and if he still

failed to appear he was held to have abandoned his right to make entry under the drawing.

In accordance with your telegraphic regulations of August 5, appeals from the action of the local land officers at Elreno and Lawton rejecting applications to make or amend entries could only be taken within one day, Sundays excepted, after such rejection. When such appeals were taken, the papers were immediately forwarded to the General Land Office, where they were at once carefully examined and forwarded to you, with appropriate recommendation, when the cases would be promptly decided and closed.

Applications to contest entries made during this sixty-day period were treated in the same manner.

This course provided an adequate and speedy method of correcting any material errors in the local offices, and it is believed that at the same time it tended to discourage groundless appeals and contests. While there were quite a number of applications to contest entries sent up from each of the local offices, such contests were allowed and hearings ordered in but a comparatively small number of cases in each office. Hearings were ordered only in cases where it was shown beyond a reasonable doubt that the entryman was disqualified at the time of making entry, which fact he had concealed from the land officers, or in some other manner had made what might be termed a fraudulent or illegal entry.

During the entire period occupied in opening these ceded lands to settlement and entry suits at law were in progress calculated to prevent such opening in whole or in part. Of those brought in Oklahoma, the suits in equity brought by Lone Wolf and others in the district court of Canadian County, Okla., asking that the Government be restrained from disposing of said ceded lands were, prior to August 6, 1901, decided in favor of the Government. Subsequent to August 6 temporary restraining orders, granted by the probate judge of Canadian County, Okla., against the disposal of certain described tracts on the application of Rebecca Young and other alleged Indians, were modified by the district judge of Canadian County, permitting the disposition of said lands, subject to the rights, if any, of the said alleged Indians.

Restraining orders were issued by the probate judge of Canadian County, Okla., on the application of William H. Brintle and ten other alleged settlers on the western boundary of the Wichita Reservation. The two suits last above mentioned have not been disposed of, but the Attorney-General has directed the United States attorney for the district of Oklahoma to appear for the Government in said cases.

The suits of Lone Wolf and others did not in any wise interfere with the registration, drawing, or disposition of said lands. Those of Rebecca Young and others temporarily prevented the disposition of a small number of tracts, and those of Brintle and others affected less than a dozen claims, and were not filed until near the close of the sixty-day period.

While an itemized statement of the expenses incident to the registration, drawing, and making entries under the proclamation can not be prepared until full reports have been received from the local land officers at Lawton and Elreno, a very close estimate of the same can be made, as follows:

Salaries and per diem of W. A. Richards and 33 detailed clerks during the time engaged in registration, drawing, and making entries (estimated).....	\$8,271
Railroad fare and necessary traveling expenses of same from Washington, D. C., to Oklahoma and return.....	3,100
Incidental expenses of registration and drawing, as shown by advances made to the local officers.....	5,980
Salaries of registers and receivers for two months.....	2,000
Salaries of 10 local land office clerks for two months.....	1,500
Total.....	20,781

In addition to other fees of which no account is now available, the land offices at Lawton and Elreno received as fees upon the 11,638 homestead entries made during the sixty-day period the sum of \$162,962, which sum will be deposited in the Treasury. Deducting from this sum the amount of expenses as estimated, a balance of \$142,141 is left to the credit of the Government upon this account. This is a net sum accruing to the Government in the transaction of the business of opening these ceded lands to settlement and entry.

As showing the financial working of the plan prescribed by the proclamation, it is proper to take into account the net receipts from the sale of the three county-seat town sites, although they will be devoted to public improvements in the respective counties. The net receipts from the town-site sales were \$724,917, which, added to \$142,141, the net receipts of the homestead entries, makes a total of \$867,058 as the net receipts from the opening of these lands up to October 4, 1901, the end of the sixty-day period fixed by the proclamation.

During the first days for making entries there were very few who failed to appear and make entry when their names were called. As the entries progressed, however, and good claims became more difficult to find, the proportion of those failing to appear increased. This was not entirely due to a failure to find a desirable piece of land, but partly to the fact that many holding a high number and living at a distance from the land district abandoned the idea of making an entry without visiting the district and making an effort to find an acceptable claim. A few were prevented by sickness from making entry, and several deaths were reported of those holding numbers entitling them to make entry. The entries under the proclamation were concluded at each of the land offices upon October 4, 1901.

At the Lawton office 5,895 entries were made, including soldiers' declaratory statements filed, and 605 either failed to appear or were found to be disqualified.

At the Elreno office 5,743 entries were made, including soldiers' declaratory statements filed, and 757 either failed to appear or were found to be disqualified.

There were filed at the Lawton office 243 soldiers' declaratory statements, and 25 such filings were made at the Elreno office. There were 346 women who made entries at the Lawton office and 424 women who made entries at the Elreno office.

During the sixty days prescribed by the proclamation 11,638 filings were made, of which 518 were soldiers' declaratory statements and 770 were made by women, while 1,362 holding numbers entitling them to make entries failed to do so.

The period during which these ceded lands could only be taken in accordance with the President's proclamation ended upon October 4, and reports since received from the Lawton and Elreno land offices are to the effect that the lands remaining open to entry by reason of the failure to make entry of some who were entitled to do so are being rapidly settled upon and entered under the general homestead laws, without confusion or disorder.

In the foregoing statements I have endeavored to report everything of importance pertaining to the action taken under your direction in disposing of these ceded Indian lands, in accordance with the acts of Congress pertaining thereto and the President's proclamation. It is believed that the intent and purpose of those acts and of the proclamation have been fully carried out. There has been no complaint of discrimination or unfairness, and there

were but little of the hardships and suffering usually encountered in the settlement of a new country. Without strife or contention, but in a quiet, peaceful, and orderly manner, these lands have passed from the condition of an Indian reservation to that of a populous, thrifty, peaceable agricultural community.

Very respectfully,

W. A. RICHARDS,  
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,  
Washington, October 11, 1901.

Hon. W. A. RICHARDS,  
Assistant Commissioner of the General Land Office.

DEAR SIR: I am in receipt of your report dated the 9th instant, respecting the opening to settlement and entry of the Kiowa, Comanche, Apache, and Wichita lands, situated in the Territory of Oklahoma, and ceded to the United States under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900.

I have read your report with care and the greatest satisfaction, and beg to cordially thank you and every member of your staff for the very thorough, economical, and successful manner in which you, with their assistance, conducted and completed the somewhat unusual, extremely laborious work, and for the systematic, business-like method in which you discharged the duties imposed upon you by the Department, you having made a record which, I trust, will be accepted as a precedent for all future openings of the public domain.

The quiet and orderly manner in which the opening was accomplished is most gratifying, especially when contrasted with the utter disregard of law and order, the outrages, and the contests which characterized the former openings on the "sooner" plan, and the spectacle of 151,000 disappointed applicants quietly retiring in favor of the 12,000 successful ones is a characteristic demonstration of the willingness of the American people to respect and obey the law when its enforcement is accomplished by such rules and regulations as to provide an absolute equality of opportunity to all, as was the case in the opening which you have conducted with so much credit as to have also secured the unqualified approval of all who were interested therein.

Again thanking you and your assistants, I remain,

Yours, most respectfully,

E. A. HITCHCOCK, Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
OFFICE OF THE ASSISTANT COMMISSIONER,  
Washington, D. C., October 16, 1901.

Hon. E. A. HITCHCOCK,  
Secretary of the Interior, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant relating to my report respecting the opening to settlement and entry of the lands in Oklahoma ceded by the Kiowa, Comanche, Apache, and Wichita tribes of Indians.

It is a matter of great satisfaction to me to be so cordially assured that my efforts to carry out your plans and instructions are so highly appreciated and the results obtained meet with your approval. While I and those associated with me put forth our best endeavors, the success which was achieved is in a large measure due to the perfection of the plans and to the hearty support and excellent advice received from you.

I fully appreciate the trust and confidence shown in giving me such great latitude in this work, and prize your letter more highly because it assures me that you were not disappointed.

Thanking you for your kindly consideration and expressions of approval, I remain,

Very respectfully, yours,

W. A. RICHARDS,  
Assistant Commissioner.

Mr. STEWART. Mr. President, since the motion to recommit was made there have been other proceedings in the Senate, and I inquire if it is now in order to renew my motion to recommit the bill?

The PRESIDENT pro tempore. The bill is now in the Senate, and a motion to recommit is in order.

Mr. STEWART. Then I move to recommit the bill to the Committee on Indian Affairs, and I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. QUARLES]. I do not see him present in the Chamber, and therefore I withhold my vote.

Mr. HEITFELD (when the name of Mr. DUBOIS was called). My colleague [Mr. DUBOIS] is temporarily absent. If he were present, he would vote "nay."

Mr. KEAN (when his name was called). I am paired on this question with the junior Senator from Utah [Mr. KEARNS]. If he were present, I should vote "yea."

Mr. MCCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER], and therefore refrain from voting.

Mr. CLAPP (when Mr. NELSON's name was called). My colleague [Mr. NELSON] is necessarily absent. He is paired with the Senator from Missouri [Mr. VEST].

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY], and therefore withhold my vote.

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. If he were here, I should vote "yea."

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

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is not

present, and I do not know how he would vote if here. If I were at liberty to vote, I should vote "nay."

Mr. VEST (when his name was called). I inquire whether the Senator from Minnesota [Mr. NELSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. VEST. Then I withhold my vote, as I am paired with that Senator. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. BAILEY (after having voted in the affirmative). I desire to inquire if the Senator from West Virginia [Mr. ELKINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BAILEY. As I have a general pair with that Senator, I will withdraw my vote.

Mr. RAWLINS. I am informed that the senior Senator from Ohio [Mr. HANNA], with whom I am paired, would vote "nay" if present. I therefore take the liberty of voting, and vote "nay."

Mr. CLAPP (after having voted in the negative). In view of the fact that the Senator from North Carolina [Mr. SIMMONS], with whom I am paired, is absent, I will withdraw my vote.

The result was announced—yeas 12, nays 35; as follows:

YEAS—12.

Clay, Cockrell, Dryden,	Hoar, Jones, Ark. Lodge,	Morgan, Pettus, Platt, Conn.	Stewart, Tillman, Wetmore.
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NAYS—35.

Allison, Bacon, Bate, Beveridge, Blackburn, Burnham, Burrows, Burton, Clark, Mont.	Clark, Wyo. Cullom, Deboe, Dietrich, Dolliver, Fairbanks, Foraker, Frye, Gallinger,	Gamble, Gibson, Hansbrough, Harris, Heitfeld, Kittredge, McComas, McMillan, Millard,	Money, Patterson, Perkins, Platt, N. Y. Rawlins, Teller, Turner, Warren.
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NOT VOTING—41.

Aldrich, Bailey, Bard, Berry, Carnack, Clapp, Culbertson, Daniel, Depew, Dillingham, Dubois,	Elkins, Foster, La. Foster, Wash. Hale, Hanna, Hawley, Jones, Nev. Kean, Kearns, McCumber, McEnery,	McLaurin, Miss. McLaurin, S. C. Mallory, Martin, Mason, Mitchell, Nelson, Penrose, Pritchard, Proctor, Quarles,	Quay, Scott, Simmons, Simon, Spooner, Taliaferro, Vest, Wellington.
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So the motion to recommit was rejected.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

SUNDRY CIVIL APPROPRIATION BILL.

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

Mr. ALLISON. Mr. President, there is about an hour now remaining before the time for taking up the unfinished business, and I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa moves to consider what is known as the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The PRESIDENT pro tempore. There is an amendment on page 84 which was passed over. The amendment will be stated.

The SECRETARY. On page 84, the Committee on Appropriations reported an amendment to strike out the clause from line 10 to line 18, inclusive, as follows:

The Secretary of the Interior is hereby directed to cause to be sold as waste paper or to destroy all population schedules of the Eleventh and prior censuses of the United States. The population schedules of the Twelfth and all subsequent censuses of the United States shall likewise be sold or destroyed as soon as the results therein contained shall have been tabulated and published. All expenses arising and requisite hereunder shall be paid from the appropriations for contingent expenses of the Department of the Interior.

And in lieu thereof to insert:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause to be preserved in the office of the permanent census the schedules of the First, Second, Third, and Eighth censuses; and he shall cause to be offered to the several States all or any portion of the schedules of the Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh censuses relating to said States, respectively, and if said schedules, or any of them, shall be accepted by any or all of the States interested therein within five years from the passage of this act they shall be delivered to the proper authority of said State or States, and all of the said schedules hereinbefore last mentioned not distributed within said period shall be sold as waste paper or destroyed; and a like offer shall be made to the several States as respects the schedules of the Twelfth and all subsequent censuses, which schedules, when completed and

the results published, shall be proffered to the States as hereinbefore provided, and if they or any of them shall be accepted within five years from the publication of the results of the said censuses those accepted shall be turned over to said States or any of them in like manner, and if said offer shall not be accepted in whole or in part within said period of five years, the remaining schedules shall also be sold as waste paper or destroyed as hereinbefore provided. All expenses arising and requisite under this paragraph shall be paid from the appropriations for contingent expenses of the Interior Department.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. PLATT] has offered an amendment to the amendment of the committee, which will be stated.

Mr. PLATT of Connecticut. It is a substitute for the committee amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Connecticut to the amendment of the committee will be stated.

The SECRETARY. It is proposed to strike out the words proposed to be inserted by the Committee on Appropriations, beginning on line 19, on page 84, and ending in line 22, page 85, and in lieu thereof to insert the following:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause them to be preserved in the office of the permanent census. All expenses arising and requisite under this paragraph shall be paid from any general appropriation for the expenses of the Census Office.

Mr. ALLISON. Mr. President, as I understand, the Senator from Connecticut simply proposes to strike out the words after the word "census," where it occurs in line 24, on page 84, down to and including the word "provided," in line 19, on page 85. Do I understand the Senator to move to amend by striking out the whole paragraph and inserting what has been read, or does he propose to amend by striking out a portion of the amendment of the committee?

Mr. PLATT of Connecticut. Either way, Mr. President, arrives at the same result. I thought perhaps it would be more easily understood by an amendment in the way of a substitute for the committee amendment than by passing on different amendments. What I have suggested as a substitute for the committee amendment will make it read as it would read if a series of separate amendments were offered and adopted. I do not care in which way the amendment shall be acted upon. The proposition of the House of Representatives is, I believe, to destroy all the population schedules of the census. The Senate Committee on Appropriations does not wish to do that. It proposes that all the schedules of some of the earlier censuses shall be preserved in the office of the permanent census, and that others shall be offered to the States; and, if they are accepted within five years, shall be delivered to the States; if not, then those schedules are to be destroyed or sold for waste paper. I believe I state the difference between the purpose of the House of Representatives and that of the Senate Committee on Appropriations.

The difference between my amendment and the amendment proposed by the Committee on Appropriations is that I propose that none of the schedules shall be destroyed, but that they shall all be kept by the Government rather than be distributed to the States.

I said what I had to say on this subject at a former period when the Senate was thin; but I know that the proposition to destroy any of these census schedules has excited considerable discussion and has aroused a good deal of interest and opposition to it among literary and scientific men, men who are interested in the historical records of the country. Senators and Members of the House of Representatives, not to speak of historians, are continually writing to the Secretary of the Interior to ascertain facts which can be found only in these records, and certainly I do not think, because there may be a temporary lack of room, that these records should either be destroyed or distributed among the States.

Since the House provision was inserted we have in the Senate provided by an amendment for the purchase of the present Census building; and I hope that amendment will be adopted by the House. In that case I think there can be no valid reason why these somewhat cumbersome records can not be preserved. I should very much regret to see any of them destroyed or to see any of them scattered among the different States. I think the Senate may as well present this proposition to the other House as a plain disagreement with them as to the destruction of any of these records in any manner. I think the Senate ought to say that it wants to preserve them all. Here at the national capital they will become more valuable as time goes on.

While considerable of the matter has been tabulated and published, a great variety of it has not been tabulated and published, and the information contained in the various schedules is required for historical, for literary, and for scientific purposes. They are useful in the courts; they help to establish titles, and there are a variety of uses for them. I had hoped that the chairman of the committee would assent to this amendment.

Mr. ALLISON. I have said upon this subject about all that I think it is desirable to say. I will only add that the committee

dealt with this question as best they could. We have submitted the proposition to the Senate, and we shall be content with any decision the Senate may make regarding it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Connecticut [Mr. PLATT] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment which was passed over is on page 97; which will be stated.

The SECRETARY. On page 97, beginning with line 18, the paragraphs relative to the Executive Mansion, down to and including line 9, on page 98, were passed over.

Mr. ALLISON. I ask that those paragraphs may be passed over a little while longer.

The PRESIDENT pro tempore. There was an amendment passed over on page 113 relating to the Shiloh Military Park. The amendment will be stated.

Mr. ALLISON. I believe the amendment in line 5 of that paragraph, changing the number of civilian commissioners from three to two, was agreed to.

The PRESIDENT pro tempore. That amendment was agreed to. The amendment not acted upon is the one found in line 9, reducing the total amount of the appropriations for the Shiloh National Military Park from \$40,000 to \$37,000.

Mr. ALLISON. I ask that that amendment be disagreed to.

The amendment was rejected.

Mr. ALLISON. I am authorized by the Committee on Appropriations to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 83, after line 20, it is proposed to insert the following:

Office of Commissioner of Railroads: For Commissioner, \$4,500; 1 clerk, \$1,000; 1 assistant messenger, \$720; in all, \$6,220. *Provided*, That the office of Commissioner of Railroads is hereby continued until the 30th day of June, 1903, when the same shall terminate.

Mr. CULLOM. I should like to ask the Senator if a provision to abolish that office has not heretofore been adopted, and if this is not an extension of the period when the office shall terminate?

Mr. ALLISON. Yes; this is an extension for another year.

The amendment was agreed to.

Mr. ALLISON. On behalf of the Committee on Appropriations, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 108, line 23, after the word "dollars," it is proposed to insert:

For additional buildings at Fort Ethan Allen, Vt., \$27,512.

The amendment was agreed to.

Mr. ALLISON. By direction of the Committee on Appropriations, I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 115, line 23, after the word "dollars," it is proposed to insert:

For reconstruction, in part, of the present Providence Hospital building and finishing of nurses' home, \$50,000; in all, \$69,000.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee, I offer an amendment to come in on page 116, after line 7.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 116, after line 7, it is proposed to insert:

For the purchase of land belonging to heirs of M. H. Schneider, adjoining the present Garfield Memorial Hospital land on the west, from the boundary street back to Clifton street, in Washington, D. C., containing about 67,000 square feet, \$50,000, to be expended under the direction of the Commissioners of the District of Columbia, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States: *Provided*, That the land shall be graded by the present owners to an elevation satisfactory to the trustees of the above hospital: *And provided further*, That the District of Columbia assume all special assessments pending against said land of the heirs of M. H. Schneider.

The amendment was agreed to.

Mr. ALLISON. I offer, by direction of the committee, an amendment to come in on page 59, line 12, after the word "it," which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, after the word "it," at the end of line 12, it is proposed to strike out the period and to insert a colon and the following:

*And provided further*, That sections 8 and 12 of an act entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," approved March 3, 1901, be, and the same are hereby, amended so as to read as follows:

"Sec. 8. That said commission shall provide for the dedication of the buildings of the Louisiana Purchase Exposition, in said city of St. Louis, not later than the 30th day of April, 1903, with appropriate ceremonies, and thereafter said exposition shall be opened to visitors at such time as may be designated by said company, subject to the approval of said commission, not later than the 1st day of May, 1904, and shall be closed at such time as the national com-

mission may determine, subject to the approval of said company, but not later than the 1st day of December thereafter.

"Sec. 12. That the national commission hereby authorized shall cease to exist on the 1st day of July, 1905: *Provided*, That upon the approval of this act the Secretary of the Treasury shall cause to be coined at the mints of the United States 250,000 gold dollars of legal weight and fineness, to be known as the Louisiana Exposition gold dollar, struck in commemoration of said exposition. The exact words, devices, and designs upon said gold dollars shall be determined and prescribed by the Secretary of the Treasury, and all provisions of law relative to the coinage and legal-tender quality of all other gold coin shall be applicable to the coin issued under and in accordance with the provisions of this act. And in payment of so much of the \$5,000,000 appropriated by said act of March 3, 1901, to aid in carrying forward said Louisiana Purchase Exposition, the Secretary of the Treasury shall pay said 250,000 gold dollars so coined as aforesaid to the said Louisiana Purchase Exposition Company, subject to all the provisions of said act, except that payment of said gold dollars may be made at any time upon the request of said exposition company, and upon said company filing with the Secretary of the Treasury a bond in a sum sufficient to protect the Government and satisfy him as to the future performance of all the conditions under which said \$5,000,000 so appropriated is to be paid to the said exposition company."

*And provided further*, That the proviso of section 21 of said act, approved March 3, 1901, be amended so as to read as follows: "*Provided*, That the branch office authorized hereby, if the same shall be a branch of a national bank, shall not be operated for a period longer than three years, beginning not earlier than July 1, 1902, and closing not later than July 1, 1905."

*And provided further*, That the Secretary of the Louisiana Purchase Exposition Commission shall hereafter receive a salary of \$4,000.

Mr. ALLISON. Perhaps I had better briefly explain the amendment. Its effect is to extend by law the opening of the exposition one year, but all the other incidents are a part of the amendment, except the last proviso, which increases the compensation of the secretary from \$3,000 to \$4,000. That would not be in order. I therefore ask unanimous consent that it may be considered a part of the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment presented by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee I offer the amendment which I send to the desk, to be inserted on page 7, after line 18. It is a matter which has come to the attention of the committee only within the past two or three days.

The amendment was read, and agreed to, as follows:

For court-house and post-office at New York, N. Y.: For completing the mezzanine story over an area of approximately 5,000 square feet, including necessary changes in arrangement, \$55,000.

Mr. COCKRELL. If the Senator from Iowa is through, I would like to offer an amendment. I submit the amendment I send to the desk, to be inserted on page 150, after line 2.

The amendment was read, and agreed to, as follows:

Capitol police: The board of Capitol police is hereby authorized and directed to place on the roll of the Capitol police, as an additional member thereof, E. D. Turnure, formerly belonging to said force, who was injured for life in the discharge of his duties, and pay him at the rate of \$900 per annum, which sum is hereby appropriated; and when appointed under the authority of this act the said E. D. Turnure shall be assigned to duty as a watchman in the Dome of the Capitol.

Mr. ALLISON. I have an amendment which has been recommended to the Committee on Appropriations by the Committee on the Judiciary, and I had a request from the Senator from Massachusetts to introduce the amendment, which I will do in his absence. It is to be inserted on page 148, before line 8.

The amendment was read, and agreed to, as follows:

Department of Labor: To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia since January 1, 1887, \$25,000, to be available until exhausted, and should this sum not be sufficient the Commissioner of Labor is authorized to complete the investigation under the regular appropriations for the Department of Labor.

Mr. ALLISON. I will say there are two other amendments which the committee desire to offer before the bill is disposed of. The Senator from Indiana [Mr. FAIRBANKS] also has an amendment. I shall ask that the committee amendments be passed over for a moment, and I will yield to the Senator from Ohio to offer and amendment.

Mr. FORAKER. On page 107, in line 5, after the word "dollars," I move to insert what I send to the desk.

The amendment was read, and agreed to, as follows:

For reconstruction of stone wall inclosing the Confederate cemetery at Camp Chase, Ohio, \$2,000.

Mr. CLAPP. I desire to offer the amendment I send to the desk.

The SECRETARY. On page 109, after the word "storehouse," in line 24, insert "and such other purposes as the Secretary of War may designate."

Mr. ALLISON. That seems to be a matter of detail. I am not familiar with it, but will allow it to go into the bill to be considered later on.

The amendment was agreed to.

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

The SECRETARY. On page 9, after line 2, it is proposed to insert:

That the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior be, and they are hereby, appointed a commission to

select a site upon public land in the Mall, within the city of Washington, in the District of Columbia, for the erection thereon of a public building for a hall of records, and if said commission shall be unable to find available public land in the Mall for such site, it shall select a site elsewhere in the city of Washington, D. C., outside of public land, and the Secretary of the Treasury is hereby authorized and directed to acquire the same, as soon as practicable, at such prices as may be fixed by agreement between the said Secretary and the respective owners, and approved by the said commission, not exceeding the cash value thereof, and payment shall be made to the respective owners by the Secretary of the Treasury upon the release and conveyance of said lands to the United States by good and sufficient deeds, executed in due form of law: *Provided*, That no money hereby appropriated shall be expended for the purchase of said land or any part thereof until the written opinion of the Attorney-General shall be had in favor of the validity of the title to said land. And if the Secretary of the Treasury shall be obliged to institute condemnation proceedings in order to acquire said site or any part thereof, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 23, chap. 837). And the cost of said site shall not exceed the sum of \$500,000. And the said commission shall cause plans to be made for said building, the same to be selected after competition of architects designated by said commission for the purpose or otherwise. Said building when completed shall contain not less than 5,000,000 cubic feet. And the Secretary of the Treasury is directed to cause to be erected upon the site selected by said commission a suitable building with fireproof vaults, heating and ventilating apparatus, elevators and approaches, to contain, approximately, 1,800,000 cubic feet for immediate necessities, the same to be in conformity with the plans for the completed building, approved by the said commission for the use and accommodation of the hall of records. The cost of that part or wing of said building, exclusive of site, shall not exceed the sum of \$500,000. The sum of \$250,000 shall be immediately available for the purposes hereof. The Secretary of the Treasury shall report to Congress at the commencement of the next session a detailed statement of all the proceedings under the provisions hereof.

The amendment was agreed to.

Mr. CULLOM. I desire to offer an amendment, to come in on page 148, after line 7.

The amendment was read, and agreed to, as follows:

For compensation and expenses of two commissioners, to be appointed by the President, by and with the advice and consent of the Senate, to investigate and report the resources of each of the Central and South American States, the location and condition of the railway lines now in operation, the existing condition of their commerce, and the prospect for business for an intercontinental line of railway, and also to ascertain and report what concessions each of the respective Governments is willing to grant to the enterprise, in pursuance of the recommendation of the Second International Conference of the American States, recently held at the City of Mexico, and incidentally to investigate and report upon the means of extending the commerce of the United States within those regions, \$20,000, or so much thereof as may be necessary.

Mr. QUARLES. I offer the amendment which I send to the desk, to be inserted after line 23, on page 109.

The amendment was read, and agreed to, as follows:

For the improvement and repair of the military cemetery on the Fort Crawford Reservation at Prairie du Chien, Wis., and for the purpose of purchasing a suitable approach to such cemetery, \$3,000.

Mr. GALLINGER. I offer the amendment which I send to the desk, to which I desire the attention of the chairman of the Committee on Appropriations. I do not know exactly where it ought to go in, but the clerks will find the proper place, if it goes in at all, as I trust it will.

The SECRETARY. It is proposed to insert the following:

Fort Constitution, Newcastle, N. H.: For acquiring, by purchase or condemnation, the land in the square surrounding Fort Constitution, at Newcastle, N. H., to be used for barracks and quarters for troops, \$25,000, or so much thereof as may be necessary, in addition to the \$30,000 specially appropriated for this purpose by the sundry civil appropriation act of June 6, 1900.

Mr. GALLINGER. Mr. President, I will make a brief statement concerning this matter. Fort Constitution, in Portsmouth Harbor, is a very important strategic point, and the Government now owns about 6 acres of land there. It is utterly inadequate for the purposes of a fort, such as the building of barracks, etc. There are 6 additional acres of land which it was attempted to purchase some three years ago. My former colleague, Mr. Chandler, and I supported an amendment providing for an adequate appropriation for that purpose.

The owners of the land at that time demanded \$73,000 for it. The committee of conference allowed \$25,000, which was so inadequate as to be of no use whatever, and no proceedings have been taken under that appropriation. The matter was placed last year in the hands of the United States district attorney for the district of New Hampshire, and after careful investigation and negotiation with the owners of the land he secured an option on the whole tract for the sum of \$55,000, which option will continue until the 1st day of August of the present year, the amount being a decrease of \$17,000 from the amount demanded three years ago and \$25,000 in excess of the former appropriation.

Mr. President, I gave notice of a proposed amendment, which was printed and sent to the War Department some six weeks ago. For some reason or other it was somewhat neglected there, and the return was made only last Saturday. That return shows that the Acting Quartermaster-General does not recommend the appropriation, nor does he oppose it, but he says it is barely possible that the money might be expended to better advantage somewhere else.

The Chief of Artillery makes the following indorsement:

HEADQUARTERS OF THE ARMY,  
OFFICE OF THE CHIEF OF ARTILLERY,  
Washington, April 16, 1903.

Respectfully returned to the Assistant Adjutant-General, Headquarters of the Army.

The garrison required to man the guns projected for the defense of Portsmouth Harbor is 219, and two companies of coast artillery were, by General Order 123, Adjutant-General's Office, series of 1901, assigned to this harbor. Whatever may be the ultimate distribution of the troops, Fort Constitution will be a most important point and used largely as the base of supplies for the other two forts in the harbor. The submarine mining material is stored at Fort Constitution.

The present reservation is about 1,000 feet long and 270 feet wide, containing approximately 6 acres. One-third of this area is occupied by the old brick and stone fort and another third is occupied by a battery of two 8-inch disappearing guns, leaving between the two ends of the reservation thus occupied only about 2 acres for buildings for garrison and other purposes.

Any location which could be obtained on this ground for building is open to the serious objection that it comes within the sector of fire of at least one of the two 8-inch guns.

In view of the above, and of the importance of adequately defending the navy-yard at Portsmouth, N. H., it is recommended that the additional six and two-tenths acres be acquired, and that Congress be asked to appropriate \$25,000 for that purpose, in addition to what has been specifically appropriated heretofore.

WALLACE F. RANDOLPH,  
Chief of Artillery.

The Lieutenant-General of the Army makes an indorsement, as follows:

HEADQUARTERS OF THE ARMY,  
Washington, D. C., April 17, 1902.

Respectfully submitted to the Secretary of War and concurring in the views of the Chief of Artillery expressed in the third indorsement.

NELSON A. MILES,  
Lieutenant-General.

So the Chief of Artillery and the Lieutenant-General of the Army warmly recommend this appropriation; and I feel sure the chairman of the committee will see the propriety of letting the amendment go into the bill, and I trust it may be retained there. We now have \$30,000 appropriated for this purpose. Twenty-five thousand dollars more will complete the purchase, and I hope that the amendment may not only be allowed to go into the bill, but that it will be retained there.

Mr. ALLISON. The committee had this matter under consideration, as the Senator stated, two or three years ago. Of course the details of the matter have passed from my mind. But from the statement now made I should think this purchase necessary—

Mr. GALLINGER. Undoubtedly.

Mr. ALLISON. Although I regret very much to hear that land is so valuable in New Hampshire.

Mr. GALLINGER. There are valuable buildings on this land, I will say to the Senator, and the Government will be somewhat reimbursed by their sale. Those buildings are now being damaged by the fire from these guns. That is what makes the land valuable. If the buildings were not there, the land of course could be purchased for a much less amount.

Mr. ALLISON. I should like very much to have the words "or so much thereof as may be necessary" inserted, if they are not already in the amendment.

Mr. GALLINGER. Those words are already in the amendment.

Mr. ALLISON. I hope there may be some little remission in the price; but perhaps there can not be.

Mr. GALLINGER. I think that is improbable, because there has been a remission already of \$17,000, which the United States district attorney secured after very diligent work on his part.

I omitted to say, Mr. President, that the amendment was referred to the Committee on Coast Defenses, and a majority of the committee have recommended it; in fact, all of the members of the committee who could be seen.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee, I offer the amendment which I send to the desk.

The SECRETARY. On page 97, line 23, strike out "eighteen thousand" and insert "one hundred and sixty-five thousand;" so as to read:

For extraordinary repair and refurnishing of the Executive Mansion, \$165,000, to be expended by contract or otherwise, etc.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee, I offer the amendment which I send to the desk.

The SECRETARY. On page 97, after line 21, it is proposed to insert:

For a temporary building to accommodate the offices of the President, and to be located in the grounds of the President's House, \$30,000; and for furnishing the same, \$10,000; in all, \$40,000, to be expended under the direction of the President and to be immediately available.

Mr. SPOONER. I should like to have the amendment read again.

The Secretary again read the amendment.

Mr. ALLISON. I ask that the words "Executive Mansion" may be inserted instead of "President's House."

Mr. COCKRELL. Why not put it White House?

Mr. ALLISON. The words "Executive Mansion" seem to be used all through the bill.

Mr. SPOONER. I think the words "White House" would constitute a better phrase. There are executive mansions all over the United States. "White House" is distinctive. It is the only one in the United States. However, I do not care anything about it if the Senator from Iowa does not.

Mr. ALLISON. I do not, either; but the words "Executive Mansion" are already found at two or three places in the bill.

Mr. BATE. Will this conform to the contour of the building?

Mr. ALLISON. It is to be an additional building.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Iowa as modified.

The amendment as modified was agreed to.

Mr. ALLISON. I ask that there may be printed in the RECORD a brief statement concerning the two amendments just adopted.

The statement referred to is as follows:

#### REPAIRS TO THE WHITE HOUSE.

After as careful an examination of the White House as could be given while the house is being occupied, it appears that it is necessary, first, to support the floors of the second story by placing a steel truss or trusses in the attic and hanging the floors therefrom. The attic itself should be provided with a stairway, access at present being by elevator only. The rooms on the second floor should be converted from offices into chambers.

A new elevator should be provided for the house, and throughout the first floor the old beams should be relieved of the undue strain now placed upon them, a strain which makes certain of the rooms dangerous to the large number of people that frequently congregate in them.

In portions of the house the original trimmings, mantels, and doors remain. These are of such a character as to indicate pretty clearly the line on which the restoration in the house shall be conducted, the idea being to reinstate the house as it was originally built and to rid it of those excrescences which follow the temporary fashion in the days when taste was not so well developed as it was at the time when the house was built and as it is to-day. There should be no changes from the original structure of the house, nor any interference with the architectural features of the exterior; but the building should be restored in such a dignified and permanent manner as to be lasting.

It is impossible in so short a time to state in full all the items that are necessary to be done in refitting the building, but a rough estimate of \$165,000 is made, subject to such revision, either by way of decrease or increase, as may be found necessary on a detailed examination of the house.

The most economical practice of to-day in regard to such constructions and reconstructions is to place the plans in the hands of a thoroughly competent and reliable builder and to hold him responsible for thorough work and completion within a given time; to have him submit the items of cost and to receive a reasonable amount for his work. If Congress shall see fit to place in the hands of the President the work of reinstating the White House and give him the same authority that he has frequently exercised in connection with very much larger and more important public works, the President is satisfied that the White House can be restored so as to be ready for occupancy in December next at an expenditure which can be properly guarded and economically used.

In this connection it may be well to state that it is not contemplated to discontinue the public access to the East Room under the limitations which it is now visited, nor is it proposed to make any such structural changes in the White House as will eliminate any of its historical features.

A one-story temporary office building, approximately 100 by 50 feet, can be erected in the space immediately west of the White House conservatory in such a manner as to be not inharmonious with the White House. A driveway, with a turn, connecting with the main driveways in front of the White House, can be constructed.

The building itself would be of brick, painted white. It would have high ceilings and would be comfortable for work in summer. It would contain a cabinet room, a room for the President, a room for the secretary to the President, a room for one of the assistant secretaries to the President, a telegraph room, a room for the executive clerks, a room for the press, toilet rooms, and file rooms. The executive offices would thus occupy from 50 to 75 per cent more space than is now allowed to them.

The cost of the building itself would be not to exceed \$90,000, and it could be finished in ninety days from the time of beginning.

The furniture now used by the executive clerks in the White House is not suited for further use; and for the furniture, rugs, etc., necessary for the new building, in addition to the furniture which for historic reasons the President may see fit to transfer, will cost about \$10,000.

Mr. CLARK of Wyoming. After the word "dollars," in line 21, of page 73, I move to insert what I send to the desk.

The SECRETARY. After the word "dollars," in line 21, page 73, it is proposed to insert the following:

And timber procured from forest reserves created under section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," shall not be used outside of the State or Territory where cut, except in cases in which, in the discretion of the Secretary of the Interior, the exigencies are such as to render it advisable to permit the use of the timber elsewhere.

Mr. ALLISON. The Senator from Wyoming presented the amendment to the Committee on Appropriations. It is pure legislation, but I think there is perhaps need of some such legislation. I am willing that the amendment may go in for consideration in conference, if the Senator will be content with that.

Mr. CLARK of Wyoming. I hope it will not only be received for consideration, but that it will receive favorable consideration.

Mr. ALLISON. Of course the conference committee will give it such consideration as is possible, but I do not now commit myself to the amendment as one which ought to remain in the bill. I will hear the Senator from Wyoming in any statement he may

desire to make, and I think it might be wise for him to explain the necessity for the amendment.

Mr. CLARK of Wyoming. Mr. President, briefly I will state the condition which exists under the present law creating forest reserves or providing legislation for them, which has largely been done upon appropriation bills, and much of it on this particular bill. The condition of the law is such that timber upon the forest reserves can only be disposed of to citizens of the State wherein the forest reserve is located. Oftentimes the forest reserve is located near a State line, where all the timber that can be of use must of necessity be taken across the State line. This can not now be done even by permission of the Secretary of the Interior.

The amendment proposes that the Secretary of the Interior shall be allowed to use his discretion; and in a letter, which I ask to have published in connection with the amendment, the Commissioner of the General Land Office says that this legislation is needed. The amendment is in the exact form of a bill which he proposes, and which has already been introduced in the other House.

It is an amendment of much local interest where these forest reserves are, and is especially called for at this time because of the burning down of a schoolhouse just across a State line from one of these reserves. The district can not afford to pay a large sum of money for lumber, to be hauled for 40 or 50 miles from the railroad. The Secretary of the Interior would be only too glad to give them timber to rebuild their schoolhouse, but he is unable to do it under the present status of the law. It is to cure such conditions that the amendment is introduced. It leaves it entirely in the discretion of the Secretary of the Interior when and where and under what conditions and circumstances he will permit such timber to be used in other States. I make this statement so that the matter will be understood.

Mr. COCKRELL. Let the letter referred to be printed in the RECORD.

Mr. CLARK of Wyoming. That is the request I make.

The letter referred to is as follows:

#### DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.

Washington, D. C., January 10, 1902.

Hon. C. D. CLARK, United States Senate.

SIR: I beg to acknowledge the receipt, through you, of a letter addressed to you by Thomas Widdop, on November 27, 1901, inclosing a petition signed by a number of residents in the extreme southern part of Uinta and Sweet-water counties, in the State of Wyoming, which sets forth that that region is devoid of timber for ordinary domestic, ranch, and homestead purposes, all the timber available for the purposes of fencing, corrals, and houses being located south of the State line, in the State of Utah, in a locality where there are few settlers requiring said timber; in consequence of which facts the petitioners pray that some action may be taken or some recommendation be made by this Department to Congress to make the timber in question available for the legitimate domestic requirements of the petitioners.

In reply, I have the honor to inform you that this office fully appreciates the stress of circumstances pleaded in this case. Many similar cases have come up from other localities, and this office has given the matter most careful consideration. Under existing legislation, however, it does not appear that any relief can be afforded, the laws granting public timber privileges in the locality in question being plain upon the point of limiting the use of the timber to the State where cut.

For your information on this point, I inclose herein copies of circulars issued by this Department under dates of January 18, 1900, and February 10, 1900, containing regulations governing the use of timber on unreserved public lands in said locality, under the respective acts of June 3, 1878 (20 Stat., 88), and March 3, 1891 (26 Stat., 1052).

It appears that the only relief in this matter as regards timber upon the unreserved lands would be through an act of Congress, modifying the restriction in question in cases in which it would operate to work a hardship.

Since the Uinta Forest Reserve lies in the immediate vicinity of these petitioners, a few miles across the State line, your attention is also invited to the fact that the act of June 4, 1897 (30 Stat., 34-36), providing for the administration of forest reserves, expressly stipulates that timber procured therefrom, either by purchase or without charge therefor, shall be used within the State or Territory within which the reserve lies.

I inclose herein existing regulations respecting both the free use and sale of forest reserve timber under said act, and also the form of application in cases of public timber sale.

Appreciating the hardship worked in many cases by the restriction in question, this office, on the 28th ultimo, invited the attention of the Secretary of the Interior to the fact that in administering the act of June 4, 1897, it has been found defective in requiring that all timber procured from forest reserves shall, without exception, be used in the State or Territory in which the reserve lies, since while such limitation is undoubtedly well in some instances, yet cases arise in which it results in working a serious hardship. For instance, persons living in the State of Wyoming near the Black Hills Forest Reserve and others in Idaho and Montana near the Teton and Big Horn Forest reserves are compelled by their necessities to violate the law, since they live on prairie land and can only secure timber from the said reserves lying across the State line. While these reserves contain their natural sources of timber supply, they are deprived of it. Another instance of the defective working of this restriction has been found in the fact that in the timbered districts of Washington, Oregon, California, and Idaho the practical working of the act is to cause much of the timber in these States to be left to waste and decay, since there is not a sufficient demand in the local market in each State to utilize all of it.

It appears that, while leaving this restriction operative in general, the Secretary of the Interior should be given discretionary powers in exceptional cases, and I accordingly submitted, with my said letter of the 28th ultimo, for the approval of the Secretary, the draft of a bill so modifying the restriction, by empowering the Secretary of the Interior to exercise his discretion in all such cases.

For your information in the matter I inclose herein a copy of the draft of said proposed bill.

Should Congress enact such a law, it would undoubtedly afford much-needed relief in many cases.

I return herewith Mr. Widdop's letter and copies of petition therewith.  
Very respectfully,

BINGER HERMANN, *Commissioner.*

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk. I trust it may be adopted. I wish to make just a word of explanation.

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

The SECRETARY. On page 66, after the word "courts," in line 11, it is proposed to insert:

*Provided further,* That the investigation of claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be at the instance and under the direction of the proper accounting officers of the Treasury Department, and no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law for expenses of the last sickness or burial of a deceased pensioner.

Mr. GALLINGER. Mr. President, the junior Senator from South Dakota [Mr. KITTEDGE] is especially interested in this matter, and if the amendment goes into the bill he will undoubtedly seek an opportunity to explain it to the committee of conference. I have not had time since it was called to my attention to examine it very carefully, but I believe it to be all right. The existing law provides that any "person" caring for a soldier in his last sickness shall be reimbursed. A court somewhere has decided that the word "person" as used in the law applies to municipal and other corporations, and this is intended simply to provide that the payment shall be made only in case an individual cares for the soldier. It may or may not be wise to incorporate it in the pending bill, but I trust it may be allowed to go in, and that the Senator from South Dakota, who has investigated the matter very carefully, will be given an opportunity to talk with the committee of conference about it.

Mr. COCKRELL. Will the Senator from New Hampshire yield for a question?

Mr. GALLINGER. Certainly.

Mr. COCKRELL. Does this change the present method of adjustment?

Mr. GALLINGER. Not at all, as I understand it.

Mr. COCKRELL. It leaves it still with the Auditor for the Interior Department?

Mr. GALLINGER. Yes; with the accounting officers.

Mr. ALLISON. The Senator from South Dakota [Mr. KITTEDGE] presented this matter to the Committee on Appropriations, and was heard before the committee.

Mr. GALLINGER. I did not know that.

Mr. ALLISON. But the committee was not able, from the investigation it could make, to ascertain whether or not it would change the law as it now exists upon this subject. It was with hesitation that we considered it at all. With that view, supposing that the Pension Committee would present bills for correction, I referred the Senator from South Dakota to the Senator from New Hampshire, knowing that he is familiar with all these statutes and would be able to state to the Senate whether this was a wise provision to insert and whether it changed existing law. I am willing that it may go into the bill with a view—

Mr. GALLINGER. To inquiry.

Mr. ALLISON. With a view to inquiring into it later.

Mr. GALLINGER. That is all I can ask. I am sure it does not change existing law at all, but simply limits the payment to individuals rather than to individuals and corporations.

The amendment was agreed to.

Mr. SPOONER. On page 69, after line 10, I move to insert:

To enable the Secretary of the Treasury to investigate and report to Congress through a special commissioner, to be appointed by him, with the approval of the President, the general subject of Government receipts and expenditures and what changes, if any, should be made in the methods of classifying and reporting the receipts and expenditures of the Government to the Congress, \$4,000.

The amendment was agreed to.

Mr. ALLISON. Now I ask that the bill may be reported to the Senate.

Mr. CLARK of Wyoming. I have an amendment which I wish to present. I desired to have time for consultation with the Interior Department, but I will present the amendment now if the Senator wishes to get the bill through. It is in line with the other amendments.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Wyoming offers an amendment, which will be stated.

The SECRETARY. On page 74, after line 12, insert:

*Provided,* That in granting permits for grazing on the Uintah Forest Reserve no preference shall be given to the flocks or herds of one State over

those of another, nor shall authority, direct or indirect, be given to any person not in the service of the United States nor to any association or corporation to grant any permit or permits to graze sheep or other live stock on said reservation.

Mr. ALLISON. That is pretty radical and serious legislation. I trust the Senator from Wyoming will not ask it to be put on this bill.

Mr. CLARK of Wyoming. An explanation of the amendment would require some time, and I hope the Senator will allow it to become a part of the bill with a view of my presenting the matter to the conference committee. Otherwise I shall feel it to be my duty to discuss the subject at some length. It is a very serious proposition so far as our people in the immediate locality of this particular reservation are concerned.

Mr. ALLISON. I think a matter of so much importance should not be put upon the bill without a thorough understanding of the question. I had hoped to complete the bill this morning, but if the Senator insists upon his amendment, of course I shall listen to him, and reserve the right to make a point of order on it.

Mr. CLARK of Wyoming. Mr. President, I will state the exact situation, and I shall address myself more particularly to the chairman of the committee, in order that he may be fully informed of the reason why I offer the amendment at this time.

Under the law the Secretary of the Interior is permitted, in his discretion, to allow grazing upon the forest reserves under such rules and regulations as to him seem proper. I call especial attention to the fact that the Uintah Reservation is situated and located differently from any other reservation in the United States. It lies immediately over the line south of Wyoming. All the sheep that pasture on that reserve in the summer come from the State of Wyoming and are driven in there.

This portion of the reservation is inaccessible to sheep coming from any other locality. On the contrary, two-thirds of the sheep grazing in the southern part of Wyoming are owned by flock masters in the State of Utah. The result is that after the grazing of sheep in southwestern Wyoming during the late spring and early summer when the lands have been depastured the sheep are driven to the mountains for pasturage. They are of necessity driven and herded toward this forest reserve, where permission is granted to graze sheep during that season by the Secretary of the Interior.

Under the rule, as it now stands, when the sheep that have been grazing side by side all the winter and all the spring upon the public lands within the State of Wyoming seek to go south into the higher regions where there is grass, on this reservation, and the band of Wyoming sheep and the band of Utah sheep, having grazed side by side and eating the same grass all the spring, come to the State line, as the regulations provide that the pasturage in the reservations shall be confined to the States in which the reservations are situated, the Utah sheep pass over the line into the rich pasturage of this reserve and the Wyoming sheep are turned back upon the barren land that has been already pastured over.

It is not strange, Mr. President, that in cases of that sort quarrels arise between the different herdsmen. It is not strange that a herdsman, believing that he has as good a right to the public grass as another, should feel that he was outraged by a law of this kind. It is not strange, as it happens time and time again, that personal encounters have taken place and Winchester have been used and life lost. The situation is more acute at this particular season than at any other time.

It is a matter not only of property rights, but it is a matter in that locality of life and death. It is a matter that the Congress of the United States ought to take hold of, and I sincerely hope that the amendment may be adopted in that particular.

The other part of the amendment which I have proposed provides that the power of the Secretary of the Interior shall not be delegated to any private person or to any corporation or association to grant these permits. Under the decisions or regulations or rules, or whatever you call them, of the Interior Department, the authority to grant the right to graze upon these reserves is given to the sheep associations of the various States. In other words, a corporation formed of sheep owners is given authority absolutely to shut out from any of these reserves flocks of sheep that do not belong to the particular persons composing the association. This works untold hardship. It gives an absolute monopoly of all the grass within the reserves to a local association or corporation. This we believe to be altogether wrong. We believe that the Secretary of the Interior should grant these permits. We believe that his powers should not be delegated to any sheep or stock association. We believe that the grass should be apportioned without respect to the State line, which is often arbitrary, and in this case is a geographical line drawn without reference to national boundaries or the people who live there or the business conditions.

The PRESIDING OFFICER. The question is on agreeing to

the amendment submitted by the Senator from Wyoming [Mr. CLARK].

Mr. COCKRELL. I wish to ask the Senator the meaning exactly of the last clause of his amendment, and whether it conveys his idea. It says:

That in granting permits for grazing on the Uintah Forest Reserve no preference shall be given to the flocks or herds of one State over those of another; nor shall authority, direct or indirect, be given to any person not in the service of the United States, nor to any association or corporation to grant any permit or permits to graze sheep or other live stock on said reservation.

Has it been the custom to give authority to a corporation to grant permits?

Mr. CLARK of Wyoming. It is not the authority given to the corporations to grant permits, but the permits are granted on the recommendation of the corporation. What I want to get at is the indirect granting of permits through a corporation.

Mr. COCKRELL. I do not think the language covers it at all.

Mr. CLARK of Wyoming. I am perfectly willing that it shall be amended.

Mr. RAWLINS. I should like to ask the Senator from Wyoming what is the particular object of this amendment?

Mr. CLARK of Wyoming. The object of the amendment is, as I explained, that there shall be no discrimination made in regard to this particular reservation between the sheep of Wyoming and the sheep of Utah.

Mr. ALLISON. If this matter is to be tested between Senators from States having different interests, I must make the point of order on the amendment.

The PRESIDING OFFICER. Does the Senator from Iowa make the point of order?

Mr. ALLISON. I do if it is to lead to debate. I wish to finish the bill this morning.

Mr. RAWLINS. I can not consent to the amendment as I am at present advised about it. This is a forest reservation in Utah. There have been some permits granted, of a limited character, to graze sheep upon the reservation. I doubt whether any permit of that kind ought to be granted, but certainly I should seriously object to having permits indiscriminately granted to sheep owners in Utah and in surrounding States. The object of the amendment is to give Wyoming access to our forest reservation, as well as Utah. I am willing that Utah should be shut out, but I am not willing that Wyoming should be let in.

Mr. CLARK of Wyoming. If the Senator is willing that Utah sheep shall be shut out from Wyoming, I will make that trade with him.

Mr. RAWLINS. No. I am willing to have Utah sheep shut out of a Wyoming forest reservation.

Mr. ALLISON. I hope the Senator from Wyoming will withdraw this amendment. If it is a matter of pressing importance, as suggested by him, it can be taken up any morning by the Committee on Public Lands which, I understand, has not considered the amendment at all, and be considered in the Senate at a later day. It is as much in order upon any other bill as the one pending.

Mr. CLARK of Wyoming. If the point of order is raised, I shall not discuss it, although I believe it is in order, because nearly every bit of forest-reserve legislation we have had has been on appropriation bills.

Mr. ALLISON. Mostly by unanimous consent.

Mr. CLARK of Wyoming. I will not insist upon the amendment, but I will say to the Senator from Iowa that this is a matter of greater importance than he believes. It is a matter that even now is arming men upon that State line, and I greatly fear the result of delayed action in regard to it. We have had difficulties of this kind in the Western country before, not because of the inherent wickedness of men, but because the destruction of property impels men to defend their own. I had hoped that the amendment might go on the bill as mere matter of justice, a mere matter of equity and right.

Mr. COCKRELL. How near is the reservation to Wyoming?

Mr. CLARK of Wyoming. It is within 6 miles of the Wyoming border. All the summer grazing land is up there, and it is the natural place for all the sheep that graze over twenty or thirty thousand square miles in Wyoming at this season of the year and earlier. As I said before, two-thirds of those sheep at this time and heretofore in the grazing season are Utah sheep grazing in Wyoming, and just the moment they begin to cross the line the Wyoming sheep are sent back to the exhausted range and the Utah sheep go up to the reservation. The bands have been grazing side by side in Wyoming, and it is no wonder that armed conflicts have arisen, and it is no wonder that they will continue to arise. You can not prevent them under present conditions. I hope the amendment may be allowed to go in the bill.

Mr. ALLISON. I make the point of order against it.

The PRESIDING OFFICER. The point of order is sustained.

Mr. LODGE. I offer an amendment which I send to the desk. The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. Insert the following:

For the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies, now or heretofore forming the United States, and any acts of Congress relating thereto, \$25,000, the same to be expended under the direction of the Joint Committee on Printing.

Mr. ALLISON. The Committee on Appropriations examined this amendment very carefully and found that an employee of the Senate has completed a revision of the constitutions and charters, and that the revised edition is about ready to be published. The committee did not think it was wise to make this appropriation. I do not know whether it comes from any committee or not.

Mr. LODGE. If the work is being done, as the Senator from Iowa suggests, I have no desire to press the amendment.

Mr. ALLISON. It is almost completed by a very competent employee of the Senate. I ask that the bill may be reported to the Senate.

Mr. CLAY. I wish to call the attention of the Senator from Iowa to an amendment, but I shall not press it if he will not agree to it.

Mr. ALLISON. If the Senator from Georgia will allow me a moment, I have prevailed upon the Senator from Tennessee [Mr. BATE] to withdraw an amendment which he thinks is all important, and about which the committee has not sufficient information to allow it to go in at this time. The Senator expects further information on the subject.

Mr. BATE. As to the amendment touching the battlefield of Shiloh, on page 113, I regret that we can not have it considered now.

Mr. HOAR. Does the Senator expect to pass the bill now?

Mr. ALLISON. I hope to do so.

Mr. HOAR. I shall be obliged to call the attention of the Senate to one amendment.

Mr. ALLISON. What is it?

Mr. HOAR. An amendment referring to the transportation of some coin.

Mr. ALLISON. Well, Mr. President—

The PRESIDING OFFICER. The Senator from Tennessee was not understood at the desk.

Mr. BATE. I only said that I regret exceedingly that my amendment could not be considered now, as we are about closing the bill, and it is but a few minutes before the regular order is called. I merely call attention to it now to say that it proposes a worthy and needed appropriation, touching the battlefield of Shiloh Park, increasing the amount \$10,000 for the purpose of building new roads to the sites of the old Confederate hospitals, where numbers of Confederate soldiers lie in unmarked graves. I will not go into it now, as there is no time in which to do it. As the commissioners of that park failed to make an estimate for it, I can not reasonably ask it in its present shape, but shall look to it hereafter. I therefore withdraw the amendment for the present.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CLAY. I will say to the Senator from Iowa I shall not press my amendment unless he consents to it. I conferred with him, and I thought at one time I would readily accept the \$50,000 and not ask for any more. During the present session Congress passed a bill providing for a marine hospital at Savannah, Ga., at a cost of \$175,000. I see on page 11, line 15, "For marine hospital at Savannah, Ga.: For commencing construction of hospital under present limit, \$50,000."

I would be glad, if the Senator can do it, to insert "\$75,000" instead of "\$50,000," because I am informed that \$75,000 can be used by the time Congress will convene in December. I told the Senator that I would be satisfied with \$50,000, but I hope, under the circumstances, the Senator will accept it. If he can not, of course I will not press it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. ALLISON. I would be glad to have unanimous consent to complete the appropriation bill, which I think can be done in a few minutes.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. ALLISON. I will not press it if it is to occupy any length of time.

Mr. HOAR. I wish to call the attention of the Senate to one amendment which has been made.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Iowa that the unfinished business be temporarily laid aside?

Mr. HOAR. It will take five minutes to say what I have to say, and I think the matter will lead to some debate.

Mr. ALLISON. Then I will not press my request.  
The PRESIDING OFFICER. The unfinished business is before the Senate.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 3d instant approved and signed the following acts:

An act (S. 636) to remove the charge of desertion against David A. Lane;

An act (S. 1881) to correct the military record of Peter Connell; and

An act (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River in Arkansas.

## OMNIBUS CLAIMS BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8587) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows:

On page 8 of said Senate amendment, between lines numbered 15 and 16, insert the following:

"To Charles M. Flower, Frank S. Flower, William Flower, and D. Sprigg Flower, children of Charles H. Flower, deceased, of Rapides Parish, \$23,357."

On page 10 of said Senate amendment, between lines numbered 18 and 19, insert the following:

"To Henry R. Walton, administrator of John Walton, deceased, of Anne Arundel County, \$5,083."

"To William S. Tildon, of Harford County, \$330."

On page 14 of said Senate amendment, between lines numbered 23 and 24, insert the following:

"To John W. Hancock, of Iron County, \$1,160."

On page 24 of said Senate amendment, between lines numbered 17 and 18, insert the following:

"To William B. Horner, late of Shelby County, \$1,250."

"To W. H. Robertson, administrator of Emma Robertson, deceased (formerly Emma M. Mayo); H. P. Hobson, administrator of Lucy Mayo, deceased, and Sarah Agnes Bumpass, heirs of F. W. Mayo, deceased, of Fayette County, \$874."

On page 25 of said Senate amendment, between lines numbered 9 and 10, insert the following:

"To Mary E. O. Dashiell, late of Norfolk County, \$810."

On page 29 of said Senate amendment, in line numbered 22, strike out the words "James C. Hays, administrator de bonis non," and insert in lieu thereof the words "Titus C. Hammond, administrator with the will annexed."

On page 76 of said Senate amendment, in line numbered 2, strike out the words "Hannah E. Boardman" and insert in lieu thereof the words "Fannie J. Nagle."

On page 78 of said Senate amendment, in lines numbered 6 and 7, strike out the words "forty-four thousand and fifteen dollars and eighty-four cents" and insert in lieu thereof the words "forty thousand three hundred and twenty-one dollars and three cents."

On page 79 of said Senate amendment, in line numbered 18, strike out the words "J. Simonson" and insert in lieu thereof the words "the legal representatives of J. Simonson, deceased."

On page 79 of said Senate amendment, in lines numbered 21, 22, and 23, strike out the words "to the contractors or their personal representatives, \$13,543," and insert in lieu thereof the words "to the surviving partner of the constructors, \$87,615.67."

On page 86 of said Senate amendment strike out lines numbered 6, 7, 8, 9, 10, 11, 12, 13, and 14 and insert in lieu thereof the following:

"That the claim of the State of Nevada for costs, charges, and expenses incurred by the Territory of Nevada for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection against the United States, war of 1861-1865, under the act of Congress of July 27, 1861 (12 Stats., p. 276), and joint resolution of March 8, 1862 (12 Stats., 615), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 6, 1896 (160 U. S. Reports, p. 598), not heretofore allowed or disallowed by the accounting officers of the Treasury, shall be examined, allowed, and paid out of any money in the Treasury not otherwise appropriated."

On page 87 of said Senate amendment strike out lines numbered 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.

On page 88 of said Senate amendment, in line numbered 8, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 88 of said Senate amendment, in line numbered 15, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

On page 90 of said Senate amendment strike out lines numbered 21, 22, 23, 24, and 25 and insert in lieu thereof the following:

"To James M. Seymour, jr., the sum of \$2,500, for services as assistant commissioner to the International Exposition at Barcelona, Spain."

On page 92 of said Senate amendment, in line numbered 11, strike out "M. M. Defrees, of Indianapolis, Ind.," and insert in lieu thereof "the State of Indiana."

On page 92 of said Senate amendment, in lines numbered 22, 23, and 24, strike out the words "eight thousand three hundred and five dollars and thirty-eight cents, that being," and insert in lieu thereof the words "five thousand dollars, that being in lieu of."

On page 101 of said Senate amendment strike out lines numbered 19, 20, 21, 22, 23, 24, and 25, and on page 102 of said Senate amendment strike out lines numbered 1, 2, and 3.

And the Senate agree to the same.

## OMNIBUS CLAIMS BILL, 1902.

Amount of bill as passed by the House..... \$213,105.51

Net increase by the Senate..... 2,929,252.09

Amount of bill as passed by the Senate..... 3,142,357.60

Of the increase made by the Senate of \$2,929,252.09, the House has agreed to \$2,451,746.00, and the Senate has receded from \$477,505.49, making the total of the bill, direct appropriation, as agreed to in conference, \$2,929,252.11.

F. E. WARREN,  
H. M. TELLER,  
WM. E. MASON,

Managers on the part of the Senate.

THAD. M. MAHON,  
HENRY R. GIBSON.

Managers on the part of the House.

The report was agreed to.

## CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. Mr. President, I shall ask Senators to excuse me if I decline interruptions in what I have to say to-day. I desire to trespass as short a time as possible upon the attention of the Senate, and I have a special reason for not wishing to extend the time further than I possibly can. I also have many facts to state in support of the propositions which I shall advance, and I desire to present my argument, such as it is, as a coherent and connected whole and not be diverted from it. After I have concluded, if Senators desire to ask any questions I shall be only too glad to answer them so far as I may be able to do it.

Mr. PATTERSON. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I yield.

Mr. PATTERSON. The only purpose I have is to request the Senator, when he cites testimony or authorities, to kindly give us the page, so that there will be no necessity of interruption on that account.

Mr. LODGE. Certainly; I will do that with great pleasure.

Mr. President, I think there has been a marked improvement in this debate over the last debate which was held upon the question of Philippine affairs, because in this debate, so far as it has proceeded, there has been more or less said about the pending measure. I am aware that we devoted one afternoon to a discussion of politics and election methods in North Carolina, but possibly it was not amiss to consider the quality of mercy exhibited in certain parts of our common country as well as in the Philippines. It is true also that we devoted one afternoon to trying to decide whether Aguinaldo caused the assassination of General Luna, whether he had him assassinated in self-defense, or whether Luna was merely killed by the guard because the guard did not like his manners. But all these things, Mr. President, have more connection with the matter before us than the discussions about the Revolutionary history and the character of a judge at Nome, in which we before indulged. I think, Mr. President, I am not too optimistic, therefore, if I express the hope and the belief that the time will come, and come before long, when we shall discuss measures in regard to the Philippines as we discussed the Chinese-exclusion bill, with a view to getting the best legislation possible in the interests of the people of the islands and the people of the United States, and when we shall cease to make the affairs of the Philippine Islands a field for the investment of political capital by a party whose ventures in other directions have not of late been very successful.

The Senator from Tennessee [Mr. CARMACK], with the grace of phrase characteristic of his eloquence, asked if anyone would have the effrontery to defend the pending bill. In all humility, Mr. President, I will say that I have the effrontery not only to defend the bill, but in my feeble way to advocate it. I believe it to be a well-considered measure, dealing with subjects of great difficulty, to which the committee have given careful attention, over which they have labored assiduously, and to parts of which the minority of the committee have made valuable contribution, for which I am happy to make acknowledgment.

The mining provisions of this bill occupy 28 pages. The mining law on which the provisions of the bill are founded was prepared by the Philippine Commission with great labor and attention. It has been revised by a subcommittee of the Committee on the Philippines, consisting of the Senator from Maryland [Mr. McCOMAS], the Senator from Nebraska [Mr. DIETRICH], and the Senator from Utah [Mr. RAWLINS], and I believe, speaking as a layman in regard to mining laws, that we have embodied in this bill as excellent a mining law as stands on any statute book. I think the obligation for it is due to the subcommittee of the Committee on the Philippines, and in a large measure to the Senator from Utah, who brought to the work an expert knowledge which was of great value. I shall not detain the Senate by discussing the details of those mining provisions. That is a task which I leave to the better instructed members who prepared it.

The coinage sections of the bill occupy 6 pages and provide

for coinage in the Philippine Islands. I will only say in regard to the coinage provisions that the committee were satisfied after a careful investigation of the subject, unanimously, with one possible exception, that no greater mistake could be made than to change the system of currency now in existence in those islands and to alter the standard to which the people have been accustomed for many years. It is always a dangerous thing to change the money standard of a people; and it seemed to the committee that at this time it would be exceedingly perilous. They are now, and have long been, upon the single silver standard, with the free coinage of Mexican dollars as the unit of value and the current coin of the islands. We make no change in the standard. We simply substitute for the Mexican dollar an American Filipino dollar, to be coined at the mint of Manila and at the mints in the United States, following in that respect the example of Great Britain in Hongkong, Singapore, and the Straits Settlements, for which she has coined what is known as the Bombay dollar, which has been of very great advantage to her and to her trade in the commerce of the East. I shall not go further into this question. The sections were prepared by the Senator from Iowa [Mr. ALLISON], and I shall leave him, abler and more skilled than any other man in public life to deal with such a question as this, to explain these provisions fully and in detail to the Senate.

The remainder of the bill occupies 19 pages. We begin by continuing the present Philippine Commission. The only change we make in the existing conditions is to require that the Commissioners shall be appointed by the President and confirmed by the Senate, and we apply the confirmation of the Senate also to the judges of the supreme court. That, Mr. President, is necessarily a temporary and tentative arrangement. It is designed to leave the government of the islands in the hands of the present Commission until the provisions of the succeeding sections may be carried into effect. Those sections provide for taking a census of the islands, which shall give not only the numbers of the people, but all the information that can possibly be desired, in order to enable us to establish there "permanent, popular, representative government."

It will require, in the nature of things, some time to take such a census, and it is impossible, as it seemed to the committee, to enter suddenly upon the establishment of representative government until we know the numbers of the people, until we have differentiated the wild tribes, who are said to number nearly a million, from the Christianized Filipinos, and also to determine our relations with the Mohammedan tribes of the south. The object of the census sections is to enable Congress to legislate intelligently with a view to giving those people a "popular representative government;" in the meantime, while we take the census to which I refer, the bill instructs the Commission to continue, and to extend as far as possible the municipal and provincial governments, to be chosen by the people, with the suffrage to be enlarged as rapidly as they think it safe; and to continue to build up in that way the self-government of the people of the islands.

We provide also for the public lands. That, again, is a temporary provision. There is a vast body of public land in the Philippine Islands. The total area of the islands is estimated at 72,000,000 acres, and it is believed that not more than 5,000,000 of those 72,000,000 acres are now in private ownership. That leaves in the hands of the United States, as the heir of Spain, some 67,000,000 acres of public land. The committee felt that it was necessary to have a proper land law—one adapted to the conditions of the islands. It has been left to the Commission to prepare such a law, to be transmitted to Congress for its consideration and approval. Until that land law is enacted, we give to the Commission power only to make leases of the public lands.

We also provide that they shall give good titles to the occupiers of public lands, of whom there are a great many among the natives, who have never been able to secure from Spain any title to the little homesteads or farms which they live on and cultivate, and which, in many cases, they have lived on and cultivated for generations. I think that that is one of the most necessary and beneficent provisions of the bill.

There are also sections which provide and give authority for the issuance of municipal loans, intended for municipal improvements, which are greatly needed, especially in the city of Manila.

We also have provisions in the bill in regard to timber lands, and we have followed the same careful policy in regard to those lands that we have pursued in regard to the public lands generally. We permit the Commission only to issue licenses to cut timber, and not to sell any more land than is necessary for the establishment of a sawmill or the opening of a road to give access to the forests.

We have also made provision for the purchase of the friars' lands, as they are called. That is a difficult and unusual question. We authorize the Commission to buy the lands of the friars for the purpose of selling them immediately to the people who now occupy them. However witnesses or experts may differ in regard to the affairs in the Philippine Islands, there is but one

opinion as to the necessity of taking these friars' lands and giving them over to the people who actually live upon them and cultivate them. The possession of the lands by the friars was one of the bitterest grievances of the Filipino people against Spain. The testimony is universal as to their desire to have those lands restored to them. The sections in regard to these lands, of course, in the nature of things, give a large power to the Commission, but there is no other way that I have seen suggested to get those lands out of the hands of these religious corporations and back into the hands of the people who cultivate them.

We have also clauses in the bill providing for franchises. They are guarded with the utmost care. I can not now undertake to read, and I shall not detain the Senate by reading, those franchise clauses, but I invite Senators to examine them with the utmost care. They are guarded in every possible way compatible with giving any reasonable opening to capital to enter into the islands with the hope of profitable investment.

The main object of the bill, Mr. President, is, in a word, to replace military by civil government—to advance self-government; and yet it is delayed in this Chamber and opposed by those who proclaim themselves the especial foes of military rule.

The second object of the bill is to help the development of the islands, and yet, as the committee felt, to help that development only by taking the utmost pains that there should be no opportunity given for undue or selfish exploitation. The opponents of this legislation have dwelt almost continuously, when they have spoken on this bill, on the point that it is intended to open the islands to exploiters, to syndicates, and to carpetbaggers. Why, Mr. President, if we go on the proposition that it is a crime for an American to make money, undoubtedly there is opportunity in this bill for men or associations of men to enter into the islands and to make money in a legitimate way. I am aware, after many years of experience, of the hostility of the Democratic party to any man who has made money or to any man making money, and it was that one of their principles, the only one, I think, which was carried out with complete success during their last tenure of power. Few, if any, Americans at that time made money. But these exploiters, these syndicates, these carpetbaggers, who march back and forth through the speeches of Democratic Senators like the scenshifters' army, have as little reality as the air-drawn dagger of Macbeth. It is continually reiterated that they are to be brought into the Philippines by this bill; and while Senators in opposition are declaiming against this bill as throwing the islands open to improper exploitation and speculation I have had many gentlemen come to me who desire to invest money in the Philippine Islands and who say that the bill is so drawn that it is impossible for capital to go in there to any large amount. When gentlemen who desire to invest take that view and the Democratic party takes the view that the bill is simply for purposes of exploitation my own conclusion is that we have got a pretty good bill.

We are also told that the Chinese are to be poured in there. Mr. President, as we have excluded the Chinese from the Philippines by legislation already passed, how absurd that proposition is. Passing lightly from the proposition that the Chinese are to be poured into the Philippines, from which our laws expressly exclude them, the dismal picture is then drawn of what will happen to the islands if we do not let the Chinese in. The testimony is very clear to my mind that the Filipino people, if they have an opportunity to earn good wages and to have them regularly paid—something which has never happened to them under Spanish rule—will be found quite capable of doing all the work that is needed in the islands. They are skillful workers in the factories they have there, such as the cigarette factories; they are noted as good machinists; they are deft and ingenious with their hands; they work in the rice fields under a sun which is too much even for Chinamen, and they carry on all the cultivation of the islands. If we once give them an opportunity to perform this new work and receive regular wages and be properly paid, I am sure we shall find that the labor is there, so that the Filipino people can develop their own territory. It may be a slower process than if we should throw the islands open now to sudden exploitation in large masses of territory, with great bodies of capital and with Chinese labor; but that it is simple justice to the people of those islands, and that it is infinitely better to give them the arrangement that we have given them, is, to my mind, too clear for argument.

In connection with these exploiters and syndicates and carpetbaggers, we have been told on the other side of the Chamber that the Moro war was started in order to open the southern islands to exploitation. The Senator from Utah [Mr. RAWLINS] criticised us with the utmost severity on that ground, whereas the Senator from Tennessee [Mr. CARMACK] reproached us because the war with the Moros was not being pushed with sufficient vigor, they being brave, wild Mohammedans, instead of peaceful, Christianized Filipinos.

Mr. CARMACK. Which I did not do at all.

Mr. LODGE. I so understood the Senator; and if I misquote him, I shall be glad to correct it.

The facts are very simple. The Moros seized and put to death some American soldiers. Indemnity was demanded and the delivery of the murderers. The President warned our generals there to avoid a general war if it could possibly be done. The Moros, as I understand, declined, and engaged in continued hostilities. The news of events there is in the newspapers to-day.

Mr. President, what we have done in the islands so far in a short three years is to establish schools, to establish courts where there can be quick justice instead of long denial, to establish the writ of habeas corpus, to erect civil governments throughout all the pacified provinces, and in this bill we propose to restore to the Filipinos the friars' lands and to give the people title to those portions of the public land which they now occupy. All those things are great and beneficent measures—measures which we ought to enact, no matter what our opinion may be as to the ultimate disposition of the islands.

The charge has been made, and has been made as frequently as the charge about exploitation, that we are intrusting these islands to a commission—a commission of foreigners, of outsiders, as it is called. Mr. President, it is well enough to say "commission," as if it were some kind of vague, ill-defined monster; but a commission is made of men; and when we discuss the commission we ought to look at the men who compose it, to whom we intrust this great work until a popular and representative government can be established. It would not be right for us to say that until a census was taken and all the arrangements, which may occupy many months, possibly some years, are completed for the establishment of a representative government—that during all that time no city shall borrow money; the friars' lands shall not be returned; no railroad shall be built; no street lighted; no electric roads put in; that we should hold the islands back from all progress, when we have there a commission perfectly suited to deal with all those matters.

What is that Commission, Mr. President? The head of it is Judge Taft, known throughout the United States. The Senator from Texas [Mr. CULBERSON] and the Senator from Colorado [Mr. PATTERSON] on Saturday last were at some pains to try to prove that Judge Taft was lacking in candor. I think, Mr. President, that there is no one who knows Judge Taft who is not perfectly familiar with the fact that a more honorable, candid, fair-minded man does not live. I believe that wherever he is known the suggestion that he is evasive or uncandid will be an opinion enjoyed in solitude by the Senators who hold it. He had an assured judicial career, or, if he preferred, he could have gone back to the bar and commanded a great income. He gave up all those prospects, went out into the East as disinterestedly and from as pure motives as ever caused any man to undertake a great work. He has devoted to it his time, his health, and strength. He has come back here with impaired health, and yet he is going to return to those islands because he is devoted to the interests of their people. He regards himself as their guardian and their trustee. No man ever acted from better motives; no man ever labored more disinterestedly than he has done or with greater industry and intelligence.

Judge Taft is a Northern man and a Republican. The acting governor, Luke E. Wright, is a Southern man, an ex-Confederate, and a Democrat. All that I have said of Judge Taft, I believe, from everything I have ever heard, I can also say of Governor Wright. Those are the two men at the head of the Commission to whom we propose to give this great trust in the years to intervene between this time and the day when we can establish a general representative government in the Philippines. It is not a mere name—the Philippine Commission—it is just those two American gentlemen whom I have named and their associates—associates in every way worthy to be with them. Are they not honorable men? Do they not stand high in their community? Is there one who knows them who would not be glad to make them trustees for his wife or his child? Are they not eminent men "secundis temporibus dubisque recti"? They stand high before the people of this country; there is not one of them we would not trust with our own affairs; and is it to be supposed that we can not trust them with this great public duty? If we can not trust them, there is no man in the length and breadth of the United States fit to be trusted, and I have not yet reached the point when I am ready to admit that there are not Americans fit to be trusted with the interests of other people in the sure faith that they will administer them with an eye single to the benefit of their wards and the honor of their country. [Manifestations of applause in the galleries.]

Mr. President, I have stated the provisions of the bill. I have tried to speak in regard to some of the points of attack upon it; but the real attack which has gone on in this Chamber for the last ten days has not been upon the bill. So far as the civil govern-

ment goes, with anyone who has read the testimony and knows the facts and has considered the bill the attack upon it has broken down. The real attack here has been directed against the Army of the United States by those who are delaying this bill, which seeks to replace military with civil government.

Why this attack upon the Army? Because, it is said, it has been guilty of cruelty and torture to natives of the Philippine Islands. Ah, yes, Mr. President, perhaps so; but it has been guilty of a greater crime than that. It has been guilty of a crime not yet brought against it upon this floor, but which rankles deeper than all the tortures and all the cruelties laid to its charge—it has been guilty of the crime of success. It has been a victorious Army; it has put down the insurrection, and it meets now, as it met after Appomattox, abuse and attack. The days have dropped into history when Grant, too, was called a "butcher," but they are not forgotten. This charge is brought now against the Army of the United States because they have been victorious, because they have crushed the insurrection and disappointed those who sympathize with the insurgents. That is one reason for the assault upon our soldiers, and that is a sin for which in some quarters no forgiveness is possible.

But I am not going to deal with the crime of victory. I am going to deal with the cruelty and the torture of the natives with which the Army has been charged. The Senator from Tennessee [Mr. CARMACK] said that he thought no exaggeration was possible. I think he wronged himself. The charges can be for they have been greatly exaggerated. Why, Mr. President, the American Army has been held up here as guilty of greater atrocities than all history can show. The Senator from Utah [Mr. RAWLINS] said:

My God, Senators, will anyone rise and tell me when and where among the most barbaric peoples you ever read such an act of brutality as that? When was anything like that disclosed elsewhere upon the face of the earth?

Mr. President, I can not suppose that the Senator, with his wide reading, has forgotten such a notorious fact as the Neronian persecution of the Christians, when they were tied to pillars and burned to give light in the streets of Rome. I have heard of nothing of that sort in the Philippines. Is it not true, and does not history show, to take another familiar example, how the Tartar hordes swept over Russia; that they impaled the people in the villages, and that those they did not impale they tied to stakes with their hands above their heads and dipped them in tar and lighted them and left them there to burn, so that affrighted Europe called them Tartar candles? I have heard of nothing of that sort from the Philippine Islands, and yet we are told that the atrocities there are worse than anything that even the most barbaric nations in history can show.

Indeed, Mr. President, the wide knowledge of the Senator from Utah was exhausted in finding comparisons to portray the infamy of the American Army. Not only have the conventional torturers of history, Philip II, Alva, and Torquemada, flitted across the debate, but Quintus Cicero, the nephew of the great orator, has been brought in here, and has had his piteous story told. We have been informed also that Julius Cæsar in all his campaigns never was guilty of such cruelties as the American Army has been guilty of in the Philippine Islands. I am afraid for the moment the Senator's classical learning betrayed him. He has forgotten that it was Julius Cæsar, in truth, the most merciful as he was the greatest Roman, who, nevertheless, in his early days, when he captured pirates in the Mediterranean, crucified them at Pergamus, and so gave them over to one of the most cruel and agonizing forms of death that men have ever known.

But not content with all this, Mr. President, not content with what history furnished, the Senator from Utah in his zeal for comparisons made some contributions to history himself.

Mr. RAWLINS. Mr. President, the Senator has alluded to an instance in my speech where I asked if there had been anything in history comparable to the particular matter to which I was then referring, and that reference was to the order of General Bell, which I quoted.

Mr. LODGE. I have a right to proceed, Mr. President.

Mr. RAWLINS. The Senator will permit me—

Mr. LODGE. I should like to go on with my speech.

The PRESIDENT pro tempore. The Senator from Massachusetts declines to yield.

Mr. LODGE. I am not misquoting the Senator. I am reading his own words.

The Senator, I said, not content with exhausting history, made some contributions to it himself. He said:

While in that situation the interpreter, doubtless compelled to perform this infamous service, stooped over him and said, "Confess, confess." It makes us think of Copernicus when he was subjected to the torture and thrown down. They wanted him to announce that the world did not revolve upon its axis, and was promised if he would say so that they would let him go, or else they would take his life, and, he refusing to say so, they took his life.

Mr. President, the great astronomer and mathematician Copernicus died at the age of 70, in his bed, a canon of the church, in the bosom of the church, and his great work about the revolution of the celestial orbs was only published to the world as he lay dying. He was never tortured. It is possible—

Mr. RAWLINS. Mr. President—

Mr. LODGE. It is possible, Mr. President, that the Senator was thinking of Galileo, but Galileo recanted, and lived ten years longer. [Laughter.] So that, as the story applies neither to Copernicus nor Galileo, it must be some other tortured astronomer the Senator has in mind. [Laughter.] Ah, Mr. President, if the Senator had only told the right story of the right man, if he had only described Galileo reciting his recantation and then as he arose from his knees muttering under his breath the famous words which have come down to posterity the Senator might have taken that golden opportunity to teach the party to which he belongs the lesson, which they seem to be as slow in learning as the Roman curia in the sixteenth century, "that the world moves." [Laughter.]

Now, Mr. President, to pass from these fascinating historical studies to the facts of to-day. The American Army is accused of atrocities in the Philippine Islands. Some cases, far too many, have been proved of cruelties to native prisoners and to hostile natives, and more, I fear, will be proved. To me it is a source of bitter, bitter regret that any American, whether soldier abroad or civilian at home, should ever have tortured anyone, or that any order should ever have been issued by an American general which, on its face, and without knowledge of the conditions, seems, as I said the other day in the Senate, revolting. But we as Senators, representatives of great States of this great Union, are not here to indulge in frothy denunciation, but to get at the truth, to punish the guilty when they are proved guilty, to mete out judgment upon proved offenses, and thereby in strict justice to clear our honor and good name and keep the fame of our Army without spot or blemish.

There has been an ingenious effort made here from time to time to separate soldiers from officers. Soldiers are more numerous than officers. They have more votes. They have larger connections, more friends who vote, because there are a hundred thousand of them and only a few officers, comparatively. But, Mr. President, this separation can not be made.

There was brought before our committee, on the demand of a philanthropist—one of the kind evidently who never feels that his philanthropy is well exercised unless it involves in its exercise some shame to his country and some discredit and disgrace to his fellow-citizens—there was brought before us a young officer of the Thirty-fifth Regiment, named Grover Flint. He testified that at Candaba, in the island of Luzon, Macabebe scouts tortured a number of Filipinos—20 or more—with the water cure in order to make them reveal the places where their arms were concealed. He said that in the morning of the day after the town was taken, while this was going on, American soldiers volunteered to go down to the well where it was being done; that there were no orders given; that he said to the major commanding—Major Geary—"I think I had better go down there and see whether excesses are being committed," and that he went down there. He was asked if he interfered. He said that he did in two or three cases where he thought excesses were being committed. I asked him, as was my duty—it was a painful question to ask and I disliked to put it—as to other cases where he did not interfere, "Did you approve at the time what was being done or did you not?" He answered that question with a fearless truth, painful as it was to him to do it, that he did approve it at the time; and I honored him for his brave, true answer.

Mr. President, there were our own soldiers and the young officer all engaged together. You can not part officers from men. Mr. Flint himself comes of a family eminent for three generations in the practice of one of the noblest of professions. He is a graduate of Harvard College; he is an honorable man; he is a brave soldier; he has been wounded in battle—battle for the Republic. There must be some reason for these things, and presently I shall try to state it.

Let me give another example to show that you can not separate the soldiers from the officers. Only last night I heard from a young officer who commanded a company that at the first skirmish in which they were engaged they drove back the insurgents and took the town. The insurgents in retreating carried off three of our men, carried them to a neighboring town, stripped them naked, and said that if they would cry, "Long live the Filipino republic!" they might run away into the bush as they were. One man refused, and stood up there naked, in the midst of that hostile crowd, and cried, "Long live America!" They tied him to a tree, and the women and children stoned him to death. The other two, who lost heart and cried, "Long live the Filipino republic!" were cut to death with bolos; and the young officer said when they next went into battle the men cried out as they charged the enemy,

"Remember Parnay!" Do you wonder that they did? I do not. I am not here to excuse torture or cruelty to any man, but I can not forget that there is, and ought to be, human nature in an American soldier under such circumstances as those.

The effort has been continued to separate the officers from the commander. Listen to what the Senator from Utah [Mr. RAWLINS] said about General Chaffee:

Mr. President, I do not believe that Bell himself ever conceived this iniquity, this outline of policy. Perhaps it may have been Chaffee, who received his education in savagery—

Mark the words: "Who received his education in savagery"—

and in cruelty and in barbarity over in China, where we are informed the allied forces took little children and brained them upon posts, threw them into rivers, and slaughtered and persecuted without mercy and without limit helpless women. After he had received that training he superseded the more humane officer, General MacArthur. Then it was that this diabolical programme seems to have been adopted and carried out in all its hideousness and rigor.

Against those cruel words I set the record of General Chaffee. I will print it in the RECORD, with my speech, just the dry official phrases, through which shines the story of a brave life given to the service of the country.

Adna R. Chaffee. Born at Orwell, Ohio, April 14, 1842. Served as private, sergeant, and 1st sergeant, 6th U. S. Cavalry, 22 July, 1861, to 12 May, 1863; 2d lieutenant, 6th Cavalry, 13 Mar., 1863; 1st lieutenant, 22 Feb., 1865; regtl. adjt., 11 Nov., 1864, to 12 Dec., 1866; regtl. qm., 12 Dec., 1866, to 12 Oct., 1867; captain, 12 Oct., 1867; major, 9th Cavalry, 7 July, 1868; lieutenant-colonel, 3d Cavalry, 1 June, 1867; colonel, 8th Cavalry, 8 May, 1869; brigadier-general, volunteers, 4 May, 1868; major genl., vols., 8 July, 1868, to 13 Apr., 1869; brigadier-general, volunteers, 13 Apr., 1869; major-general, volunteers, 19 July, 1900; major-general, U. S. Army, 4 Feb., 1901.

Brevetted 1st lieutenant 3 July, 1863, "for gallant and meritorious services in the battle of Gettysburg, Pa.;" captain 31 March, 1865, "for gallant and meritorious services in the battle of Dinwiddie Court-House, Va.;" major 7 March, 1868, "for gallant and efficient services in engagement with Comanche Indians at Point Creek, Tex.;" and lieutenant-colonel 27 February, 1900, "for gallant service in leading a cavalry charge over rough and precipitous bluffs held by Indians on the Red River of Texas August 30, 1874, and gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882."

#### SERVICE.

He served with his regiment in the Army of the Potomac until wounded in the Gettysburg campaign at Fairfield, Pa., July 3, 1863; absent on account of wound to September, 1863; commanding troops to October 11, 1863, when wounded at the battle of Brandy Station, Va.; absent sick to November, 1863; with regiment in Army of the Potomac to August, 1864; in the Shenandoah Valley, Virginia, to February, 1865, and in the campaign against Richmond, Va., to May, 1865, during which period he participated in all the battles, engagements, etc., in which his regiment was engaged (about fifty), from the siege of Yorktown, Va., April, 1862, to Appomattox Court-House, Va., April, 1865.

With regiment at Frederick, Md., June to October, 1865; en route to and at Austin, Tex. (also depot quartermaster at same place December, 1866, to February, 1868), to February, 1868; commanding troop at Fort Griffin, Tex., to September, 1868, being frequently in field on scout and engaged in action with hostile Indians at Point Creek, Tex., March 6, 1868; commanding troop at Sulphur Springs, Tex., September, 1868, to March, 1869; at Canton, Tex., to July 17, 1869; at Tyler, Tex., to January, 1870; at Corsicana, Tex., to May, 1870; at Fort Griffin, Tex., to September, 1870; at Fort Richardson, Tex., to March 20, 1871, being frequently in field on scout against Indians and engaged in action with them November 14, 1870; commanding troop on the march to and at Fort Riley, Kans., to January 28, 1872; at Oxford, Miss., also commanding post to December 6, 1872; at Fort Harker, Kans., to April 2, 1873; at Fort Supply, Ind. T., to August 19, 1874; in the field on expedition in Indian Territory and Texas to March 23, 1875, being engaged in actions against hostile Indians at Mulberry Creek, Tex., August 30, and near Washita River, Indian Territory, October 17, 1874.

Commanding troop at Fort Supply, Ind. T., March 23 to April 20, 1875; at Fort Dodge, Kans., to August 2, 1875; on the march to and at Fort Verde, Ariz., to May 30, 1876; at Fort Grant, Ariz., to June 21, 1876, and at Fort McDowell, Ariz., to September 13, 1876; on recruiting service, October 23, 1876, to October 1, 1878. He rejoined his regiment November 12, 1878, and commanded his troop at Fort McDowell, Ariz., to July 1, 1879; in charge of the San Carlos Agency, Ariz., to May 31, 1880, commanding troop and post of Fort McDowell, Ariz., being frequently in field in active operations against hostile Indians, to September 11, 1882, being engaged in action with them at Big Dry Wash, Arizona, July 17, 1882, and was highly commended for services in the field in General Orders, No. 37, Department of Arizona, July 31, 1882.

On leave September 11, 1882, to January 5, 1883; commanding troop at Fort McDowell, Ariz., to October 17, 1883; being absent in the field with General Crook in Arizona and Mexico, operating against hostile Apache Indians, March 24 to July 9, 1883; commanding troop and post of Fort Huachuca, Ariz., to June 5, 1884; at Fort Craig, N. Mex., to September 12, 1884; on leave to November 10, 1884; commanding troop at Fort Wingate, N. Mex. (in field and at Fort Cummings, N. Mex., May 22, 1885, to October 19, 1886), to August 8, 1888.

He joined his regiment, the Ninth Cavalry, August 28, 1888, and commanded post of Fort DuChesne, Utah, to September 27, 1890; acting inspector-general, Department of Arizona, October 6, 1890, to July 6, 1893, and of the Department of Colorado to October 4, 1894; on duty with regiment at Fort Robinson, Nebr. (in the field commanding expedition against hostile Indians in Idaho and Wyoming, July 23 to October 23, 1895), to November 7, 1896; on duty as instructor of cavalry at the infantry and cavalry school, Fort Leavenworth, Kans., November 27, 1896, to April 19, 1898, when he accompanied his regiment to Chickamauga, Ga., where he commanded a brigade to May 20, 1898, a division in the Fifth Army Corps at Tampa, Fla., to June 16, 1898; in the campaign against Santiago and in Cuba, to August 21, 1898.

He was highly commended by General Lawton for especial distinction in successfully planning and attacking the Stone Fort at El Caney, Cuba, July 1, 1898; from August 21 to September 27, 1898, he commanded his division en route to and at Montauk Point, New York; commanding First Division, Fourth Corps, November 1 to December 5, and Fourth Army Corps to December 14, 1898; chief of staff to Major-General Brooks and Wood of the headquarters Division of Cuba, Habana, Cuba, December 20, 1898, to May 16, 1900.

Highly commended by Generals Brooke and Wood for services rendered in the latter position, the former stating, "The Army has no better example

of efficiency," and the latter that he "has filled the position with ability and assiduity rarely seen among public men."

He left Cuba May 25, en route to Washington and thence to San Francisco, sailing from the latter place July 3, and arriving at Taku, China, July 29, 1900, when he assumed command of the China relief expedition, which he commanded to May 23, 1901, when he proceeded to the Philippines.

Highly commended by the President and Secretary of War "for the brilliant achievement in which the courage, fortitude, and skill of the American forces under his command in China played so honorable a part."

He arrived at Manila, P. I., June 5, 1901, and, after making a tour of inspection of the Islands, on July 4, 1901, assumed command of the divisions of the Philippines and duties of military governor.

WM. H. CARTER,  
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,  
January 29, 1902.

Thus it appears that he entered the Army as a private; that he rose to be a sergeant and a first sergeant in the Sixth United States Cavalry, serving from the 22d of July, 1861, to the 12th of May, 1863; that he won his first commission in battle for gallantry on the field; that he got his promotion in the same way; that the first brevet came for services at Gettysburg, and the second for gallant and meritorious services at the battle of Dinwiddie Court-House, Va.; that he served with his regiment until wounded in the Gettysburg campaign at Fairfield, in Pennsylvania; that he was wounded again at the battle of Brandy Station.

I will not go into the details. After the war he passed into the Regular Army. He gave the best twenty-five years of his life to service on the plains as a captain, with slight hope of promotion, serving with small pay in heat, in cold, at remote frontier posts, helping to guard those Western communities against the shock of Indian warfare. He was doing this when the Senator from Utah was making those legal and historical studies and cultivating those gifts which have enabled him to delight a listening Senate. Ah, Mr. President, there are some things to be said for the fighting man who gave his life in silence to that thankless work!

From there Chaffee went into the war in Cuba, and then the long delayed promotions came to him. Let me read you one word of description as to Chaffee in the Cuban campaign, not by an American witness, but by the British military attaché, Colonel Lee, who was down there:

The strong post—

That is El Caney—

The strong post had been carefully reconnoitered by Brigadier-General Chaffee in person on June 28 and 29, and he had submitted a plan of attack which was afterwards carried out almost to the letter.

I feel it only just at this point to mention that, however novel the absence of reconnoissance in other directions, nothing could have been more enterprising or systematic than General Chaffee's exploration of his own theater of operations. I had the pleasure of accompanying him on more than one occasion, and derived much profit from a study of his methods.

Leaving his staff behind, he would push far to the front, and, finally dismounting, slip through the brush with the rapidity and noiselessness of an Indian. My efforts to follow him were like the progress of a band wagon in comparison, but I gradually acquired a fairy-like tread and a stumbling facility in sign language, which enabled me to follow the General without too loudly advertising our presence to the Spaniards. On one occasion we approached so close to the Spanish pickets that we could hear the men talking over their suppers, and until I began to speculate on the probable efficacy of the British passport, that was my sole defensive weapon. In this silent Indian fashion General Chaffee explored the entire district, and was the only man in the Army to whom the network of bridle paths around El Caney was in any sense familiar.

Again, I will read a word about him in battle:

Wishing to see how they were faring, I crawled through the hedge into the field beyond, and incidentally into such a hot corner that I readily complied with General Chaffee's abrupt injunction, "Get down on your stomach, sir." Indeed, I was distinctly grateful for his advice, but could not fail to notice that he was regardless of it himself. Wherever the fire was thickest he strolled about unconcernedly, a half-smoked cigar between his teeth and an expression of exceeding grimness on his face. The situation was a trying one for the nerves of the oldest soldier, and some of the younger hands fell back from the firing line and crept toward the road. In a moment the General pounced upon them, inquiring their destination in low, unhoneeyed accents, and then taking them persuasively by the elbow led them back to the extreme front, and, having deposited them in the firing line, stood over them while he distributed a few last words of pungent and sulphurous advice. Throughout the day he set the most inspiring example to his men, and that he escaped unhurt was a miracle. One bullet clipped a breast button off his coat, another passed under his shoulder strap, but neither touched him, and there must be some truth in the old adage that fortune favors the brave.

Such, Mr. President, is the description of an eyewitness of his conduct at El Caney. From there he went to China. The entire world bore witness to the conduct of the American troops in that campaign. No one, not the most jealous or the most envious among the foreigners, ever charged that the American troops were guilty of any of the cruelties or atrocities with which that campaign may have been smirched. It has been left to have this imputation upon American soldiers made for the first time in the American Senate.

Mr. President, those troops went there to save the legations, and when the allied commanders were debating as to whether they should wait a month before starting—wait until the Germans arrived—it was Chaffee who stood up in the meeting after they had been talking and talking and said, "Gentlemen, whatever you may do, I march at once," and the Japanese general rose and said he trusted that the American general would permit him to

go with him. Then they all went, and history tells the rest. Here is what General Chaffee himself says in his report for the year ending June 30, 1901:

The unusual conditions which have surrounded the command, while offering many temptations and inducements to wrongdoing, can not be permitted to excuse soldiers of our Army who, as citizens and soldiers, have been accorded instruction, through example in communities where living, that respect for law, protection of personal and public property, and the maintenance of order are special requirements imposed upon all United States soldiers, never to be broken under any circumstances. (Report of operations in China from November 30, 1900, to May 19, 1901, by Maj. Gen. Adna R. Chaffee, U. S. A., from Report of the Lieutenant-General Commanding the Army for year ending June 30, 1901. Part 4, p. 505.)

That is the order he issued to his men. That is the policy he pursued throughout the Chinese campaign. It was he who interfered, and attracted the attention of Europe by his interference, to prevent the looting of the great Chinese observatory. Mr. President, after those brilliant services in China they are referred to here only that we may be told that it was there that our general received his education in savagery.

Mr. President, not content with the attack upon General Chaffee, the effort has been made by implication to carry it still further. The source of military command in this country is the White House. All the world knows what was the attitude of President McKinley. A soldier himself, the most humane and generous of men, we know that his one word from the beginning to the end was to be merciful and kind, to uphold the authority of the United States, to carry on the war firmly and vigorously, because that was most merciful and most humane, but to show the greatest kindness and consideration to the people of the islands. From that policy his successor has not deviated. No orders can be found issuing from the White House of which any American may not be proud. It is only the other day that the order went out from there to investigate and probe to the bottom, and that whoever had done wrong, to bring him to speedy and prompt justice.

Then, passing from the Presidents, the effort has been made to lay the blame upon the Secretary of War. Mr. President, as he has been attacked I desire here in my place to say one word in regard to him. In all the long list of able men of all parties who have held the great post of Secretary of War I think there has been no abler, no more public-spirited man than the one who now holds it. He took it at a time of great trial—with difficulties in China, with difficulties in Cuba, with difficulties in the Philippines, and he has borne that burden with strength, with honesty, with courage. He has wrought for improvements in the Army, many of which have been attained, which will stand in our history as great advances in the improvement of our military organization. He set himself to cure defects which the Spanish war disclosed and his labors in great part have been crowned with success. He is a man of high ability, of irreproachable honor, and of quite as great humanity as any who rail at him. He has been especially attacked in regard to the Major Gardener report and charged with deliberate suppression, because he did exactly what the Senate is doing to-day—leave it to the board there, where the witnesses and the accused are, to make the first inquiry. When those charges, sweeping, nameless, without date or specification, were laid before him he felt that it was his duty not only to probe the matter to the bottom, but also to see that the officers of the Army committed to his charge had fair play and exact justice; that the accuser and his witnesses should be in the same place where the accused and their witnesses were gathered. It was the part of an honorable and a loyal man, true to the service in which he was engaged and of which he was the head. He has ordered investigation of every case of wrongdoing which has been brought to him. More than 350 courts-martial have been held, for great offenses and small, against the natives. There has been no desire to screen a guilty man from punishment. Wherever a reasonable charge has been brought, the man has been ordered before a court-martial and tried. There have been many, many convictions and much severe punishment. That is all any Secretary can possibly do. He has done his entire duty. If gentlemen think that these instances of cruelty in the Philippines are to us, as they are, a source of bitter and deep regret, can they for one moment suppose that to a man like the Secretary of War, with his heart bound up in the fame and well-being of the American Army, they are not an even deeper sorrow? His object is to elevate the American Army, not to pull it down. But he also means, and he will always mean, to have justice, at least, for all the men and officers committed to his charge, and he will not knowingly condemn them unheard and untried.

Mr. President, these attacks, as I have said, strike officers and men alike. They fall upon the entire organization. Senators who have listened, as I have listened, to the speeches which have been made upon the other side will realize the truth of what I say. Senators who listened to or who have read the course of the questioning pursued with witnesses before the Philippine Committee will realize still more the truth of what I say when I assert that these attacks are leveled at the entire American Army, from the

commander to the private. I would not do anyone an injustice, but let me read as an example a single question that was asked on Saturday of a witness before the committee by the Senator from Texas [Mr. CULBERSON]:

By Senator CULBERSON:

Q. You have testified, I believe, that five or six of these men were killed in attempting to escape?

A. Yes, sir.

Q. Do you know whether or not their effort to escape was encouraged by the American officers and soldiers?

A. I do not know, sir.

Q. What I wanted to find out was whether it was a bona fide effort on their part to escape or whether they were ever encouraged to make the effort for the purpose of affording an opportunity to shoot them. How was that?

A. All that I know is that it was reported that they were killed while trying to escape.

Mr. President, that seems to me a terrible imputation upon American officers and soldiers. What is proved?

Mr. CULBERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I yield.

Mr. CULBERSON. I have just come into the Chamber, and I heard the last portion of the remark of the Senator from Massachusetts.

I desire to say that before propounding that question to the witness I spoke to one of my associates beside me on the committee, and said that I intended to ask the question so that the real truth might be known and that there should be left nothing undone, so far as the committee was concerned, to establish clearly the fact that there had been no connivance upon the part of American troops with reference to that attempted escape.

Mr. LODGE. If the question was asked in order to vindicate and defend the honor of American officers and soldiers, it certainly meets with my cordial approbation; but as it reads it seems to me open to misconstruction.

Now, what is proved? No case of cruelty has been proved before our committee less than a year old, some eighteen months old, and some two years. All the witnesses without exception have testified to the kindness of our troops toward the peaceful Filipino natives. They all have testified to the good care and treatment of the wounded in our own hospitals by our own doctors and nurses. No case of cruelty has been proved that did not occur while guerrilla warfare existed and where war was flagrant.

Towns, it is true, have been burned, and before this towns have been burned in war. Towns were burned where insurgents were sheltered, or where it was believed they had help, or where attacks were made upon our troops after occupancy. It was a military necessity. Towns have been burned before in war. They were burned in our civil war by troops on both sides, and the towns then burned were not composed of nipa huts.

Mr. President, there was the case of young Meiggs, who was shot by bushwhackers in the Shenandoah Valley. General Sheridan sent his staff officers around to the neighboring houses, from one of which this boy had been killed, and gave orders to the inhabitants to leave, and then he burned them to the ground. Let me go outside of our own record. I read from a book entitled "With an Ambulance During the Franco-German War" an account of the burning of Bazeilles.

The French inhabitants had fired upon the Bavarians; they had set their bedding and furniture alight and thrown them on the heads of the Germans, who were packed close in the streets, and after the first repulse of the invaders (Germans), several wounded Prussians had been barbarously butchered; some even had had their throats cut with razors.

Upon retaking the village, when the Germans discovered what had been done, they retaliated by shooting down and bayoneting all before them; nor in some instances did the women and children escape this cruel fate. So exasperated, indeed, were the Germans that not a life did they spare nor a house did they leave intact in that miserable town.

From the same book, chapter 12, page 136:

On coming to Mantes we put up for the night at the Hotel de France. Much consternation had been caused the day before by five Uhlans coming into the market place with a train of wagons and carrying off all the corn and fodder they wanted. Then the Uhlans proceeded to set the station house on fire, as also to saw down the telegraph posts. "What pluck these five men must have had!" will be the reader's exclamation. But the feat was not so daring. Everyone knew that if the inhabitants interfered with these Uhlans the place would be visited the day after and reduced to ashes.

So the Germans treated guerrilla warfare; and the Germans are a kindly people, highly civilized, and were carrying on war against another civilized people under the rules of war recognized by all nations. The burning of towns which shelter guerrillas in a guerrilla warfare is a common incident of war. War is horrible, but it is by such methods that guerrilla warfare is put down and stopped. Now, take the evidence as to a single town, the town of Igaras. It appears from the testimony of witnesses that the people were warned. The witnesses were asked repeatedly whether women or children were burned in the fire, but they knew of none; and that, I suppose, is a fair instance of the towns which have been burned in the course of the war.

That reminds me of women and children. They have been slaughtered by myriads, in the speeches made on the other side,

but, so far as I am aware, there has not been a case proved of the intentional killing of a woman or child by an American soldier or officer in the Philippines. Now, what remains? A certain number of proved cases of water cure, of menaces of shooting, unless information was given up; of rough and cruel treatment applied to secure information. That such cases have occurred in different parts of the islands is incontestable, and we all deeply regret it. We all wish to see justice done upon those who are guilty. We do not like to think of any American soldier or officer torturing a prisoner or a helpless man. But as soon as it was known that this had been done every effort was made to stop it. Most stringent orders went out from Washington not only to stop all such practices where they existed, but to bring to punishment those who were guilty of them. They appear to have stopped, but, as I have said, there has not yet been a case shown that is not at least a year old. What concerns us is to know—

Mr. CARMACK. Will the Senator permit me just a moment?

Mr. LODGE. Certainly.

Mr. CARMACK. I will say to the Senator that it is practically impossible, under the rules of the committee, to prove anything that is going on there now. We can only prove the incidents that have occurred by soldiers who have returned from the Philippine Islands. We can not bring anybody from there at this time to prove what is being done now.

Mr. LODGE. Mr. President, I shall let my statement stand, for it states the evidence as, I believe, correctly. What concerns us, and it concerns us very deeply, is to know why these things ever happened at all at any time, near or remote. Whatever has been done has been done by the American Army. What is the American Army? One would suppose from what has been said here in debate that it was an army of aliens and mercenaries; that we had out there in the Philippine Islands some strange foreign force which we had let loose upon that helpless people.

Why, Mr. President, those soldiers are our own. They are our flesh and blood, bone of our bone, flesh of our flesh. They are volunteers, all of them. There is no conscription in this country. The men in the Regular Army are in it as the result of volunteer enlistment. Thirty-five thousand of the men out there were United States volunteers. They are men drawn from our American communities, from all ranks and conditions of life—graduates of West Point, graduates of Harvard and of Yale, young men who were in the Spanish war and went from thence to the Philippines, graduates of our high schools and our common schools. Amid that great body of men there were no doubt some black sheep. You can not get 100,000 men, young, adventurous, drawn in hither and thither, and have them all good and perfect. But they represent well and they represent fairly the American community which gave them birth. They are not saints; no, and they are not devils, either. They are American soldiers.

What is it which has led them to commit these atrocities which we all so much regret and over which we sorrow? That, Mr. President, is what I want now to explain. I think I know why these things have happened. I think they have grown out of the conditions of warfare, of the war that was waged by the Filipinos themselves, a semicivilized people, with all the tendencies and characteristics of Asiatics, with the Asiatic indifference to life, with the Asiatic treachery and the Asiatic cruelty, all tintured and increased by three hundred years of subjection to Spain.

Half the story has been told on this floor. I want to tell the other half and I invite attention to it. It may be dry in places, but it deserves attention, for the honor of the American name is concerned in knowing why these things have happened as they have happened.

Let me take the first case, which has been so much talked about—the case of the presidente to whom was given the water cure at Igaras. He was the presidente of the village. He pretended that he was our friend; that he was favorable to us. He was really a captain of the insurgents and his police force were men belonging to the insurgent ranks. He was living within our lines. He did not wear his uniform. He came within the technical definition of a spy. He could have been taken out and shot after a drumhead court-martial with the same justice that André was hanged. Our men discovered him and believed that he was treacherous. They administered the water cure to him and to two or three of the policemen in order to get information as to where the insurgents had gone. It was administered to him twice. It was not administered in retaliation; it was not administered as a punishment. It was administered to get information, and when they got the information he mounted his horse and rode with them across the mountains to show them where the insurgents had gone, and they then took him to prison at Iloilo.

Now, those are the facts, told without any reduction. Igaras is situated a little north of Iloilo. In its neighborhood is the town of Dumangas. I ask attention to these towns and distances. In its neighborhood is Dumangas, lying off to the eastward. Dumangas is 40 miles distant. To the south and east Leganes and

Mina and Barota, respectively, 24, 28, and 32 miles. Up to the northeast is Calinog, 28 miles; Dingle, 24 miles; Pototan, 24 miles, and Leon, 9 miles. Those are the towns and the distances I have mentioned. The farthest is only as distant as Baltimore is from Washington. They are a part of the towns of the province of Iloilo, not far from the capital. I now read from an official report:

At Dumangas the body of Corporal Donehy, of Company D, was dug up, burned, and mutilated. Colonel Dickman says details can be furnished of the butcheries at Leganes and Mina and of the burial alive near Barotac Nuevo. There has been no demand from the opposition, so eager for light, for those details. At Calinog Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities. Private Nolan, at Dingle, was tied up while in a stupor; the insurgents were sent for and cut his throat with a sangut. Lieut. Max Wagner was assassinated on the road to Pototan. I happened to know that young officer; he came from my State. I knew him first as a Signal Service sergeant at Nantucket in charge of the Government cable. He went into the Spanish war. He served well in Porto Rico. He then got a commission as lieutenant and went out to the Philippines. He was murdered on the road by Filipinos dressed in American uniform. I have heard from the other side no word of sympathy for him. I feel sympathy for him because I knew him. His widow and three little children are in the town of Nantucket, and there is a bill on your Calendar to give her a pension.

Private O'Hearn was captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up. We had a witness who told about the water cure as administered at Leon. It was administered to the men who had seized O'Hearn, burned him for four hours, and slashed him up with bolos. They confessed to it under the water cure. Information was brought by another native who had previously confessed. It was not denied afterwards. His bones are buried out there. He did not get on a horse that afternoon and ride away. It is only Private O'Hearn; that is all. It is an American soldier; that is all. I have not heard of any sympathy from the opposition or from philanthropists for him. I have not heard that atrocity denounced in this debate. And yet there it is, and those are the cases occurring around that town of Igaras alone.

I read from another official report. On January 10 five bodies of native scouts, who, with one soldier of the Fifth Infantry, were taken prisoners in a barrio off Batac January 1, were found east of Batac. The heads, legs, and arms had been cut off and the bodies otherwise mutilated. One white soldier named Lyons, Company K, Fifth Infantry, after having been taken prisoner, was cut with bolos and was left for dead on the field. He revived, and was able to crawl to a shack when night came on. Information was given to a local leader, and he was again taken prisoner and murdered.

I now read from some of the court reports cases where men were captured, regularly tried, and these cases proved by witnesses.

The accused [Marciliano Vergara] and his semisoldiers wore no uniform, continued in their peaceful occupations, and came together only upon special call. In this manner it is evident that they had no special difficulty in concealing their identification as banded men; but it is plain from the evidence the accused found his prisoners a great embarrassment, as the near presence of the American forces threatened to make it impracticable for him to successfully conceal them and at the same time keep concealed his own status of guerrilla. Hence his resolution to murder his prisoners. Five of his followers agree in their testimony that, in obedience to the orders of the accused, they came together at an appointed place and, with bolos in their hands, hacked to death these two men, the accused standing by to witness the execution of his orders. Covering the dead bodies with grass, the band then dispersed, each man going his own way.

#### Another case:

In the foregoing case it appears that this accused, Damascio Biating, native, about August 17, 1900, with one or more companions, assassinated with daggers Private T. Burgey, Company C, Twenty-sixth Infantry, United States Volunteers, while the latter was acting as a guard of prisoners hauling water for the garrison stationed at Barotac Nuevo, Panay. It also appears that the accused participated in a similar assassination of a native, Ger vacio Besas, August 29, 1900.

To the first charge accused pleaded guilty, and the evidence fully sustains the charge, and also the second charge.

Accused claims to have been a regular insurgent soldier, operating against United States troops, of which Private Burgey was one, and to have been acting under the orders of his superiors. Opposed to this plea is the fact that he was within the American lines uniformed and disguised as a pacifico.

#### I read only here and there.

In the foregoing case it appears that the accused, Juan Biron, an alleged lieutenant of the insurgent army, captured at Bascaran, Albay, one Felix Losedo, a scout in the employ of the United States, bound him to a tree and then with a razor cut off an ear and slashed his eyes with the intent to blind him, with the result that the sight of one was totally destroyed and that of the other permanently impaired.

#### Again:

In the foregoing case it appears that the accused, Julian Confesor, native, while holding the respective offices of presidente and vice-presidente of the pueblo of Cabatuan, during a portion of which time he was under oath of allegiance to the Government, systematically exerted his individual energies and official functions to the aid and assistance of the insurgents by sup-

plying them with information, money, and needed supplies. General orders were issued by him to the police to abstract arms from the American soldiers where opportunity presented itself; to kill American soldiers where they could be individually isolated from their companions; and specifically it is shown that he caused two of the policemen of his pueblo to assassinate Private George O. Hill, Eighteenth United States Infantry, and then sent the rifle of the dead soldier to the insurgents.

#### Another case:

Rosario Espiritu, a Filipino and resident of Bacoor, Island of Luzon, P. I., did, on or about the 15th day of November, 1898, then, as now, a time of insurrection, at Bacoor, Island of Luzon, P. I., then, as now, a place under the United States military occupation and Government, feloniously, willfully, and with malice aforethought kill and murder one Private George A. Wagner, Company F, Fourteenth United States Infantry, then and there present and in the discharge of his duty, by shooting him, the said Wagner, in the abdomen with a revolver, and by stabbing him, the said Wagner, with a sharp instrument commonly called a bolo.

These are all where they were within our lines. I could multiply them. I have pages of them here which I will print as an appendix. Here is another:

At or near the rancheria of Sabed, Union, Luzon, during the month of March, 1900, this accused ordered a squad of his command to kill these prisoners with bayonets at a preconceived signal. His escort was so disposed in marching as to favor this purpose, and on reaching an isolated part of the road a corporal stepped in front of the victims, took off his hat, which was the signal agreed upon, whereupon the soldiers behind, with fixed bayonets, sprang forward and ran them through from the back. Private Husketh, not dying immediately, was shot with a rifle by order of and in presence of the accused.

#### Again:

In the foregoing case it appears that these accused, Dionicio de la Cruz and Pio de Castro, about May 11, 1901, at barrio Gatboca, Calumpit, seized, bound, and conveyed to the fields one Juan Salvador, a native sailor of the U. S. gunboat *Charleston*. There, while the victim was held by De la Cruz, he was stabbed repeatedly in the stomach and abdomen by De Castro, who literally obeyed De la Cruz's order to "cut out the intestines of deceased."

#### And another:

In the foregoing case of Clemente de la Cruz it appears from the evidence that the accused was a sergeant in the insurgent forces and was given charge of a detachment of six men, with orders to conduct to a safe distance from the public highway five American prisoners, taken captive by a successful ambushade two or three days previously, and to kill said prisoners with daggers or bolos. In obedience to his orders, willingly and unhesitatingly undertaken, the accused bound the arms of his appointed victims behind their backs, and, taking them to a distance of about 4½ miles from camp into a marsh known as the Candaba swamp, then and there caused his men to assail them with their bolos until they were dead.

Let me read one more. We shudder, and naturally, at the order which is said to have been given, and quoted in the Waller trial, by General Smith. I take from the press dispatches these brief extracts of the evidence at the court-martial:

Corporal Pritchard, of the Ninth Infantry, who took part in the fight at Gandara, testified that he saw boys of 12 years of age fighting and slashing with bolos.

Sergeant Bonicastle, of the Ninth Infantry, an Apache, testified regarding Capt. P. K. Schoeffel's fight in Dapdap Province, Samar, against Dios's fanatics. He saw a soldier attacked by two boys under 15, one armed with a bolo and the other with a dagger.

Private Nicklo, of the Ninth Infantry, explained the dangers and difficulties of service in the island of Samar.

Private Nanjo, of the Tenth Cavalry, told how Americanistas (natives friendly to the Americans) were butchered there in cold blood.

Sergeant Brumly, of the Ninth Infantry, a survivor of the Balangiga massacre, described that disaster, including the mutilation of the American dead by the Samar natives.

Here is an account which I cut from Collier's Weekly, April 26, report by Stephen Bonsal, whose previous letters the Senator from Colorado [Mr. TELLER] and others have printed in the RECORD:

One more incident of the many that came under my observation and re-occurred me to the character of the war we are waging in Samar. A little midshipman just out from Annapolis was patrolling the strait in a yawl from the flagship *New York*. He was after the smugglers who bring arms to the insurgents from Leyte. The great gale had blown the yawl out into the Pacific, and when it subsided little Noah and his six men were exhausted. Their water had given out, and they tried to make Basay, Admiral Rogers having ordered them not to land except at an armed post. The wind died away while Basay was still 2 miles off.

Two of his men were delirious with thirst, and there was the little village of Nipa Nipa only a few hundred yards away flying the white flag of peace and friendship. Noah, as he floated near the shore, lifted up his empty water jar, and the kindly people on the beach understood. They lifted up water jars overflowing with the precious fluid and pointed at the white flag to reassure him. He pushed his boat into the surf, and, telling his men to wait in the boat, advanced some 50 yards up the beach, where the good samaritans were awaiting him with their water jars. As he drank his first deep draft two of the natives, one a woman, crept behind him and buried their knives in his back.

That little midshipman comes from Chattanooga, Tenn., I believe, and he lies buried there in the Philippines, the victim of as foul a murder as ever was done. We do not whine as a people over our men who die in battle with their face to the foe. Our grief is proud, and we lift them up and bury them with the silent sorrow of a nation. But that boy was murdered, and if justice is sought I want it on his murderers as well as on American soldiers. [Applause in the galleries.]

The PRESIDENT pro tempore. The Senator will suspend for one moment. The Chair desires to say to the occupants of the galleries that under the rules of the Senate no marks of approval or disapproval are permitted, and if repeated it will be necessary to have the galleries cleared.

Mr. LODGE. Mr. President, one more case and I have done. The man was an American sailor, and I ask the attention of the Senate to this case:

With respect to the first specification, it is made plain by the testimony that after the fight had by Lieutenant Gilmore, of the Navy, near Baler, four American sailors lay on the bank of the Sabali River, and that the accused and a detachment of insurgent soldiers were detailed as a burial party. This party, accompanied by one Quicoy, a staff officer of the insurgent chief who commanded the district wherein Baler is situated and the forerunner therein, proceeded to where the Americans lay and found two dead and two wounded. Four unarmed natives had been compelled to go along to act as gravediggers, and these were put to work preparing a grave sufficiently large to hold four bodies. The grave being completed, the two dead sailors were placed in it, and the party then waited for the wounded to die.

One of the latter was shot through the thigh; the other was shot in the chest as well as in the leg, and was near the point of death. The wounded men asked for water and it was given them from the river; but beyond this no relief or assistance appears to have been given. When the third man died he was placed beside the other two in the grave and the party again waited for the fourth man to die. His wound, however, was of a kind not necessarily fatal and death was slow in coming, so that the party became impatient. The gravediggers had begun about 9 a. m. and it was now past noon. The dying man asked for water, and was able to drink when it was given to him. Shortly afterwards he was placed in the grave beside his three comrades, and the native who was standing in the hole began covering him slowly from the feet, so as to give him time to die. In this way the body was covered to the neck, and then the gravedigger called out, "What about this man; he is alive yet;" to which the accused replied, "Go on burying him," and it was done.

Ah, Mr. President, I think when we read cases like that, and I have read only a very few out of many, we can understand at least why the incidents that we all so deplore have arisen.

But, Mr. President, I have read thus far only what has been done to American soldiers and sailors. I have here, and I am going to print as an appendix, the proved cases in regard to friendly natives. I shall confine myself in speaking of the natives to some statistics. I will not weary the Senate by reading case after case. I will print them, with the permission of the Senate, as an appendix to my remarks. They well deserve reading and consideration, but they would consume more time than I can give them now.

The actual number of natives returned by the officers in the different districts who have been assassinated for sympathizing with Americans is 350. The number of natives who have been assaulted and mutilated for sympathizing with Americans is 442. The number of municipal officers friendly to Americans who have been assassinated is 67, and the number of municipal officers who have been assaulted and mutilated is 40.

We are told, Mr. President, that we have no friends among the Filipinos. Apparently the insurgents thought we had enough friends to make up this awful roll of assassination, and they were assassinated for being our friends, for being pacific natives, friendly to the Americans. Why, Mr. President, I have heard torrents of sympathy poured out for the insurgents fighting against the flag and the authority of the United States, and not one word of sympathy for the Filipinos, men of the same race, who are friendly to us, and ask only to live in peace beneath our flag. Has it come to this, that it is a crime to be friendly to America, and that the men who are cut down and mutilated and die because they are our friends are to have no sympathy? No great divine has yet thundered in his pulpit in behalf of those men on that list whose lives were as dear to them as were the lives of those Filipinos who were aiding the insurgents. They were our friends, and there are more of them there. I say that, whatever else may be true or false, if we go out of those islands and leave those friendly Filipinos to a fate like that, we are unworthy of the name of a great nation, and it will be a deeper infamy than any cruelty that has ever been proved. Those people trusted to us, they have been murdered for us, and those who survive and live under our protection are still entitled to our protection. I think that when we are mourning over the hostile Filipinos, we may turn aside for a moment and shed a tear for those who gave up their lives because they were our friends.

Mr. President, I have occupied more time than I intended. I do not stand up here to defend in the remotest way any cruelties practiced upon helpless prisoners. I regret them, as I have said over and over again, as bitterly as anyone can; but, as I have listened to this debate, I confess I have felt shocked beyond measure at the attacks made upon the American Army. It is not a Republican army; it is not a Democratic army; it is the Army of the United States. Their honor is our honor. If they have done wrong, let us punish them; do not let us condone a single proved offense; do not let a single man proved guilty escape; but let us, oh, let us be just, at least, to our own; let us remember when we judge, we living here in sheltered homes, far from the sound and the trials of war—let us remember not only their sufferings, but their temptations, their provocations, their trials. When we condemn Waller for shooting treacherous guides, who lured 10 of his men to death by starvation, when we think of that little band of his that struggled through the wilderness of Samar, where no Spaniard had ever gone, and came out on the other side delirious with suffering, so that Waller himself was reported, when he first

reached Manila, to be out of his mind—let us remember the circumstances ere we condemn.

Think of those five or six hundred posts scattered all over those tropical islands with little squads of 15 or 20 men under the command very often of a sergeant, under the command very often of a young second lieutenant, perhaps just a boy from West Point or just graduated from some American college, living there among people apparently friendly, and the first thing this boy in command or this sergeant in command knows is that one of his men has been assassinated in the night. Oh, Mr. President, those are the things that hardened their hearts and made them feel that there was deadly treachery about them.

There is but one testimony as to their treatment of the friendly natives. Soldiers and officers alike have treated them as we should expect Americans to treat a people of that kind—generously and humanely.

Now, Mr. President, I do not seek to defend any cruelty, but I do want to have justice done to the American Army. I want the people of the country to know when they read of cruelties to the hostile Filipino what the provocation has been; I want them to think of what our men have suffered and endured; I want, and we can afford to give, absolute justice to the American Army. I do not wish to be put in a position of being the defender of cruelties; but if I must take my choice between men, then I am for the friendly native, the friend of America, against the men in arms against the United States. I am for the American Army against the insurgents. I do not like to hear that Army assailed as it has been assailed. It is our Army; its glory is our glory. We can not tarnish that glory without tarnishing the glory and the fame of the country abroad. When we heap obloquy upon them on account of these cruelties, I say again, remember the provocation, remember the faces of the dead boys under the sands of Luzon—not dead by battle, but dead by murder; remember the dead and the treatment of captured prisoners, and let us show some little understanding of the trials which those officers and those soldiers have had to undergo.

No, Mr. President, the scheme has been to raise this cry about cruelties in the Philippines in order to make it react upon the party in power. Ah, Mr. President, the American Army ought not to be subjected to experiments like that. It is not made to be the football of politics, and what it does or does not do to be used to raise up or to pull down any political party. It is the Army of all Americans alike. But when justice has been done, when the guilty have been punished for proved offenses, when the whole story has been made up—ah, Mr. President, when that day comes, I believe that after all that has been said, and all the denunciation which has been heaped upon our troops and our officers has fallen into silence, we shall find that in the history of the country the record of that Army, gleaming with victories from Trenton to Manila, will shine bright in the annals of the Republic when those who now vilify it are but noteless blots on a remembered name.

## APPENDIX.

[Senate Document No. 905, part 1, pages 15, 16.]

OROQUIETA, P. I., October 13, 1900.

GEO. A. LICKISS, Arlington, Iowa.

SIR: In answer to your communication addressed to the President and by him referred through channels to this post to be answered, I have the honor to write as follows:

The post of Oroquieta, Mindanao, was garrisoned by Company I, Fortieth Infantry, United States Volunteers, upon July 9, 1900, the troops going into quarters in the former convent next the church. The company was sent to the post to open the port as requested in an act formed by the town council, assembled and all members present.

The day following the arrival the people commenced to leave the town, and we received word indirectly that the insurgents were going to attack. No word was given by any native of authority, though many knew it before the attack took place. Being the first American troops to land here, the formations for roll calls and all other purposes were watched by large numbers of people daily, and at reveille roll call upon the 12th of July conditions were the same, and though the women had nearly all left town there were a large number of men watching the roll call. Lieutenant Masteller was at the time commanding the post. The soldiers were allowed to leave quarters in groups of not less than two, and then they were required to be armed.

Following the reveille roll call two sergeants proceeded down the street two blocks and just out of sight of barracks to a native store (bakery). Here, while standing in the street with butts of their rifles upon the ground, each was jumped upon by three natives armed with knives, and one was stabbed in the stomach, dying upon the spot, and the other was stabbed under the arm (wound moderate). The former in the scuffle, before being killed, managed to fire his rifle, giving the alarm to the garrison. The other sergeant escaped to the quarters almost immediately. By now the insurgents had surrounded the barracks and commenced to fire at the barracks from both front and rear. The convent itself is surrounded by a stone wall about a large yard, and behind this wall and the church (distant 75 feet) were about 200 insurgents, some with rifles, the majority with knives. The insurgents firing from the front were hidden by an old stone-house foundation, and also by high weeds and brush. The orders were such that in case of attack the most of the company should go to the windows and porch and a squad report to Lieutenant Masteller in front of the barracks.

This squad the latter officer deployed and charged around the church and wall, not knowing what hostile troops were there nor how they were armed. This was where the majority of the 89 "innocent" natives were killed and a firearm or bolo or spear removed from each. The number of firearms taken

was six, one of which was a Krag rifle which had been taken from an American soldier killed at Loculan, 12 miles from here, by the same troops in part that attacked this garrison. There the attack was more successful, as the natives rushed into the house where the American troops were, and before they could be repulsed had stabbed to death seven American soldiers, being the whole guard, and wounding a number of others. The method they follow is to get close and then draw their bolos, always concealed until the moment of using under loose trousers, and you can easily guess what mischief they can do when they are mixed with your own men so the latter can not fire. Vigorous measures have been taken against large numbers, when they are close, to prevent this occurring, as it did in the instance referred to. By each of the prisoners captured that morning we were told that they had come in to fight the American soldiers. From later knowledge it is known that near 1,000 natives were engaged in the attack, but all had not gotten to the quarters when it commenced.

[Page 20.]

HEADQUARTERS TWENTY-SIXTH INFANTRY,  
UNITED STATES VOLUNTEERS,  
Presidio of California, ———, ———.

Respectfully returned.

Sergeant Riley, Company M, Twenty-sixth Infantry, United States Volunteers, states that the publication inclosed was of a private letter and without any authority whatever. The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated. Undoubtedly there were violations of the rule and customs of war; and as the complainants may have overlooked notice thereof, I shall state a few cases within my personal knowledge. In November, 1899, at Jaro, a large flag of truce was used to entice officers into ambush. By order of the commander all persons displayed white flags in the country where our troops operated. This was not for protection, but to give warning to insurgents to hide their guns and disguise themselves.

Privates Dugan, Hayes, and Tracy, of Company F, were murdered by the town authorities at Calinog. Private Nolan, at Dingle, was tied up by the ladies while in a stupor; the insurgents were sent for and cut his throat with a sangut. The body of Corporal Doney, of Company D, was dug up, burned, and mutilated at Dumangas. Private O'Hearn, captured by apparently friendly people near Leon, was tied to a tree, burned for four hours with a slow fire, and finally slashed up. Lieut. Max Wagner was assassinated on the road to Pototan, October 1, by insurgents disguised in American uniform. These are only a few instances confined to this regiment. Atrocities committed by Sandatajanes or Pulajanes are too numerous to mention. Details can be furnished of the butcheries at Leganes and Mina and of burial alive near Barotac Nuevo. The conduct of the American troops in the Philippines has been so humane as to be a continued source of surprise to all foreigners and to the natives. Although General Orders, No. 100, has not been revoked, its provisions against treachery, according to the law and custom of war of all civilized nations, have never been applied to my knowledge.

J. T. DICKMAN,

Lieutenant-Colonel Twenty-sixth Infantry,  
United States Volunteers, Commanding.

[Pages 50, 51.]

[Extract from report of Brig. Gen. J. F. Bell, commanding First District, Department of Northern Luzon. Part 3, Report of Lieutenant-General Commanding the Army, 1901, pp. 34, 35.]

I have been in Indian campaigns where it took over 100 soldiers to capture each Indian, but the problem here is more difficult on account of the inbred treachery of these people, their great number, and the impossibility of recognizing the actively bad from the only passively so. If it was deemed advisable to pursue the methods of European nations and armies in suppressing rebellions among Asiatics, the insurrection could have been easily put down months ago; even now, although the seeds of rebellion have permeated all classes, such methods would soon put an end to all active insurrection.

On January 10, five bodies of native scouts, who, with one soldier of the Fifth Infantry, were taken prisoners in a barrio of Batac, January 1, were found east of Batac. The heads, legs, and arms had been cut off, and the bodies otherwise mutilated. One white soldier named Lyons, Company K, Fifth Infantry, after having been taken prisoner, was cut with bolos and was left for dead on the field. He revived, and was able to crawl to a shack when night came on. Information was given to a local leader, and he was again taken prisoner and murdered.

[Page 107.]

In the foregoing case of Damiano Sabido and Mariano Tabanbungua, natives, it appears from the evidence that the accused were regularly appointed policemen of the pueblo of San Miguel under American authority, and that while so employed they were members of a band of insurgents lurking in the vicinity of the said pueblo, and on two occasions secretly joined said band and, contrary to the laws of war, traitorously participated in an attack made upon American troops, resulting in the death of one and the wounding of two other American soldiers.

Being war traitors of a most dangerous class, their sentences, approved by the department commander, are confirmed and will be duly executed, except that the period of confinement in the case of Mariano Tabanbungua is, upon the recommendation of the department commander, mitigated to confinement at hard labor for the period of twenty years.

[Page 115.]

In the foregoing case of Gaudencio Año, Simeon de la Cruz, Juan Mariano, Alejandro San Pedro, Nicolas Asuncion, Pedro Florencio, Ambrosio de los Santos, Valentin Felix, Eugenio Ramos, Marcelo Ygnacio, and Romualdo de la Cruz, natives, who were jointly tried, it appears by the evidence that the accused, while well known as neighbors attending their ordinary peaceful pursuits, were at the same time members of a band of insurgents and were actually present, and so officially reported by the insurgent officer in command, at the attack upon an outpost of the American troops stationed at or near San Mateo, which resulted in the death of one and serious wounding of another American soldier.

[Page 200.]

Specification.—“In that Servillano Aquino did, on or about the 5th day of January, A. D. 1900, then, as now, a time of insurrection in the Philippine Islands against the lawful authority of the United States, in the barrio of Camansi, pueblo of Magalang, in the province of Pampanga, Luzon, P. I., a place, then, as now, within the theater of military operations and within the territory occupied by the armed forces of the United States, then and there being the leader and in command of a band of armed insurgents, guerrillas, and rebels, in insurrection against the lawful authority of the United States, and having in his custody five soldiers of the United States Army, to wit: Private Alonzo Brown, Private Charles C. Cook, Private Joseph C. Cook, all of Company B, of the Ninth United States Infantry, and Regimental Com. Sergt. Christian Pederson, of the Twelfth U. S. Infantry, and Cook Ed-

ward E. Norval, of Company B, Twelfth United States Infantry, willfully and maliciously and with malice aforethought kill and murder Private Alonzo Brown, Private Charles C. Cook, and Private Joseph C. Cook, aforesaid, by then and there ordering and causing nine members, more or less, of the said band, whose names are unknown, then and there under his command and subject to his orders, to shoot and kill them, the said Private Alonzo Brown, Private Charles C. Cook, and Private Joseph C. Cook, with guns held in the hands of the said nine members, more or less, of the said band, and thereby inflict wounds whereof the said Private Alonzo Brown did then and there die, and whereof the said Private Charles C. Cook did afterwards die, to wit, on the 5th day of January, A. D. 1900, and whereof the said Private Joseph C. Cook did afterwards die, to wit, on the 11th day of January, A. D. 1900.”

[Pages 235, 236.]

In the foregoing case it appears that this accused, Hilario Quesada, was a lieutenant of insurgents and in command of an escort having in charge two American prisoners, one, Private James H. Husketh, Company H, Twenty-ninth Infantry, United States Volunteers, and the other, George B. Sullivan, a civilian merchant and noncombatant.

At or near the rancheria of Sabed, Union, Luzon, during the month of March, 1900, this accused ordered a squad of his command to kill these prisoners with bayonets at a preconcerted signal. His escort was so disposed in marching as to favor this purpose, and on reaching an isolated part of the road a corporal stepped in front of the victims, took off his hat, which was the signal agreed upon, whereupon the soldiers behind, with fixed bayonets, sprang forward an ran them through from the back. Private Husketh, not dying immediately, was shot with a rifle by order of and in presence of the accused.

[Page 260.]

In the foregoing case it appears that these accused, Dionicio de la Cruz and Pio de Castro, about May 11, 1901, at barrio Gaboca, Calumpit, seized, bound, and conveyed to the fields one Juan Salvador, a native sailor of the U. S. gunboat *Charleston*. There, while the victim was held by De la Cruz, he was stabbed repeatedly in the stomach and abdomen by De Castro, who literally obeyed De la Cruz's order to “cut out the intestines of deceased.”

[Page 278.]

Specification.—“In that he, Clemente de la Cruz, a sergeant of a band of guerrillas commanded by one Manuel Gonzales, native, did, in company with five or more other natives, whose names are unknown, feloniously and with malice aforethought, kill and murder five American soldiers, to wit: Private John T. Hickman, Company B, Thirty-fifth Infantry, United States Volunteers; Private William A. Smith, Company C, Thirty-fifth Infantry, United States Volunteers; Private Hamlet Jarvis, Company C, Thirty-fifth Infantry, United States Volunteers; Private Elmer Dane, Company E, Thirty-fifth Infantry, United States Volunteers, and Private Frank H. Wilson, Company E, Thirty-fifth Infantry, United States Volunteers, held as prisoners of war in the hands of the aforesaid Manuel Gonzales, by striking and cutting them, the aforesaid American soldiers, with sharp instruments called bolos, from the effects of which they then and there died. This at or near the sitio of Bisal, jurisdiction of the pueblo of Baliuag, province of Bulacan, Philippine Islands, on or about the 4th day of November, 1900, this being in time of insurrection against the authority of the United States and in a region at that time the scene of active military operations.”

In the foregoing case of Clemente de la Cruz it appears from the evidence that the accused was a sergeant in the insurgent forces and was given charge of a detachment of six men, with orders to conduct to a safe distance from the public highway five American prisoners, taken captive by a successful ambushade two or three days previously, and to kill said prisoners with daggers or bolos. In obedience to his orders, willingly and unhesitatingly undertaken, the accused bound the arms of his appointed victims behind their backs, and taking them to a distance of about 4 miles from camp into a marsh known as the Candaba Swamp, then and there caused his men to assail them with their bolos until they were dead.

The accused admitted in open court the essential facts of the murder in language to the import of the foregoing, but pleaded the order of his company commander, Lieutenant Gonzales, to relieve him of responsibility. He admitted that he knew that order “to be bad,” but “was afraid not to obey;” he also admitted that he never saw or heard of a Filipino soldier being punished with death for disobedience of orders.

[Senate Document No. 205, part 2.]

[Page 40.]

SENTENCE.—And the commission does therefore sentence him, Albino Villarel, native, “to be confined at hard labor, at such place as the reviewing authority may direct, for twenty years.”

In the foregoing case of Albino Villarel, native, it appears from the evidence that the accused was an ex-policeman of Lipa, and that prior to and including the 1st day of July, 1900, was following the occupation of a barber; that on the next day, July 2, a detachment of United States troops early in the morning left Lipa, and about 4 miles out, on the road to Tanauan, at about 8 o'clock, was fired upon by a large body of armed men; that the accused was seen and instantly recognized as one of the assailants, standing in the rear of the detachment, and from a distance, variously estimated from 25 to 75 yards, raise his rifle and fire repeatedly at and in the direction of the men of said detachment.

Before noon of the same day the accused had returned and was acting the part of the peaceful neighbor in Lipa. The evidence leaves no reasonable doubt that the accused is one of a class of men who, while enjoying in their daily avocations the protection of the American soldiers, waylay and fire upon them whenever they fancy they have found a safe opportunity.

[Page 72.]

In the foregoing case of Marciliano Vergara, native, it appears from the evidence that upon the approach of the American forces to Mangatarem two Americans who were held as prisoners in that pueblo were committed to the care of the accused, apparently to be kept concealed in a neighboring barrio. It also appears that a semimilitary organization or militia had been organized by enrolling the “tributantes” of the cabeza of this barrio, the cabeza regarding them as his soldiers, but holding himself subject to the military authorities, represented in this instance by the accused, who was styled “major,” and had authority to call these enrolled men together. The accused and his semisoldiers wore no uniform, continued in their peaceful occupations, and came together only upon special call. In this manner it is evident that they had no special difficulty in concealing their identification as banded men; but it is plain from the evidence that the accused found his prisoners a great embarrassment, as the near presence of the American forces threatened to make it impracticable for him to successfully conceal them and at the same time keep concealed his own status of guerrilla. Hence his resolution to murder his prisoners. Five of his followers agree in their testimony that, in obedience to the orders of the accused, they came together at an appointed place and, with bolos in their hands, hacked to death these two men, the

accused standing by to witness the execution of his orders. Covering the dead bodies with grass, the band then dispersed, each man going his own way.

[Page 336.]

II. Nicacio Leonor, a native.

CHARGE I.—"Murder, in violation of the laws of war."

Specification.—"In that he, Nicacio Leonor, native, on or about February 2, 1900, then, as now, a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then, as now, under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to-wit, Mauser and Remington rifles and bolos, did make an assault upon and did willfully, feloniously, and with malice aforethought, kill and murder one Albert Votrie, quartermaster-sergeant, Company K, Thirty-ninth Infantry, United States Volunteers, by stabbing him, the said Votrie, with said bolos held in the hands of members of said band, and by striking him, the said Votrie, on the head with a blunt instrument held in the hands of members of said band, inflicting various mortal wounds upon the head and body of said Votrie, whereof he, the said Votrie, then and there died; he, the said Nicacio Leonor, being then and there present aiding and cooperating with said band. This at the time and place above specified."

CHARGE II.—"Assault with intent to murder, in violation of the laws of war."

Specification.—"In that Nicacio Leonor, native, on the 2d day of February, 1900, and on each succeeding day to include the 7th day of February, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to-wit, Mauser and Remington rifles and bolos, did make a violent assault upon one Isaac Evans, corporal, Company K, Thirty-ninth Infantry, United States Volunteers, by shooting him, the said Evans, with rifles held in the hands of members of said band, inflicting therewith a wound upon the said Evans, with intent then and there feloniously, willfully, and with malice aforethought, to kill and murder the said Evans, the said Nicacio Leonor being then and there present participating in said assault. This at the time and place above specified."

CHARGE III.—"Assault with intent to kill."

Specification.—"In that he, Nicacio Leonor, native, on or about the 2d day of February, 1900, then as now a time of insurrection, at or near the barrio of Bagbag, pueblo of Tanauan, island of Luzon, P. I., a place then as now under the military government of the United States, in company of and consorting with a band of guerrillas armed with deadly weapons, to-wit, Mauser and Remington rifles and bolos, did make a violent assault upon one Edward Behring, private, Company K, Thirty-ninth Infantry, United States Volunteers, by shooting at him, the said Behring, with said rifles held in the hands of members of said band, with the intent then and there, feloniously, willfully, and with malice aforethought, to kill and murder the said Behring, the said Nicacio Leonor being then and there present and participating in said assault. This at the time and place above specified."

PLEAS.—To the charges and specifications the accused pleaded "Not guilty."

FINDINGS.—Of the charges and specifications, "Guilty."

SENTENCE.—And the Commission does sentence the accused, Nicacio Leonor, native, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

[Page 338.]

CHARGE.—"Murder."

Specification.—"In that he, Rosario Espiritu, a Filipino and resident of Bacoor, island of Luzon, P. I., did, on or about the 15th day of November, 1899, then as now a time of insurrection, at Bacoor, island of Luzon, P. I., then as now a place under the United States military occupation and Government, feloniously, willfully, and with malice aforethought kill and murder one Private George A. Wagner, Company F, Fourteenth United States Infantry, then and there present and in the discharge of his duty, by shooting him, the said Wagner, in the abdomen with a revolver, and by stabbing him, the said Wagner, with a sharp instrument commonly called a bolo, thereby inflicting certain wounds, by reason of which wounds the said Wagner died on the 15th day of November, 1899. This at the times and place above specified."

To which charge and specification the accused, Rosario Espiritu, pleaded as follows, to the specification, "not guilty;" to the charge, "not guilty."

FINDINGS.—The Commission, having maturely considered the evidence adduced, finds the accused, Rosario Espiritu, of the specification, "not guilty;" of the charge, "not guilty."

[Page 339.]

In the foregoing case of Macario Estrella, native, it appears of record that the accused, in concert with companions, all acting the part of peaceful citizens and watching their opportunity, seized hold of the rifle of Sergeant Ray from behind, while the said Ray was proceeding along the highway, and following up their advantage they succeeded with bolos in inflicting upon the person of said Ray many grievous wounds, resulting in the loss of one of his arms.

[Pages 340, 341.]

In the foregoing case of Vicente Prado, native, it is clearly shown by the testimony of many witnesses that the accused established a camp in a strong position, difficult of access, in the mountainous district near Rosario, in Union Province; that he entrenched his camp and erected buildings for the band of armed outlaws which he gathered about him; that he was chief in command and had subordinate officers under him; that while in command of said camp two Americans were brought as prisoners before him and for no assigned reason other than that they were "enemies," they were forthwith ordered to instant death; that about a month later two Igorrotes, a man and a woman, were brought before him charged with being American spies, and, without attempt at proof or form of trial, were also ordered to be forthwith executed. In both instances the accused, from a short distance and in plain view, witnessed the bloody execution of his orders, with bolos held in the hands of members of his outlaw band, upon these unfortunate and defenseless people.

It further appears that the accused ordered his subordinates to proceed with armed detachments of his band to attack and burn the pueblo of San Jacinto and to arrest, and, "if he resisted, kill" the presidente of Rosario, and that in pursuance of these orders the presidente of Rosario and his son were killed, and 103 houses in San Jacinto burned.

That the accused ordered and caused to be executed these awful crimes of murder and arson, that in the fancied security of his bandit stronghold he had entered with set purpose upon his self-appointed work of destroying the lives and property of all who offended against his savage conception of what they ought or ought not to do, and that he had pursued this course until he had become a terror to the inhabitants of a large section of country, are proven beyond all reasonable doubt.

[Page 342.]

Specification 4.—"In that he, Benito Amansec, native, on or about April 10, 1900, a time then as now of insurrection against the lawful authority of

the United States, at Nantangalan, a barrio of Pozorrubio, P. I., territory then as now occupied by United States troops, in company of and consorting with a band of armed outlaws to the number of 17, more or less, commanded and led by the said Benito Amansec, did willfully, feloniously and with malice aforethought kill and murder Private James Dawson, Company B, Thirtieth United States Infantry, by shooting him with a rifle held in the hands of Alejandro Galang, native (since deceased), inflicting wounds therewith whereof he, the said Private James Dawson, then and there died, the order for the murder of the said Private James Dawson having been given by the said Benito Amansec in person, and the murder having been committed in his presence. This at or about the time and at or near the place specified."

[Page 353.]

In the foregoing case it appears that this accused, Damascio Biating, native, about August 17, 1900, with one or more companions, assassinated with daggers Private T. Burgey, Company C, Twenty-sixth Infantry, United States Volunteers, while the latter was acting as a guard of prisoners hauling water for the garrison stationed at Baratoc Nuevo, Panay. It also appears that the accused participated in a similar assassination of a native, Gervacio Besas, August 29, 1900.

To the first charge accused pleaded guilty, and the evidence fully sustains the charge and also the second charge.

Accused claims to have been a regular insurgent soldier operating against United States troops, of which Private Burgey was one, and to have been acting under the orders of his superiors. Opposed to this plea is the fact that he was within the American lines ununiformed and disguised as a pacifico.

[Page 359.]

In the foregoing case it appears that these accused, Sotero Calingao and Santos A. Rumbaoa, in company of other natives, did, at barrio Colo, Batac, Ilocos Norte, entice away an American soldier to an isolated place, there kill him with bolos, and bury his body on the spot.

[Page 364.]

In the foregoing case it appears that this accused, Esteban San Juan, was a colonel of insurgents and the ranking officer in the vicinity of Cavite, P. I.; that two American soldiers, while unarmed and unresisting, were captured by insurgent forces near San Francisco de Malabon, and transferred from insurgent station to station until they reached the encampment of the accused, who thereupon ordered and caused these prisoners to be bound to trees and strangled to death with cords.

[Page 366.]

In the foregoing case it appears that the accused, Juan Biron, an alleged lieutenant of the insurgent army, captured at Bascaran, Albay, one Felix Losedo, a scout in the employ of the United States, bound him to a tree, and then with a razor cut off an ear and slashed his eyes with intent to blind him, with the result that the sight of one was totally destroyed and that of the other permanently impaired.

[Page 368.]

In the foregoing case it appears that the accused, Agapito Ygnacio, a major of a so-called band of insurgents, and Pio Sacdalan and Benito Clemor, lieutenants, were officers exercising functions of command in a band, part of whom were dressed in the ordinary clothing of peaceful inhabitants of the country, which lay in ambush within the lines of American occupation on the road from Calocan to Novaliches about July 1, 1900. On the approach from Novaliches of an officer, evidently First Lieut. Richard H. Brewer, Twenty-seventh United States Volunteer Infantry, and an enlisted man of the same regiment, the band opened fire upon them. These deceased then dismounted, ran to shelter, threw down their revolvers, and raised their arms in sign of surrender. The band then surrounded them, conveyed them to a point of some 50 yards distant, stripped them of their clothing, made them kneel, and killed them by stabbing one in the back with a dagger and shooting the other from behind with a revolver. The accused, Agapito Ygnacio, Pio Sacdalan, and Benito Clemor, personally ordered and participated in the consummation of this barbarous crime.

[Page 363.]

In the foregoing case it appears that the accused, Julian Confesor, native, while holding the respective offices of presidente and vice-presidente of the pueblo of Cabatuan, during a portion of which time he was under oath of allegiance to the Government, systematically exerted his individual energies and official functions to the aid and assistance of the insurgents by supplying them with information, money, and needed supplies. General orders were issued by him to the police to abstract arms from the American soldiers where opportunity presented itself; to kill American soldiers where they could be individually isolated from their companions; and specifically it is shown that he caused two of the policemen of his pueblo to assassinate Private George O. Hill, Eighteenth United States Infantry, and then sent the rifle of the dead soldier to the insurgents.

[Page 366.]

CHARGE.—"Murder, in violation of the laws of war."

Specification.—"In that they, Juan de Jesus and Roque Escarios, native Filipinos, and each of them, on or about the 13th of February, 1901, then as now a time of insurrection, near the barrio of San Pedro, pueblo of Cordon, province of Isabela, Northern Luzon, P. I., a place then as now in the theater of active military operations, in company of and consorting with a band of armed outlaws numbering six, more or less, armed with bolos, did willfully, feloniously, and with malice aforethought kill and murder Privates Alva Feagans and William Gray, Company A, Sixteenth United States Infantry, by cutting and stabbing them with bolos held in the hands of said band, inflicting wounds whereof the said Privates Feagans and Gray, and each of them, then and there died."

[Page 369.]

CHARGE.—"Murder, in violation of the laws of war."

Specification.—"In that Isidoro Torres, native, while occupying the position of general officer in the so-called insurgent army, in the province of Bulacan, Luzon, P. I., territory then, as now, occupied by United States troops, some time during the month of September, 1900, exact date unknown, a time then, as now, of insurrection against the authority of the United States, did willfully, feloniously, and with malice aforethought, procure and obtain the killing and murdering of one Corp'l. Crestof A. Fiedler, Company F, Third U. S. Infantry, acting provost-sergeant of Malolos, by ordering and directing that said Corporal Fiedler be put to death, in consequence of which orders and directions, and in pursuance thereof, the said Corporal Fiedler was killed and murdered at the barrio San Vicente, pueblo of Malolos, province of Bulacan, P. I., on or about September 29, 1900, by being struck on the head with iron missiles, by being stabbed with a dagger, and by being shot with a revolver at the hands of Marcelino Trapiel, and by being shot with a revolver held in the hands of one Mariano Cruz, whereby divers and sundry wounds were inflicted, whereof the said Corporal Fiedler then and there died."

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In the foregoing case of Emilio Santa Maria, native, it appears that the accused was a trusted soldier, and at the time an acting lieutenant in the insurgent forces; that he and his companions, while in the ordinary dress of noncombatants, kidnaped in the streets an American soldier, and taking him to a safe distance, the accused with a rifle shot his prisoner and caused him to be buried. The accused, upon his trial, admitted facts making him clearly a principal in this wanton murder, and the weight of the testimony of eyewitnesses leaves no reasonable doubt that he conceived as well as executed it.

CHARGE.—"Murder."

SPECIFICATION.—"In that he, Gabino de la Cruz, a native, on or about the 1st day of June, 1899, a time of insurrection, in the town of Bocaue, Bulacan, P. I., a place then within the theater of active military operations, did willfully, feloniously, and with malice aforethought, kill and murder one American soldier, name unknown, by stabbing or cutting said American soldier, name unknown, with the weapon commonly known as a 'bolo,' said American soldier being asleep in the street and in a helpless condition from intoxication, inflicting wounds whereof said American soldier, name unknown, then and there died. This at Bocaue, Bulacan, P. I., then within the theater of active military operations by the United States forces, on or about the 1st day of June, 1899, a time of insurrection against the United States."

PLEA.—"Not guilty."

FINDING.—"Guilty."

SENTENCE.—"And the Commission does therefore sentence him, Gabino de la Cruz, native, to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds (2/3) of the Commission concurring therein."

In the foregoing case of Gabino de la Cruz, the alleged crime was committed in June, 1899, and the commission has found the accused guilty of all the allegations of the specifications without exception, whereas there is not a word of evidence, oral or documentary, that the deceased soldier had been killed by a bolo or that he was "asleep in the street and in a helpless condition of intoxication." No one saw the accused strike decedent. Subject to the foregoing remarks the finding is confirmed.

A strong chain of circumstantial evidence connects accused with the crime. He was the first man seen with the dead body, and he called others to assist him in removing it and to obliterate traces of blood from the place where the body had lain. He was also the last man with the body in a banca in which he caused it to be placed and by which he alone conveyed it down river toward the open sea. All this was done at night under cover of darkness. This evidence, all circumstantial as to the fact of the killing, is supported by the testimony of one witness, who testified that the accused volunteered the statement that he, accused, killed the soldier.

In view, however, of the fact that this crime was committed a long time ago, when the hostile feeling occasioned by active warfare was very great, and the people of these islands had practically no knowledge of the laws of war, and also moved by the fact that the sentence first imposed was less than death, the sentence as finally imposed by the commission under its lawfully invited action to reconsider its first sentence, while confirmed, is commuted to imprisonment at hard labor for the term of thirty years. As thus commuted, the sentence will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General Chaffee.

W. P. HALL.

TOOK THE WATER CURE—FORMER LIEUTENANT JAMES TELLS HIS EXPERIENCE—HAD NO BAD EFFECT—HE WAS A PRISONER AT THE TIME—FILIPINOS ADMINISTERED IT TO HIS COMPANIONS ALSO—NO ONE WAS INJURED.

LOS ANGELES, CAL., April 23, 1903.

Charles E. James, formerly first lieutenant of the Thirty-sixth Regiment United States Volunteers, who is now a resident of Los Angeles, is quoted as having said that the present agitation against the use of the "water cure" in the Philippines is due to reports which magnify the cruelty of the operation.

"I have taken the 'water cure' and know what it is, since it was administered by the Filipinos," said Lieutenant James. "I have seen it administered to several hundred natives and know its effects. Let me state that I never knew of the 'water cure' killing a victim. When the statement is made that the subject is given water until his lungs are filled it is an untruth. Anyone of common sense knows that a man would strangle to death in a very short space of time in such circumstances.

TOOK THE CURE HIMSELF.

"My own experience took place in June, 1900. Capt. Jack Robert, a son of General Robert; a private of the name of Gallion, and myself were scouting just north of Biancanabato Pass, out from San Miguel, when a force under General Treson surrounded us. We were taken into the mountains and forced to march three days without food. We made from 18 to 22 miles a day. This starvation was carried out with the intention of forcing us to divulge army news. It did not succeed, however. At the end of that time we were introduced to the 'water cure,' which by natives is called 'tubig.'

"Regarding the effects of the 'cure' I will state that the distension of the stomach and the accompanying pain is all there is to it. I strangled once, but one quick cough ended it. The 'cure' is not pleasant, but I would rather take it than receive a beating. My companions suffered no after effects that I could notice."

SMITH'S ORDER TO WALLER—LATTER TESTIFIES "KILL AND BURN" TACTICS ENDED WAR IN SAMAR—TESTIMONY ADDUCED TO SHOW THAT YOUNG BOYS FOUGHT IN NATIVE RANKS—OUTBREAK NEAR MANILA.

MANILA, April 28, 1903.

The trial by court-martial of Gen. Jacob H. Smith on the charge of conduct prejudicial to good order and discipline was resumed here to-day. Maj. Littleton W. T. Waller, of the Marine Corps, testified to receiving from General Smith the orders to "kill and burn" and render Samar "a howling wilderness," previously referred to in these dispatches. The natives of Samar, said Major Waller, were more treacherous and implacable than the tribesmen of the Soudan. Without General Smith's drastic measures the war there would not have been ended yet. General Smith never intended killing women or children.

Corporal Pritchard, of the Ninth Infantry, who took part in the fight at Gandara, testified that he saw boys of 12 years of age fighting and slaying with bolos.

Sergeant Bonicastle, of the Ninth Infantry, an Apache, testified regarding Capt. P. K. Schoeffel's fight in Dapdap Province, Samar, against Dios's fanatics. He saw a soldier attacked by two boys under 15, one armed with a bolo and the other with a dagger.

Private Nicklo, of the Ninth Infantry, explained the dangers and difficulties of service in the island of Samar.

Private Nanjo, of the Tenth Cavalry, told how Americanistas (natives friendly to the Americans) were butchered there in cold blood.

Sergeant Brumly, of the Ninth Infantry, a survivor of the Balangiga massacre, described that disaster, including the mutilation of the American dead by the Samar natives.

Five men of the constabulary have been ambushed at San Juan del Monte, near Manila. One of the party was killed and one was wounded. The Filipino band consisted of 30 lardrons, well armed, nearly all of them carrying Mauser rifles. A force of constabulary is scouring the neighborhood for the bandits.

The surrender of the insurgents of the island of Samar, headed by General Guevarra, who succeeded General Lucban in that island, has been officially effected, though some southern ports are yet to be heard from. It is believed, however, that the insurrection in Samar is ended.

[Collier's Weekly, April 26, 1903.]

THE RIGHT TO KILL.

There seems to be no doubt as to the guilt of the men. This plea was not raised in the course of the court-martial. The charge seemed to be that Waller had no right to execute the men so summarily, even if they were guilty. And what becomes of the thousand and one drumhead courts-martial, followed by summary execution for treason and espionage, which the annals of the rebellion reveal—and that, it will be remembered, was the most civilized war ever waged?

One more incident of the many that came under my observation and reconciled me to the character of the war we are waging in Samar. A little midshipman just out from Annapolis was patrolling the strait in a yawl from the flagship *New York*. He was after the smugglers who bring arms to the insurgents from Leyte.

The great gale had blown the yawl out into the Pacific, and when it subsided little Noah and his six men were exhausted. Their water had given out and they tried to make Basay, Admiral Rodgers having ordered them not to land except at an armed post. The wind died away while Basay was still 2 miles off. Two of his men were delirious with thirst, and there was the little village of Nipa Nipa only a few hundred yards away flying the white flag of peace and friendship. Noah, as he floated near the shore, lifted up his empty water jar and the kindly people on the beach understood. They lifted up water jars overflowing with the precious fluid and pointed at the white flag to reassure him. He pushed his boat into the surf, and telling his men to wait in the boat, advanced some 50 yards up the beach where the Samaritans were awaiting him with their water jars. As he drank his first deep draft two of the natives—one a woman—crept behind him and buried their knives in his back.

STEPHEN BONSALE.

[Senate Doc. No. 205, part 2.]

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In the foregoing case of Teodorico Novicio, a captain in the insurgent forces, a single witness relates how, in obedience to the orders of the accused, he enticed Rodriguez from his home and beat him to death with a club, and he produced what purports to be a written order of the accused to do this murder.

A comparison of the writing and the signature of the accused as they appear in his alleged written order to the witness with his letters and signatures known to be genuine reveals an unlikeness between them which, without precluding the possibility that the accused wrote the order to kill Rodriguez, yet leaves a strong impression that he did not in fact write or sign it.

The disappearance of the deceased and the unsupported word of his confessed murderer is all there is to show that the deceased may not yet be living, no effort having been made to verify the presence of the body at the place where the witness says he buried it.

In view of the serious doubts here pointed out the finding upon the second specification is disapproved.

With respect to the first specification it is made plain by the testimony that after the fight had by Lieutenant Gilmore, of the Navy, near Baler, four American sailors lay on the bank of the Sabali River, and that the accused and a detachment of insurgent soldiers were detailed as a burial party. This party, accompanied by one Quicoy, a staff officer of the insurgent chief who commanded the district wherein Baler is situated and the forces serving therein, proceeded to where the Americans lay and found two dead and two wounded. Four unarmed natives had been compelled to go along to act as gravediggers, and these were put to work preparing a grave sufficiently large to hold four bodies. The grave being completed, the two dead sailors were placed in it, and the party then waited for the wounded to die. One of the latter was shot through the thigh; the other was shot in the chest as well as in the leg, and was near the point of death. The wounded men asked for water and it was given them from the river; but beyond this no relief or assistance appears to have been given.

When the third man died he was placed beside the other two in the grave and the party again waited for the fourth man to die. His wound, however, was of a kind not necessarily fatal and death was slow in coming, so that the party became impatient. The gravediggers had begun about 9 a. m. and it was now past noon. The dying man asked for water, and was able to drink when it was given to him. Shortly afterwards he was placed in the grave beside his three comrades, and the native who was standing in the hole began covering him slowly from the feet, so as to give him time to die. In this way the body was covered to the neck and then the gravedigger called out, "What about this man; he is alive yet?" to which the accused replied, "Go on burying him," and it was done.

That dissolution was close at hand and the victim nearly, if not quite, unconscious is probably true; that he was still alive when the earth was finally heaped above his head can not be doubted. Some of the party may have thought the sailor was dead, but the accused had notice to the contrary, and there is no evidence that he made in person, or caused to be made, any examination to ascertain whether the fourth man was actually dead when under his orders the burial was completed.

[Senate Doc. 205, part 1.]

[Page 52.]

MANILA, December 3, 1900.

Maj. Gen. ARTHUR MACARTHUR, U. S. Volunteers,  
Military Governor in the Philippine Islands, Manila.

SIR: I am directed by the Commission respectfully to request that, if not inconsistent with the public interest, a circular letter be sent through the ordinary military channels to all commanders of Army posts making an answer to the following questions:

First. How many natives have been assassinated for suspected sympathy and assistance rendered to the American cause within your jurisdiction?

Second. How many persons have been assaulted for the same reason?

Third. How many of those persons killed under the circumstances mentioned in the first question were municipal officers?

Fourth. How many persons assaulted under the circumstances mentioned in the second question were municipal officers?

I have the honor to be, very respectfully, your obedient servant,  
WM. H. TAFT, *President.*

The following responses to the four questions were received by officers in whose jurisdiction assassinations and assaults have been made:

Col. S. S. Sumner, commanding first district, Department of Southern Luzon, under date of Santa Ana, Manila, January 4, 1901, incloses reports from all the stations in his district and gives a compilation of the same as follows:

Natives assassinated for sympathizing with Americans.....	14
Natives assaulted for sympathizing with Americans.....	104
Assassination of municipal officers.....	1
Assaults upon municipal officers.....	1

The following details are noted from the reports of the subordinate officers in this district:

At Bacoor the vice-presidente was killed.  
Two natives living in or about Alfonso, named Faustino Vidaldon and Manuel —, were assassinated for having acted as guides to our forces.

Col. C. C. Carr, commanding the Fourth Cavalry in this district, reports from Pasay that one man, named Marcello Blas Versaval, who was employed as a tailor by Troop E, Fourth Cavalry, was assassinated October 3, 1900, because he refused to rejoin the insurgents, whom he had abandoned some months before. Also that one Eulalio Santiago was reported to have been buried alive at some place in the vicinity of Pasay cavalry barracks, on or about October 6, 1900, because he persisted in accepting employment from the United States quartermaster's department as an overseer of laborers in violation of the orders issued by the chiefs of the insurrection.

Brig. Gen. Robert M. Hall, U. S. Volunteers, commanding second district, Department of Southern Luzon, forwards from Calamba, P. I., January 12, 1901, reports from stations in his district, which may be summarized as follows:

Natives assassinated for sympathizing with Americans (1 Chinaman)....	17
Natives assaulted for sympathizing with Americans.....	106
Assassination of municipal officers.....	3
Assaults upon municipal officers.....	12

The following details are noted from the reports of the subordinate officers in this district:

At Los Baños, Señor Quisumbang, secretary to the presidente, and three policemen appointed by the presidente were assassinated.

Under the jurisdiction of the provost-marshal of Manila, Lieut. Charles R. Trowbridge, in charge of the department of secret service of Manila, reports under date of December 14, 1900, as follows:

Natives assassinated for sympathizing with Americans.....	5
Natives assaulted for sympathizing with Americans (one of them was assaulted twice).....	3
Assassination of municipal officers.....	4
Assaults upon municipal officers.....	3

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In addition, Lieut. Col. W. E. Wilder, Forty-third Infantry, superintendent of police of the city of Manila, under date of December 21, 1900, reports to the provost-marshal the following:

Natives assassinated for sympathizing with Americans.....	10
Natives assaulted for sympathizing with Americans.....	3
Assassination of municipal officers.....	4
Assaults upon municipal officers.....	3

The commanding officer first district, Department of Northern Luzon, transmitted reports of subordinate commanders showing—

Natives assassinated for sympathy with Americans (also 4 Chinamen)....	100
Natives assaulted for sympathy with Americans.....	40
Assassinations of municipal officers.....	2
Assaults on municipal officers (besides 5 kidnaping cases).....	7

The following extracts from reports covering this district give the details: Col. L. W. V. Kennon, Thirty-fourth U. S. Volunteer Infantry, reporting from Laoag, under date of December 30, 1900, states: "About the middle of January, 1900, Francisco Madrid and 8 Ilocanos were murdered by Tagalogs under a Captain Hernandez between Puncan and Garanglan, province of Nueva Ecija, for having assisted the American forces.

"In July, 1900, 1 man and 3 women, all Ilocanos, were tortured and left for dead near Calipan, barrio of Talavera, for friendliness to Americans. Three died, but one woman was rescued, and with medical attendance in hospital at Cabanatuan recovered."

Lieut. Frank L. Case, Thirty-third United States Volunteer Infantry, reporting under date of December 21, 1900, from Angaqui, states: "One native only has been assassinated within this jurisdiction for any cause that could be attributed to sympathy for the American cause, and this was a doubtful case."

Capt. William H. C. Bowen, Fifth United States Infantry, reporting from Batoc, Ilocos Norte Province, under date of December, 1900, says that 1 native and 4 Chinamen were assassinated in January, 1900; 2 natives had been assaulted, 1 municipal officer assassinated and 1 assaulted.

Lieut. E. G. Davis, Fifth United States Infantry, reported under date of December 24, 1900, from Paoag, Ilocos Norte Province, stated that the following were assassinated: Antonio Pobre, Mariano Dias, Juan Sadomiano, Blanco, Pedro Maxiamino Eñaña, Ilario Dias, Cecilio Baeteong, Leoncio Cleto Pacada, Saymo, Vidal Clemente, Lino Magamaspad, Eusebio Cabuntasan.

Maj. S. M. Swigert, Third United States Cavalry, reporting from Namacpacan, under date of December 25, 1900, states: "One councilman, who was a cabeza de barrio, killed for assistance rendered. Nine men killed by insurgents for suspected assistance and sympathy."

Major Swigert also reported that at Balaoan there had been "1 scout and 2 policemen killed for assistance rendered; 4 men killed for suspected sympathy."

He also states that of those reported below from Bangar, "3 men—presidente local, delegarde de justicia, and industrial—were killed for suspected sympathy; 1 policeman, 4 scouts, and 1 boy killed for assistance rendered."

Maj. H. P. Kingsburg, Third United States Cavalry, reporting under date of December 20, 1900, from Badoc, province of Ilocos Norte: "Eight natives had been assassinated; 4 natives have been assaulted and wounded; 2 policemen killed; 2 policemen assaulted; 5 policemen have also been carried off to the mountains."

Capt. F. H. Hardie reported from Cabagoo, province of Ilocos Sur, under date of December 23, 1900, that one native who was friendly to the Americans had disappeared, his body was not found, and the natives believed that he was done away with.

Col. Richard Comba, — Fifth United States Infantry, under date of December 21, 1900, reported from Bangued, Abra Province, that 14 natives had been assassinated for suspected sympathy and assistance rendered the American cause, viz. Bernado Damamal, Dimas Bahias, Carlos Biloy, Sinfaroso Espejo, Pedro Blanes, Calixto Santa Maria, Gregorio Balamseda, Mariano Bandarel, Benito Espejo, Efiñana Bacarile, Calixto Banderall, Maximo

Belasco, Julio Balencia, Pauciano Bringinas. One was assaulted. Eight of those killed were policemen, and one the head of a barrio.

Maj. J. C. Chance, Fifth United States Infantry, reported under date of December 18, 1900, from Bucay, that one native had been assassinated for being in sympathy with or rendering assistance to the American cause, and one native assaulted for the same reason.

Lieut. H. C. Price, Fifth United States Infantry, reported from San José, under date of December 18, 1900, that Perfecto Cruz, school-teacher; Hilario Crisologo, presidente, and Manuel Tavir, director, were killed for refusing assistance to the insurgents.

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Brig. Gen. S. M. B. Young, commanding the first district, Department of Northern Luzon, reported on December 21, 1900: "On September 2, 1900, Justo Sonido, who had been appointed justice of the peace at Cabugao, appeared before the judge of the court of first instance in Vigan and took the oath of office. When he arrived at the bridge near San Ildefonso, on the same date, he was taken by a lot of scoundrels who called themselves insurgents, and, it is supposed, murdered him, for he has never been heard of since. His offense was accepting office under the United States Government."

Lieut. Richard P. Cordill, Thirty-third Infantry, United States Volunteers, reported from Santo Domingo, under date of December 19, 1900, that the acting presidente of that municipality was assaulted and badly injured with bolos.

Maj. William A. Shunk, Thirty-fourth Infantry, United States Volunteers, reported under date of December 24, 1900, from Piddig, that two natives had been assassinated for openly expressing their sympathy with the American cause within the limits of that jurisdiction.

Captain Grant, Forty-eighth Infantry, United States Volunteers, reported on December 30, 1900, from Rosario, that 2 natives, 1 a presidente, had been assassinated, and 2 natives, 1 likewise a presidente, had been assaulted.

Lieut. William H. Allen, Forty-eighth Infantry, United States Volunteers, reported from Bangar, on December 22, 1900, that 9 natives had been assassinated and 30 persons or more assaulted for suspected sympathy and assistance rendered the American cause. Three of those killed and 2 of those assaulted were municipal officers.

The following is a summary of the answers made by the several commanders of stations in the Third district, Department of Northern Luzon:

Natives assassinated for sympathizing with Americans.....	106
Natives assaulted for sympathizing with Americans.....	131
Assassination of municipal officers.....	11
Assaults upon municipal officers.....	15

The following extracts are quoted from the reports of the station commanders above referred to:

Lieut. W. N. Hughes, jr., Thirteenth Infantry, Alava, P. I., under date of December 21, 1900, states that while no natives had been assassinated, 6 persons were sequestered in September, 1900, and that they had not been heard of since then. Two of this number were municipal officers. He further states that the presidente, tieniente de police, and secretaries would undoubtedly have been killed if they had not been rescued by a squad of soldiers twenty minutes after their capture. When rescued they were securely bound and were preparing to be hacked with talihones and buried alive because they had surrendered three rifles to us and were considered friends with us. The other two municipal officers, who were sequestered September, 1900, have never been heard from.

John W. Bubb, lieutenant-colonel Twelfth Infantry, writes from Tarlac, P. I., under date of December 19, 1900, as follows:

"It is believed that there have been many cases of assault and even killing of natives by others for real or suspected friendship to the Americans in this subdistrict. But conditions that existed in the past and still exist in a large measure prevent our having knowledge on the subject. Fear is the predominant element of control over natives, and insurgents, ladrones, and their sympathizers exercise it to such an extent over neutral and friendly natives that information of misdeeds is very hard to obtain."

Lieut. George H. Shields, Twelfth Infantry, provost marshal, Tarlac, P. I., under date of December 18, 1900, states that while it has been impossible for him to obtain any actual information owing to the short time since the Twelfth Infantry occupied the pueblo of Tarlac, from hearsay 3 natives have been assaulted for suspected sympathy and assistance rendered to the American cause.

The commanding officer at Cuyapo states that "no natives are known to have been assassinated for friendship to the United States; 1 has disappeared, and it is rumored that he has been assassinated for that reason."

Capt. E. K. Evans, Twelfth United States Infantry, commanding at Moncada, reports that Presidente Placido Cuclapian was fired on by Gregorio Valero November 11, 1900, presumably because Cuclapian held office under the American Government.

Maj. J. W. Duncan, Thirteenth Infantry, commanding at Binalonan, under date of December 29, 1900, reports that 2 natives who acted as guides to part of General Lawton's command from Binalonan to Pozzorrubio, November, 1899, and 4 natives, in February last, who depended upon Americans to protect them in refusing to contribute supplies to a so-called insurgent band, had been assassinated.

He also states that 1 native was killed and 1 left for dead by a band of outlaws, who accused the two of being spies to the Americans.

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He further states as follows: "When the 4 natives were killed, in February, as above noted, assault was made on the people in a cluster of houses in the barrio of Aruas. While the band of insurgents seemed to want to kill the men only, they beat a number of women, probably in the endeavor to get them to tell where their husbands were."

Lieut. Hector A. Rochiben, Thirteenth Infantry, commanding at Mangaldan, reports, under date of December 23, 1900, as follows: "Although no absolute proof, 5 of the people murdered in the town since the American occupation are supposed to have been murdered for suspected sympathy or assistance to the American cause."

Capt. Edgar W. Howe, commanding at Camiling, Tarlac, reports that in addition to the 13 natives given as assassinated, 5 disappeared because of suspected sympathy to the American cause, and that 2 members of the police force had also disappeared.

Capt. Robert W. Barnett, commanding at San Jacinto, reports, under date of December 31, 1900, that in addition to 5 natives murdered for sympathy to the American cause, 2 were carried away and heard from no more.

Of the 2 persons assassinated at Cabangan, 1 was a municipal officer and the other was a member of the police force, while 1 of those assaulted was a sergeant of police.

Reports from the Fourth district, Department of Northern Luzon, show:	
Natives assassinated for sympathy with Americans.....	7
Natives assaulted for sympathy with Americans.....	16
Municipal officers assaulted.....	3

The following extracts from reports covering this district give the details: Maj. Joseph Wheeler, jr., Thirty-fourth Infantry, reports from Capan, under date of December 28, 1900, that 1 man had been held a prisoner by the insurgents on account of sympathy with or assistance rendered Americans.

Lieut. L. L. Deitrick, Thirty-fourth Infantry, reports from Penaranda, under date of December 18, 1900, that the alcalde of the pueblo was assaulted for suspected sympathy with Americans.

Capt. R. L. Hamilton, Twenty-second U. S. Infantry, reports from San Antonio, under date of December 23, 1900, that the following-named natives have been assassinated for suspected sympathy and assistance rendered the American cause: Alvina Pas, Balthazar Nasa, Lucinda Villaforte, Emeterio Romero. He also reports that 13 natives had been assaulted for the same reason.

Lieut. L. A. Curtis, Twenty-second U. S. Infantry, reported from Santa Rosa, under date of December 31, 1900, that since his arrival at that place, September 23, 1900, none had been killed, but that "the vice-presidente of the pueblo was taken from his house one night in November and dragged several miles into the country by masked men and harshly treated. This was because of refusal to contribute funds and of loyalty to the Americans."

Lieut. David P. Wheeler, Twenty-second Infantry, reporting from the post of Jaen, Nueva Ecija Province, under date of December 23, 1900, states: "There have been two natives assassinated in this vicinity for assistance rendered to the American cause."

Capt. J. F. Krups, Twenty-second U. S. Infantry, under date of December 23, 1900, reports from San Isidro: "Eduardo Bantug disappeared about one month ago, and it is now believed that he has been assassinated for suspected sympathy with the Americans."

The following is a summary of the answers made by the several commanders of stations in the fifth district, Department of Northern Luzon:

Natives assassinated for sympathizing with Americans.....	77
Natives assaulted for sympathizing with Americans.....	96
Assassination of municipal officers.....	17
Assaults upon municipal officers.....	6

The following extracts are quoted from the reports of the station commanders above referred to:

Lieut. E. R. Stogsdall, Third Infantry, commanding at Lolomboy, reports under date of December 10, 1900, that the presidente of Bococze was assassinated on account of his sympathy with the Americans.

Capt. A. Williams, Third Infantry, commanding at San Fernando, reports under date of December 12, 1900, that the alcalde of Angeles, Florentina Paminapuan, a rich man, had been formerly carried away and required to pay a ransom of 9,000 pesos.

Capt. W. C. Buttler, Third Infantry, commanding at Apalit, reports under date of December 11, 1900, that two natives, Francisco Salaveria and Tolesforo Ponce, were assassinated for suspected sympathy and assistance to the American cause. These men, he states, had given information against the insurgents and thieves to the commanding officer of the United States troops.

[Page 55.]

Lieut. J. T. Moore, Third Infantry, commanding at Maycauayan, reports under date of December 10, 1900, that "two natives who acted as guides for American troops of this place disappeared afterwards, one in April and the other September 25, this year, and rumors indicate that they were killed."

Lieut. John M. Shook, Twenty-second Infantry, commanding at Pilar, reports under date of December 11, 1900, that in addition to the one native reported assassinated, one had been kidnapped, and that one native policeman had been assassinated.

Maj. C. E. Cabell, commanding at Dinalupigan, Batann, under date of December 13, reports as follows:

"There have been natives assassinated for suspected sympathy and assistance rendered to the American cause within jurisdiction of this post according to my best information, though the following natives have disappeared from this post and it is believed they were forcibly taken away by insurgents: Roman Mendoza, barrio Dagat, Dagatann, disappeared while searching for a cannon in mountains April 28, 1900; Alejandro de la Cruz, Dinalupigan, disappeared while acting as messenger to Balanga, September 7, 1900; Vicente Lapan, telegraph lineman, disappeared December 2, 1900, having gone ahead of detail contrary to orders."

Captain Griffith, commanding at Hermosa, reports under date of December 14, that of the 6 natives reported assaulted, 2 of them were captured and have never since been heard from, and that of the 3 persons reported assassinated, 2 were policemen, and the third was a son of a policeman and a boy.

The two natives reported assaulted by Capt. W. R. Standiford, Forty-first Infantry, commanding at Bacolor, were named Ignacio Mendoza, barrio de Concepcion, and Benito de Jesus, barrio de Patrerio.

Capt. John H. Boston, jr., Forty-first Infantry, commanding at Magalang, under date of December 15, 1900, reports as follows:

"Pedro Perez, killed by soldiers of Elias Paeson, at barrio Dapdap, about June 15, 1900. Angel Torres, killed at barrio Bical, about August 10, 1900, by soldiers of Gregorio Lasamani. Domingo Suma, killed at barrio San Jose Molina, about November 8, 1900, by Lorenzo Camaya. None of these natives were municipal officers, but were killed for giving information."

Capt. Fred L. Davidson, Forty-first Infantry, commanding at Santa Ana, reports under date of December 12, 1900, that "in the month of January, 1900, Alberto Borja, a native, was killed in San Pablo, a barrio of the municipality, by parties unknown, for being suspected of spying in interest of the United States forces." He further reports that "in January, 1900, Inocencio Cunanan and son, Felipe Cunanan, natives of Santa Ana, who were working in Lackmit, barrio of Arayat, were taken to the mountains by Lieut. Eurojio Gamboa (now dead) by General Alejandro's order and assaulted for being suspected of spying in the interest of United States forces. In April, 1900, Leoncio de Onjio, lieutenant, of San Pablo, was assaulted by Major Camaya, in San Pablo, a barrio of this municipality, for being suspected of spying in interest of United States forces. In June, 1900, Angel Lancangan, lieutenant, of barrio San Jose, was taken to the house of Alejandro and then to Mount Arayat, where he was threatened with death until he paid the sum of \$1,500 Mexican currency. Lancangan paid this amount to escape death and was then liberated."

Capt. T. C. Siviter, Forty-first Infantry, commanding at Mexico, reports under date of December 16, 1900, that in addition to those reported as assassinated and assaulted "there may have been more, and probably were, as it is commonly reported that Camaia has killed and robbed a great many natives, though those reported are all that can be traced back to the reason given."

Capt. James Clark, Forty-first Infantry, commanding at Candaba, reports under date of December 11, 1900, in answer to the first question, as follows:

"First. Two men have disappeared; both were friendly to Americans, one being the father of an interpreter and the other a policeman. No trace of either has been found. The body of one woman with the throat cut was found in the river. She was known to be friendly to the Americans."

The commanding officer, sixth district, Department of Northern Luzon, transmitted reports from that district showing:

Natives assassinated for sympathy with the American cause.....	14
Natives assaulted for sympathy with the American cause.....	3
Municipal officer assassinated.....	1

The following extracts from reports from this district give the details:

Lieut. Col. John H. Beacom, Forty-second Infantry, United States Volunteers, reported under date of December 15, 1900, from Malabon, stating:

"Seven natives had been assassinated and two assaulted." He adds: "I am of the opinion that there have been many cases of assault that were not reported."

[Page 57.]

Capt. D. T. E. Casteel, Twenty-seventh Infantry, United States Volunteers, reported from Montalbon, under date of December 15, 1900, regarding those assassinated for sympathy with the Americans: "None definitely. One probably, he having disappeared after acting as guide."

Capt. C. S. Burns, Forty-second Infantry, United States Volunteers, reported on December 11, 1900, from San Felipe, that a native named Bengino was assassinated early in 1899.

Lieut. Charles H. Roessing, Forty-second Infantry, United States Volunteers, on December 18, 1900, reported from Taytay that one native had been assassinated and one assaulted for sympathy with the Americans or assistance rendered them.

Col. Albert S. Cummins, Twenty-seventh Infantry, United States Volunteers, reported under date of December 14, 1900, from San Mateo:

"Number killed, 5. Victorino Rodriguez and Gregorio del Rosario, natives of San Mateo, were suspected of being in the American secret service. They disappeared in March, 1899. It was afterwards learned that they were killed by the insurgents in the hills north from Montalbon, where they had gone to look after some of their land. Euaristo Soto, native of province of North Ilocos, killed about February, 1900, for suspected sympathy with American cause. Señor José Monojan and Marcelo Cayetano, his servant, were killed near San Mateo in March, 1900. It is not positively known, but it is believed they were killed for being friendly with the Americans. Of the killed, Señor José Monojan was the vice-presidente of San Mateo."

[Page 45.]

On page 133, General Young, from Vigan, February 3, 1901, referring to the assassination of the presidente and a schoolmaster, said:

"Captain Van Way reports from Bangud that courier brought information that at 6 p. m., February 1, an officer and seven insurgents entered San Jose and shot and killed Presidente Hilaron Crisologo, Schoolmaster Perfecto Cruz, and Manuel Javier, the latter having been a guide for American forces. The party then left, presumably to join Villamar in the mountains."

On page 138, General Young, from Vigan, in a telegram to the chief of staff, referring to the murder of the presidente, said:

"Following just received from Laoag: "Regret to inform you that the presidente of Pasuquin was taken off yesterday morning and killed by a band of about 20 ladrones. Have two detachments after them. Hope to kill the whole band, but difficult to find. "HOWZE, Commanding!"

[Page 47.]

On page 143 General MacArthur, referring to the conditions at Cabaruan, said:

Colonel Smith saw nine women and several children who had been tortured by bolo cuts inflicted on all parts of their bodies. It is also a fact that this part of Pangasinan has been terrorized by these people, the large town of Malasiqui being almost entirely depopulated in consequence of their depredations.

[Page 48.]

In the report of the first Philippine Commission, made in January, 1900, on pages 177, 178, referring to a report from General MacArthur on the taking of Malolos, the Commission say:

"When General MacArthur began the movement which ended in the taking of Malolos, the natives, at the order of General Luna, fired their towns before his advancing columns. Those who were unwilling to leave their homes were driven out by insurgent soldiers, who burned their houses. The object of this inhuman procedure was to compel the inhabitants to flee before us, and thus prevent their learning from experience that the fearful tales concerning our soldiers, with which they had been deceived, were myths. This method of procedure, eminently successful at first, in the end recoiled on its authors, provoking so much opposition that the obnoxious order was revoked.

"A visit to those towns at this time revealed a greatly changed public sentiment. The inhabitants had neither burned their homes, nor, as a rule, abandoned them, but had quietly awaited the arrival of the American troops. Those who had remained soon learned that their confidence had not been misplaced, and those who had fled speedily returned. We found their condition to be most pitiable. They had been plundered by the insurgent troops, who had robbed them of jewels, money, clothing, and even food, so that they were literally starving. Peaceable citizens had been fired upon. Women had been maltreated, and there was general satisfaction that the Americans had come at last.

[Page 49.]

"We found them thankful for the considerate treatment they had received from our troops, and willing to aid us against the insurgents, at whose hands they had suffered so severely. They seemed, however, powerless to act on account of lack of organization, and there was a universal desire for the establishment of some form of municipal government."

On page 384 of volume 2 of the same Commission's report, Benito Legardo, a witness before the Commission, testified as follows:

Q. "What was this kidnapping by Pio del Pilar?"  
A. "He ordered people to be seized who favored the Americans, or even people who had strongly favored the Spanish. Some were carried away and flogged, and others were taken off in the hills and disappeared and were never heard of again. Then, the principal agitators of Aginaldo, who were Sandico and others, established here in Manila the 'popular clubs,' which was a society similar to the Katipunans, and this society became very widespread here, and its principal object was to prevent Filipinos from getting in sympathy with the Americans.

[Page 50.]

[Extract from "Operations in the Third district, Department of Southern Luzon, January 1 to March 5, 1901." (From report of Brig. Gen. James M. Bell, commanding, p. 440 of part 3, Report of the Lieutenant-General Commanding the Army, 1901.)]

[Inclosure 60.]

On February 28, 1901, Corporal Merkel and six men, Company F, Forty-seventh Infantry, United States Volunteers, left Daraga at about 8.30 a. m., and scouted to the north as far as Buctong in search of bolomen who had waylaid and cut the eyes out and the ear off of a native. Two prisoners were taken in Buctong and identified as the parties who had maltreated said native. Returned to Daraga about 11.30 a. m. Distance marched about 8 miles.

[Senate Document 205, part 2.]

[Page 2.]

II. In the foregoing cases of Silvestre Tarrug, Joaquin Fider, and Pascual Gutierrez, natives, the evidence shows that these three accused, with a band of Negritos, armed with a rifle, bolos, and bows and arrows, entered the

barrio of Dayadac, pueblo of O'Donnell, province of Tarlac, P. I., on or about February 16, 1900, and murdered seven natives, including one woman. The established motive of the crime was robbery. The two accused who have received sentences of death, Joaquin Pider and Pascual Gutierrez, are shown by the evidence to have tied up two of the victims of this murderous assault, and, compelling them to lie on the ground, chopped them with bolos, in this way causing their death. The third accused, Silvestre Tarug, who has received sentence of imprisonment for twenty years, is shown to have been present with this band, aiding and abetting these murders.

The remarks of the reviewing authority in the case of Antonio Morales and Faustina Gonzales, published in General Orders, No. 16, March 8, 1900, Headquarters Department of the Pacific and Eighth Army Corps, apply in this case. The crimes alleged were committed by a band of native outlaws against fellow-natives and under circumstances of peculiar atrocity, unworthy of even a moderate degree of civilization.

[Page 12.]

SENTENCE.—And the commission does therefore sentence them, Buenaventura Gamboa, Cipriano Villapa, Felizardo Mariano, Nicolas Melindaras, Cipriano Sarabay, and Hilario Nicolas, as follows: "Buenaventura Gamboa to be hung by the neck until he be dead, at such time and place as may be designated by the reviewing authority, two-thirds of the members present concurring; Felizardo Mariano, Cipriano Sarabay, and Nicolas Melindaras, and each of them, to be confined at hard labor, at such place as the reviewing authority may designate, for twenty years; Cipriano Villapa to be confined at hard labor, at such place as the reviewing authority may direct, for fifteen years, and Hilario Nicolas to be confined at hard labor, at such place as the reviewing authority may direct, for ten years."

In the foregoing case of Buenaventura Gamboa, Cipriano Villapa, Felizardo Mariano, Nicolas Melindaras, Cipriano Sarabay, and Hilario Nicolas, natives, it appears that the Macabebe, who was murdered by the defendants, was unarmed at the time, was engaged in peaceful pursuits and was going on foot along the road leading through the barrio of Quitaquit, pueblo of Bulangao, province of Pangasinan, Luzon, P. I., when suddenly he was set upon by a band composed of the accused persons, armed with knives and clubs, and of which Buenaventura Gamboa was the ringleader; that he was severely beaten and was finally stabbed to death by Buenaventura Gamboa. The said Gamboa makes no denial of the assault or of the killing, but freely admits it, stating that the deed was committed in pursuance of orders received from the vice-president of the town of Bulangao. The vice-president denies this and says that he sent no such orders. However this may be, there can be no doubt about the physical facts nor about the criminality of the deed. The sentences are, therefore, approved. The sentence of death by hanging awarded Buenaventura Gamboa will be duly executed in the barrio of Quitaquit, pueblo of Bulangao, province of Pangasinan, Luzon, P. I., on the 13th day of July, 1900, under the direction of the commanding general, Department of Northern Luzon. The sentence of twenty years' confinement awarded to Felizardo Mariano, Cipriano Sarabay, and Nicolas Melindaras; the sentence of fifteen years' confinement awarded Cipriano Villapa, and the sentence of ten years' confinement awarded Hilario Nicolas, will be duly executed at the Presidio de Manila, to which place the prisoners will be sent, under proper guard.

By command of Major-General MacArthur.

[Page 13.]

SENTENCE.—And the commission does therefore sentence him, Jacinto Ebron, native, "to be confined at hard labor, for the period of five years, in such penitentiary as the reviewing authority may direct."

In the foregoing case of Jacinto Ebron, native, it appears that the accused was a member of a band of armed outlaws.

This band operated in Cagayan Province, Luzon, during the early part of this year, committing various outrages upon the natives and keeping the whole population in a constant state of terror.

The identity of the accused as a member of the band, and as having been present upon the occasion of the crime here charged, is clearly proven. The proceedings and findings were approved June 28, 1900. The sentence of confinement at hard labor for the period of five years was approved on that date and will be duly executed at the Presidio de Manila, to which place the prisoner will be sent under proper guard.

By command of Major-General MacArthur.

M. BARBER.

[Page 23.]

SENTENCE.—And the commission does therefore sentence him, Basilio Lala, a native, "to be hanged by the neck until he be dead, at such time and place as the reviewing authority may direct, a unanimous concurrence therein."

In the foregoing case of Basilio Lala, native, it is clearly shown by two witnesses for the prosecution that a band of men, of whom the accused was one, armed with rifles and bolos, and none of them in uniform, beat and wounded Francisco Salaveria with these weapons for several hours, his arms being tied behind him, conducting him while so doing to a secluded spot, where, as testified to by two other witnesses, he was stabbed with a bolo in the hands of the accused and where he died and was buried by these witnesses, at the command, as one of them testifies, of the accused, who threatened them with death if they should divulge the crime which they had been compelled to witness.

The accused, though represented by counsel, offered no evidence to meet this convincing testimony. Sworn at his own request as a witness for himself, and informed of his rights and privileges, while accusing two of the witnesses against him as being equally guilty with himself, he admitted "taking Francisco away and killing him," and he attempted no justification therefor other than that "the people of the barrio were making so many complaints about Francisco being a detective for the Americans that our captain, Simeon Mamangun, ordered us to seize and kill him."

[Pages 29, 30.]

SENTENCE.—And the commission does therefore sentence them, Terega Pagarigan and Raymondo Bergora, natives, and each of them, "to be hanged by the neck until dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing case of Terega Pagarigan and Raymondo Bergora, natives, the evidence that the accused deliberately beat to death with the butts of their rifles three natives who were bound while their murder was being accomplished, is overwhelming and conclusive, and established the further fact that the accused are ladrones or guerrillas. Both of the accused, after being informed of their privileges, were at their request sworn in their own behalf. One, Terega Pagarigan, admitted that the murdered men were tied, as previously testified to, but claimed that this was done by people from San Juan, and denied that the men were killed, claiming that they died from lack of food. The other, Raymondo Bergora, contented himself with saying that the murdered men had robbed him of two carabos, and that when he arrived upon the scene they were already tied. He explained that he did not untie them, because he was afraid of his companion in crime, Pagarigan, who he says was armed with a gun. The evidence of these accused in no

way discredits the testimony against them, which is complete and convincing.

That the prosecution was unable to prove the names of the murdered men is explained in the testimony of record, from which it appears that they had lived in another locality than that in which the murder was committed. The fact in no way affects the correctness of the findings or sentence. The gist of the crime was proved when it was shown beyond a reasonable doubt that the accused beat to death, in the manner and form as charged, the three natives, the burial as well as killing of which a number of witnesses have testified to.

[Page 32.]

SENTENCE.—And the commission does therefore sentence him, Edwardo Mamangun, a native, "to be hanged by the neck until he is dead, at such time and place as the reviewing authority may direct—a unanimous concurrence therein."

In the foregoing case of Edwardo Mamangun, native, it is clearly shown by the testimony of several witnesses that the accused was one of a band of outlaws armed with rifles and bolos; that he gave directions and appeared to be in command of said band which, about midnight, took by force Francisco Salaveria from his home and with threats and blows compelled him to go with them to a distant and secluded place, where the following morning, with a bolo in the hands of a member of the band, their prisoner was murderously assaulted, the accused also aiding in the fatal wounding by thrusting a dagger held in his hand through the neck of his victim. Two witnesses who were present at the killing of Francisco Salaveria testify that they were taken by the band from their work and compelled to be present at the time of the murder for the declared purpose of burying the body of the victim. Sworn in his own behalf, the accused first denied and then admitted that he was present with the band. His admissions make conclusive the chain of evidence against him and leave no reasonable doubt that more than any other member of the band he was responsible for and was an active principal in a most brutal and deliberate murder.

[Page 35.]

SENTENCE.—And the commission does therefore sentence him, Roman Santiago, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the commission concurring therein."

In the foregoing case of Roman Santiago the evidence conclusively establishes that the accused was in command of a guerrilla band of outlaws, of thirty or more, armed with bolos and rifles, which descended in the nighttime upon the barrio of Namipitan and forcibly seized and dragged from their homes and barrio Roman Docosin, Maximino Tabaldo, Severino Prado, Maximo Saborboro, and Dolores Dingli, natives; that within two weeks thereafter the dead bodies of these persons, with the exception of Dolores Dingli, of whom no trace has since been had, were discovered in a field near the said barrio, mutilated with wounds that must in each case have resulted in death, and inflicted by weapons similar to those with which the accused and his band were armed.

The identification of the accused as the leader of the band, and his commands to it for the seizing and taking away of his victims, are established by evidence that is absolute, positive, and direct. Though represented by counsel, he had no witnesses to call, did not desire to be sworn in his own behalf, and attempted no denial of the testimony against him.

The evidence of the murder by the accused of the four persons spirited away by him and his band, and whose dead bodies were subsequently found close to the scene of their forcible and illegal kidnaping is presumptive only, but considered with the indisputable proof of the death by violence of these persons and of the accused's clearly and directly established connection with their kidnaping as the leader of the band who gave the commands therefor, and with the absence of all evidence to weaken or rebut the presumption of guilt to which these established facts give rise, is so cogent and convincing as to preclude a reasonable doubt that the accused is guilty in the manner and form as found by the commission.

[Page 35.]

SENTENCE.—And the commission does therefore sentence him, Pablo de la Cruz, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the members of the commission concurring therein."

In the foregoing cases of Roman Santiago and Pablo de la Cruz, the findings upon the first charge and its specification in each case is disapproved, the offense being "kidnaping" instead of "abduction." The evidence is conclusive that these accused were members of a band of guerrilla marauders, which, armed with rifles, violently attacked upon the highway two natives, Antonio Estrada and Angel Acosta, while these were engaged in peaceful and legitimate pursuits; that the band tied and bound them and robbed them of their money, accusing them in the meantime of being "spies of the Americans;" and then took them to the barrio of Baag and tied them to a telegraph pole; that thereupon the band, including these accused, arranged themselves about and fired into their victims a volley, the command for which was given by the accused, Pablo de la Cruz, and as a result of which Estrada fell dead and Acosta received three gunshot wounds; that the latter, though left for dead by the accused and his band with the body of Estrada, revived and reported the crime to the authorities, with the result that the dead body of Antonio Estrada was recovered at the place where he fell.

[Page 37.]

SENTENCE.—And the commission does therefore sentence Guillermo Garcia and Florencio Semana, natives, and each of them, "to be confined at hard labor, for the remainder of their lives, at such place as the reviewing authority may direct."

In the foregoing case of Guillermo Garcia and Florencio Semana, natives, it appears from the testimony of many witnesses that two men, one woman, and a young girl were killed by bolo wounds in the neck, and that the accused confessed that they inflicted these fatal wounds because they were ordered to do so by a neighbor.

What motive other than the mere lust for taking human life may have actuated the accused is not disclosed in the record.

[Pages 39, 40.]

SENTENCE.—And the commission does therefore sentence them, Pedro Dacoco and Lazaro, natives, and each of them, "to be hung by the neck until they are dead, at such time and place as the reviewing authority may direct, two-thirds of the members concurring therein."

In the foregoing case of Pedro Dacoco and Lazaro Daro, natives, it appears in evidence that upon the approach of a troop of United States cavalry to the pueblo of Asingan, the presidente and others of said pueblo fled for safety to the barrio of Cocalditen; that three days later they were surrounded in their place of refuge by a band of armed outlaws, natives, and the presidente and five other men of the refugee party were assaulted and driven forth with blows inflicted with bolos in the hands of said outlaws, and that from that day until the present no one of the assaulted party has since been seen among living men. One of the refugee party testified that upon the first appearance of the outlaws he fled and screened himself from view, and that the

outlaws afterwards passed so close by him that he was able to recognize the accused, who were acquaintances of his, and saw them strike Cirapion Altre with bolos held in their hands, and that after falling to the ground the body of said Altre long remained motionless and until the witness, through fear, fled from the spot. Witness also heard men among the outlaw band say they had "dispatched" the other kidnaped men.

Why these men while hiding from the American troops should have been ruthlessly murdered by their own people does not appear.

[Page 43.]

SENTENCE.—And the Commission does, therefore, sentence him, the accused, Pedro Negranza, "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty years."

In the foregoing case of Manuel Bautista, Isidoro Ramirez, Maximo Roldan, and Pedro Negranza, natives, who were jointly tried, the evidence clearly establishes that on the night of January 10, 1900, a band of thirty or more outlaws and guerrilla marauders, armed with rifles and bolos, of which the accused Maximo Roldan was the captain, and in whose criminal acts of that night these other accused took part, descended upon the town of Bangar, province of La Union, Luzon, P. I., and forcibly seized and dragged from their homes Cipriano Gavino, Pio Lopez, and Antonio Morales, at the same time robbing them and the members of their families of money, clothing, and other valuables; that shortly after the band departed with their prisoners shots were heard, and within twenty-four hours thereafter the dead bodies of Hilario Aquino, Cipriano Gavino, Pio Lopez, and Antonio Morales were found within a mile of the town with gunshot and knife wounds that must in each case have proven fatal.

The evidence of the murder, as charged, by these accused of Cipriano Gavino, Pio Lopez, and Antonio Morales, though circumstantial and presumptive, is so cogent and convincing as to preclude a reasonable doubt of their guilt.

[Page 46.]

SENTENCE.—And the Commission does therefore sentence them, Mariano Buen and Roman Melindez, natives, and each of them "to be confined at hard labor, at such place as the reviewing authority may direct, for the period of twenty (20) years."

In the foregoing case of Mariano Buen and Roman Melindez, the evidence establishes that an armed band of guerrilla marauders, under the leadership of one Benito Amansec, descended in the nighttime upon the pueblo of Pozorubio, and, after surrounding their houses, forcibly dragged therefrom Doroteo Bautista and Augustine Castillo, together with three other native residents, and, after tying their prisoners, removed them a short distance, where four, including Doroteo Bautista and Augustine Castillo, were shot to death, their dead bodies being recovered on the following morning. Both of these accused are positively identified by the wife of one of the murdered men as two of four men who entered her house and dragged therefrom her husband, and Mariano Buen is further identified as among the band by one of the five natives kidnaped by it and whose life was spared.

The unlawful kidnaping of the murdered men by these accused and the departure of the band with them as prisoners toward the place from which shots were shortly afterwards heard, and where the bodies of the murdered men were found the next morning, are established beyond a reasonable doubt. These accused were represented by counsel and offered no testimony to rebut their positive identification as members of the band, except that one witness attempted to establish an alibi for Roman Melindez, which was so vague and general in its nature as to be valueless against the convincing evidence to which it is opposed. The established facts in this case preclude a reasonable doubt of the murder by these accused of Doroteo Bautista and Augustine Castillo and of their guilt in the manner and form as charged.

[Page 43.]

In the foregoing case of Agipito Mendoza, Aponario Lantano, and Apolonio Garcia, natives, who were jointly tried, the evidence conclusively shows that a band of outlaws, armed with rifles, talibones, and bolos, forcibly seized and carried away from their homes on or about March 2, 1900, Lorenzo Soriano, Gelasio Jacobo, Arcadio Jacobo, Tasinto Echavarre, and Felipe Bacungan; that these accused were members of the band and participated in its criminal acts, the accused Agipito Mendoza being in command; that no trace has since been had of Arcadio Jacobo, Tasinto Echavarre, or Felipe Bacungan, but that the dead bodies of Lorenzo Soriano and Gelasio Jacobo, mutilated with wounds that must in each case have resulted in death, were some three weeks later recovered in a well in the neighborhood, the identification being complete by reason of the clothing and articles found upon their bodies.

Of these accused, all of whom were represented by counsel, Agipito Mendoza and Aponario Lantano attempted to prove an alibi, but failed to shake thereby the direct, positive testimony of the numerous eyewitnesses to the kidnaping. The accused Apolonio Garcia attempted no defense.

The evidence connecting these accused with the murder of Lorenzo Soriano and Gelasio Jacobo is presumptive, but establishing, as it does, their participation in the forcible and criminal seizing and carrying away of these persons in their lifetime, who are not again seen or heard of by anyone outside of this band until their dead bodies were discovered in a well, covered with wounds, prove beyond a reasonable doubt that they are guilty of the murder of this man and woman in the manner as charged.

[Page 50.]

In the foregoing cases of Severo Entialbo (who was jointly tried with Primo Tibis, Tomas Entialbo, Pedro Entialbo, Francisco Estiqueta) and Sotero Magbanua, natives, it appears from the records that a number of neighbors had assembled in the evening at the house of one Salvador to condole with him on the death by drowning of his little boy. That at the suggestion of Salvador seven or eight men left his house and accompanied him to the house of Victor Pere, where, with the active assistance of these accused and two others of the party, Victor Pere and his wife, Martina Pincao, were taken by force, their arms bound behind them, and, with the threat that the last day of their lives had come, were conducted to the Panay River, where the woman, first being struck by one of her assailants with a bolo, was thrust into the stream, from which her dead body, with pinioned arms and bearing the bolo wound, was recovered a few days later. The husband of the deceased, witnessing her murder and anticipating his own, sprang into the river and, notwithstanding his arms were tied, succeeded in swimming to the opposite shore. From his testimony, supported by other eyewitnesses, the facts attending the taking of the life of a helpless and unoffending woman, and the active part these accused took therein, as related, are proven beyond any reasonable doubt. The witnesses all agree that the motive for the crime was a superstitious belief that the murdered woman was a witch, the plain inference being that her ignorant assailants attributed to her the possession of occult powers whereby she had, in some mysterious way, brought to pass the death of Salvador's child.

[Pages 51, 52.]

In the foregoing case of Luis Ordone, alias Catubig, native, several policemen and other eyewitnesses agree in their testimony that an armed body of men, about 9 o'clock at night, entered the official residence of Gregorio

Arenas, who was at that time presidente of Aguilar, and placing all the other inmates under fear of death and removing them from the room in which said Arenas was held captive, then with bolos in their hands killed the said Arenas and by decapitation mutilated his body. The evidence is conclusive that the accused took an active and leading part in this bloody deed, and that in this and in the murder of Juan Rosario he and the band of outlaws and murderers with whom he consorted were actuated chiefly, if not solely, by a desire to rob the unoffending but reputedly rich men whose lives they took in each case by the savage and barbarous method of decapitation.

[Page 56.]

In the foregoing case of Catalino Untalan, Feliciano Cortes, Juan Seguig, Alberto Marana, Melicio Gayiton, and Ambrosio Zuelacio, natives, who were jointly tried, the evidence conclusively shows that a band of outlaws armed with rifles, talibones, and bolos forcibly seized and carried away from their homes, on or about March 2, 1900, Lorenzo Soriano, Gelasio Jacobo, Arcadio Jacobo, Tasinto Echavarre, and Felipe Bacungan; that these accused were members of the band and participated in its criminal acts, the accused, Catalino Untalan, taking an active and leading part; that no trace has since been had of Arcadio Jacobo, Tasinto Echavarre, or Felipe Bacungan, but that the dead bodies of Lorenzo Soriano and Gelasio Jacobo, mutilated with wounds that must in each case have resulted in death, were some three weeks later recovered in a well in the neighborhood, the identification being complete by reason of the clothing and articles found upon their bodies.

The evidence connecting these accused with the forcible and criminal seizing and carrying away of Lorenzo Soriano and Gelasio Jacobo is direct and positive and so intimately connects them with the murder of these persons as to leave no reasonable doubt of their guilt in the manner charged.

[Pages 59, 60.]

In the foregoing cases of Mariano Castillo, alias Macabat, Paustino Pascoa, Pioquinto de Jesus, and Rufino Bacarizas, natives, the evidence of many witnesses, including the confessions of three of the accused before the commission trying them, makes it conclusive beyond all reasonable doubt that the accused belonged to an organized band which, under the assumed style of "Guardia de Honor," had for its declared object the exercise of unlawful power, and, as the murder of their peaceful and unoffending victim in this case exemplifies, if found necessary to gratify either a desire for revenge against anyone falling under their displeasure or a feeling of envy against the rich, to resort to the foul crime of assassination. The evidence reveals the orderly methods of the band in first issuing through its chief, Mariano Castillo, alias Macabat, the order to kill, in the employment of force through a detail of men, of which the defendant Rufino Bacarizas was one, led by the defendant Paustino Pascoa, to kidnap their selected victim, and in the designation of an executioner in the person of the defendant Pioquinto de Jesus, to deliver with a bolo the fatal blows whereof said victim died at once die.

These inhuman methods remove all the participants, whether chief or willing follower of the band, from the pale of the law, and place them among that class of cowardly and secret assassins which all civilized men the world over hold to be enemies of mankind.

[Page 61.]

In the foregoing case of Leon Pascual and Paulino Madarang, natives, it appears from the testimony of many witnesses that an armed band of outlaws entered the pueblo of Infanta at night, and, surrounding the house of Mamerto Mirador, three of their number forced an entrance, and with bolos in their hands and with threats of death assailed said Mirador, who, defending himself, repelled his assailants, whereupon the band set fire to the house, thus forcing their victim to come out, when the band rushed upon him and, striking him down with their bolos, took his life.

Leon Pascual, one of the accused, was recognized by the inmates as one of the three men who entered the house and assailed the deceased.

The evidence also clearly shows that Adriano Mayor and Estevan Mapa were at the same time taken by force by these outlaws from their homes in Infanta, that they had not since been seen in life, and that the remains of two men were later found unburied in the forest and articles of their clothing recognized with sufficient certainty to leave no reasonable doubt of the murder of the men named at the hands of this band of outlaws.

[Page 63.]

In the foregoing case of Moices Lomabao, native, it appears from the evidence that an armed body of ladrones, about thirty in number, entered the barrio of Namipitan at night and, taking four men and a woman by force and violence from their homes, disappeared with them; that, after search was made for the captives, the bodies of all but the woman were, three days later, found shockingly mutilated and decaying in death. It further appears that the accused was active and cruel in taking captive these unoffending people and that no motive other than robbery and a savage delight in taking life appears to explain this act of wholesale murder.

[Page 71.]

In the foregoing case of Marcelino Versosa, Narciso Garcia, Bentura Barceña, Gabriel Espenosa, and Estarvan Estrada, natives, who were jointly tried, it appears from the evidence that the deceased had been banished by the Spanish Government to the Caroline Islands; that by permission of the American authorities he returned, in February, 1900, to his home in Uli and was, at the time of his death, making preparations for changing his place of residence to Dasol, which was occupied by American troops. His apparent friendly relations with the American authorities appears to have given offense to these accused, who came together at night under the active leadership of Marcelino Versosa, and they, with five or six other men, armed with bolos and carrying among them a rifle and a pistol, proceeded to surround the house where the deceased was staying for the night, and, threatening to burn the house, compelled him by force and fear to come out; when, the deceased attempting to escape by running, these accused followed, shot him down, and inflicted upon his prostrate body fifteen or more bolo wounds, from which he immediately expired.

[Page 74.]

In the foregoing case of Hermogenez Lorian and Tomas Caliboso, natives, it appears from the evidence that one Cirapion Altre, presidente of the pueblo of Asingan, and a small party of men, women, and children had, through fear of the approach of American troops, fled from Asingan to the barrio of Cocalditen, and while there, in hiding in a deserted house, were set upon in the nighttime by a band of armed outlaws, which had long infested the locality; that said outlaws seized the said Altre and four other men, bound them, and, with blows and wounds of bolos and threats of death, drove them forth and so far fulfilled their threats that these men have never since been seen among the living, and have been dead to their families and friends.

One of the refugee party, who escaped on the approach of the outlaws, testified that, from his near-by place of concealment, he witnessed these accused take part, with bolos and daggers in their hands, in striking to the ground Cirapion Altre, and that they and others thereafter inflicted many cutting and stabling wounds upon his prostrate body, which long lay motionless after his murderers had left him for dead, and until, with the coming of morning, the witness fled in terror from the place.

The testimony of this witness is supported in part by that of other witnesses, who were present when the band assailed the refugee party, recognized the accused among them, heard their threats of death, and saw them beat and with bolos wound the persons of the men they carried away.

[Page 78.]

In the foregoing case of Eliseo Adulta, Pedro Mercadejos, Fausto Avellado, Jose Ropa, and Miguel Cantal, natives, who were jointly tried, it appears from the record that a band of outlaws entered the pueblo of Unisan and with bolos proceeded to murder Gabriel Castillo, the father-in-law, and Feliciano Maximo, a nephew, of Antonio Maximo, and to kidnap his family, consisting of his wife, daughter of 14 years, and three sons, one aged 11 and one 4 years and an infant aged 5 months; that they robbed his house of all the money and valuables they could find; that a few days later, in a secluded spot in the forest, the mother and helpless children were murdered with clubs, with which the accused and other members of the band beat out their brains; that the mother was then buried in a shallow trench, and the bodies of the children were folded up and forced into two other small, shallow holes, and all loosely covered with earth, wood, and leaves.

It is clearly revealed by the evidence that while Antonio Maximo was absent, a prisoner in the hands of the American troops, and his home, as a consequence, left without his protection, this band of assassins practically exterminated his family, not sparing the unoffending wife, innocent maid, nor helpless infant.

All the accused save Eliseo Adulta admit their participation in this crime, but claim either that they did not deliver any fatal blows upon their victims or were present with the band from compulsion. But the evidence of many witnesses proves beyond a reasonable doubt that they were willing and principal actors in these murders, and all agree that, of the accused, Eliseo Adulta planned and was present and directed the horrible details of their execution.

[Page 79.]

In the foregoing case of Francisco Frani (alias Quicoy Frani), native, many witnesses testify that the accused gave the order to kill two peaceful men, and, in pursuance of his said order, these men were killed and buried. Before the commission trying him the accused admitted that he did cause the death of these men and among other things said:

"The killing of the two prisoners, Medina and Badel, was done pursuant to a general order from General San Miguel. This order was to the effect that those prisoners who had committed acts against the Filipino republic should be killed. \* \* \* I was simply carrying out the orders of my superior officer, General San Miguel. I had no discretion whatever. If I had not carried out these orders, I should have been killed myself."

The accused could not, however, produce written orders from his superiors to do this murder, nor was he able, although he made the attempt, to support his statements by the testimony of others. Whether or not the accused murdered these men in obedience to orders from his superior or upon his own unprompted will is not, however, material. It is a principle of law, long recognized by all civilized and peace-loving people, that no man shall deliberately kill another who is a prisoner, as were the deceased at the time they were murdered, unless such killing be done under an "imperative duty prescribed by law," such as the execution of one found guilty of a capital crime by a court of competent criminal jurisdiction and sentenced to suffer death by execution. In this instance the deceased, who appear to have been peace-abiding men, were first unlawfully deprived of their liberty, and without the sanction of either the laws of war or peace, and while bound and helpless, were deliberately put to death.

The defense of the accused, that unless he had killed these men his superiors in authority over him would have taken his life, is, in the first place, not borne out by the evidence, and, in the second place, is not good in law, which does not suffer that one man, through fear of a remote danger to his own life, shall obey the unlawful commands of another to kill peaceful and law-abiding men.

[Page 84.]

In the foregoing case of Regino Antonio, Jose Madamba, Toribio Lopez, and Augustin Echevarri, natives, who were jointly tried, it appears from the testimony of many witnesses and from the statements of three of these accused, made before the commission trying them, that three men who had taken service as policemen in a pueblo under American control were, for some purpose not clearly revealed by the evidence, sent by a native official to the neighboring pueblo of San Nicolas, where they arrived about midday and repaired to the presidencia for rest and a siesta; that while asleep they were seized by a band of men, about ten in number—chiefly citizens of San Nicolas—armed with a pistol, bolos, and clubs; that first tying the arms of their captives behind their backs, the band proceeded to beat and wound them with bolos; that they were then taken into the sacristy of the church to be confessed by the padre, then put into a carromata and taken to the outskirts of the pueblo, where, bound and helpless, but resisting as best they might, they were thrown into a well "about six varas" deep and literally buried alive with earth thrown upon them until the well was partly filled.

[Pages 85, 86.]

In the foregoing case of Ysidro Cacho, native, it appears from the evidence that the accused was an officer of militia having two barrios under his jurisdiction; that, upon his own orders or the orders he had received from higher insurgent authority, he caused the deceased, who at the time was employed as a cook for the American officers in the pueblo of Bolinao—and apparently for this reason only—to be seized and delivered to him at his residence in the barrio of Natulang; that the accused and one Bonifacio Bonson took the deceased to the fields one-half mile from the house of the accused and proceeded to kill him by striking him with a bolo over the head, stabbing him with a dagger in the breast, and then cutting off his hands and feet and cutting out his tongue.

[Pages 97, 98.]

In the foregoing cases of Enrico Alarcon, Esteban Palaganas, and Leopoldo Salvador, natives, it appears of record that the first named was the leader and the two others active members of a band of ladrones, that, armed with rifles and bolos, about midnight entered the pueblo of Malasiqui and, surrounding the house of the presidente, induced him by threats to give orders that the cabezas and other officials of the pueblo should assemble at his house, which being done, the band bound them, and after a delay sufficient to accomplish the looting of the houses of their captives, marched them to a point a few yards beyond the limits of the pueblo and there with rifles shot them to death.

[Page 100.]

In the foregoing case of Julian Robillos, Dalmacio Robillos, Eugenio Soriano, Mariano Doria, Eulogio Doria, Augustin Yson, Juan Fernandez, Hilario Manaoes, and Garcia Mislang, natives, who were jointly tried, it appears of record that a band of men armed with rifles, pistols, and bolos, seized in the nighttime a family of five persons, and taking their captives less than 400 yards away, killed them with bolos, and left their bodies lying dead upon the margin of a fish pond. One of the family, a woman, escaped after she had been threatened with violence by these accused, whom she had long known, plainly recognized, and saw them carry away her relatives—the deceased. Her testimony is confirmed by many witnesses in rela-

tion to the kidnaping, finding the dead bodies, and their burial. One witness, an ex-policeman, testified he followed the band, and from a short distance saw them deliver with bolos the fatal wounds whereof their victims died.

The motive for the murder—clearly brought out in the evidence—was the punishment of a family that had refused to pay taxes for the support of the insurgent forces. There being no reasonable doubt that these accused are guilty as charged, their sentences—approved by the department commander—are confirmed and will be duly executed. The Presidio de Manila is designated as the place of confinement, to which place the prisoners will be sent under proper guard.

[Page 103.]

In the foregoing case of Roberto Mendoza, native, it appears from the evidence that the accused was a "teniente" of a band of insurgents under the leadership of one Lieut. Col. Bonifacio Morales; that the said Morales had caused Juan de Vera to be seized and delivered to him, and without accusation or form of trial had directed the accused to kill him. In obedience to this unlawful order the accused took the deceased, who was bound and helpless, into the fields, where he was made to sit down, and while the accused held his hands, "his assistant," Juan de la Cruz, held his head and with a knife cut his throat and thereby inflicted a wound from which the said Juan de Vera then and there died.

Officers and soldiers of the band of insurgents to which the accused belonged testify that he did this murder in the manner described, and say that the only reason for taking the life of this unoffending man was because he was a kinsman of Juan José, who was chief of police of Santa Maria under American authority.

The law absolves all officers and soldiers who disobey the unlawful orders of their superiors, and they fall under its condemnation if, in obedience to such unlawful orders, they take the life of any person. As an officer of insurgents the accused must be presumed to have had sufficient intelligence to have understood the reason, well known by his comrades, why he was called upon to take the life of the deceased, whom he well knew had done no wrong. It was the plain duty of the accused to refuse to act the part of a murderer.

[Page 108.]

In the foregoing case of Eusebio Rojas, native, a superior officer of the accused, a major of insurgents, testified that the accused had recently commanded one of three "groups;" that the men of each "group" were "distributed among three barrios;" that "they wore the ordinary dress of the country;" that "sometimes they would go armed for a specific purpose and at others they would hide their arms." There also appears of record a writing purporting to appoint the accused a "1st teniente of infantry," signed by one Alejandro, and a translated copy of a general order issued by the said Alejandro as commanding general, Central Luzon.

Sections 1 and 2 of this order read as follows: "First. All who perform official duties or who have materially contributed to the establishment of the pretended American civil government in the territory within my command, if caught, will be punished from a fine not less than \$100 up to the death penalty, by the most summary trial in accordance with the circumstances, and if committed by educated people the guilt will be considered increased. Second. The property of persons comprised in article 1 will be confiscated for the need of the Filipino army."

Given command of armed men and authorized as quoted to exercise summary power over the lives and property of his neighbors the accused, as is made unmistakably plain by the evidence, conceived it to be his duty to rob and murder the peaceful and law-abiding people living within his so-called military jurisdiction.

Going in ordinary dress and taking with him a few trusted followers—five or six at most—he secretly seized his unsuspecting neighbors, a man at a time, and taking them into the forest, he proceeded in two instances to bury them alive. The witnesses, some of whom were guilty participants and others who were compelled to be present and dig the graves of the waiting victims, relate the horrible details by which men in the full vigor of life were suffocated under the mass of earth thrown upon them.

Before the commission trying him the accused admitted that in obedience to orders he attacked a nonmilitary train which resulted in the death of a passenger, a native, and while denying his presence or responsibility for the murder of the men buried alive, concluded by saying: "All my actions have been in pursuance to the orders of my superior officers."

That, at his discretion, the accused was authorized by his superiors to take the property and lives of his neighbors the evidence plainly shows, but those who are responsible for the written authority under which he acted, by the terms of that authority, revealed themselves as banditti and as men who, being outside the pale of all law, seek to rule solely by the terror they inspire by their inhuman deeds. Being therefore without any authority, no so-called insurgent general or chief can issue a lawful order in these islands, and they and all who execute their commands to kill and murder must expect the most extreme penalties.

[Page 112.]

In the foregoing cases of Eugenio Fernandez and Juan Soriano, natives, it appears of record that these accused were leaders of armed bands of outlaws with which the late notorious bandit chief, Vincente Prado, ordered and directed so many acts of kidnapping, robbery, and murder of law-abiding men, women, and children that his name, and that of these accused and others of the trusted leaders of the said Prado, became a terror to the inhabitants in La Union and Pangasinan provinces.

That these accused were principal actors in these crimes and guilty as found by the commission trying them there is no reasonable doubt.

[Page 118.]

In the foregoing case of Ambrosio Loreto it appears from the record that the accused was a member of a band of outlaws that entered the pueblo of Unisan, and, first murdering the father-in-law and a nephew of Antonio Maximo, then proceeded to kidnap and carry away the family of said Maximo, consisting of his wife, a daughter of 14 years, and three sons, one a mere infant. The accused appeared to be in command of the band, and then and there proclaimed himself "captain" and "king." Three days after the kidnaping of the family he was again present, with members of his band, in a secluded place in the forest, where the helpless wife and children were murdered with clubs, with which the band beat out their brains, the accused, with a club in his hands, aiding in inflicting the fatal blows.

No motive other than robbery appears of record to explain this barbarous slaughter of men, women, and children, in which the accused, it is plainly evident, actively and willingly engaged.

[Page 133.]

In the foregoing case of Isabelo del Rosario, native, it appears that the accused, while exercising his authority as chief of a band of so-called insurgents, summarily condemned to death by burial alive one Leoncio Torres. His reasons therefor were that decedent was reported to be a horse thief and that two women informed him that he had made inquiries of them regarding the location of the insurgent forces, from which it was inferred he was an American secret-service man.

Many eyewitnesses testify to the horrible details by which a strong man in unabated vigor of life was, under the orders and in the personal presence of the accused, with fiendish cruelty, suffocated by the mass of earth heaped upon his prostrate body, in the grave especially prepared for the purpose.

Upon the stand the accused admitted there was no form of trial of his victim; admitted the resistance and protests of the young girl he is charged with carnally knowing, and practically admitted his part in extorting 9,000 pesos from Florentino Pamintuan. He, however, opposes his bare denial to giving the order to kill Torres and his presence at the newly dug grave when the decedent was buried alive, and claimed his subordinate, Eusebio Rojas, did all this unknown to him, and denied also that he persisted to the actual consummation of the rape of the maid. That, however, he did issue the order for and witness the burial alive of the deceased, and that with the aid of two of his soldiers he did consummate the rape, there is no doubt.

[Page 136.]

In the foregoing case of Glecerio Villandres, Jacinto Gabona, Victoriano Lastamoso, and Damaso Javelina, natives, the department commander, in approving the sentence, remarked as follows:

"From the record in this case it appears that Juan Crisostomo Benedicto, an unoffending, law-abiding citizen of the pueblo of Jaro, had left his home for the purpose of calling on some friends in the pueblo; that when he returned to his house and gave the usual alarm at the front door, this alarm was answered by his servant, Glecerio Villandres, who took the bicycle from his master's hand; who, following him inside of the house, was immediately assaulted by Jacinto Gabona and Victoriano Lastamoso with bolos, and that as soon as Glecerio Villandres could dispose of his bicycle he immediately joined in the attack upon his employer with a bolo that he had taken from the kitchen table, and the three of them then and there assassinated the deceased upon the threshold of his own house, the fatal blow having been given by his own 'muchacho'; and that all of these, before assaulting him, were or had been employed by the deceased or members of his household.

"It appears that the money, watch, and other jewelry upon the person of the deceased was left intact, and further that there was no reason for any animus in the breasts of any of these assassins for the killing of the deceased. It does appear, however, that the fourth accused, Damaso Javelina, was a member of an association known as 'Ducots,' and further that the object of this society was to assassinate certain persons designated by it who consciously or unconsciously became the subject of their edicts, and that previous to the assassination of the deceased, at a meeting of this society in the pueblo of Jaro, which meeting was attended by the chief of this society and by the accused, Damaso Javelina, it was decided that the deceased should be killed, and that thereafter this chief sent and caused to be delivered to Damaso Javelina, twenty dollars (\$20) in Mexican money, and also a pistol loaded with five cartridges. That before the assassination twenty dollars (\$20) in Mexican currency was actually turned over by this Damaso Javelina to the other three accused who actually assassinated the deceased."

The society of "Ducots" to which the accused Damaso Javelina belonged is known in other localities as "Mandoducats," and organized to kill so-called "American spies," extends to the assassination of all natives friendly to the Americans. Deciding the deceased to be one of these, his death was formally determined upon. Damaso Javelina was chosen as the agent to undertake his assassination and he corrupted, procured, and hired the domestic servants of deceased to consummate the deed.

A more treacherous crime it would be difficult to conceive. The instruments employed were those holding positions of confidence within the home circle of the victim, who was under the protection of and in the near presence of the American troops and hence oblivious to any apprehensions of danger. The audacity and base nature that actuated these accused brand them as the lowest order of criminals—those who kill for hire, and in this instance for so small a sum each that an honest man might win it with a day's toil.

With such men the laws of civilization can have no compromise; to all kinds and classes of banditti the warning is given that all persons who, like the accused, take human life for hire, the laws designed to secure life and property and to maintain justice between man and man, now in force in these islands, require that the price they receive for their bloody trade shall be the price by which they also under the law forfeit their own lives.

[Page 141.]

In the foregoing case it appears that the accused, Luis Plana, was a captain or "Jefe principal" of a band of outlaws known as the "Sandatahans," the members of which were bound together by an oath to collect contributions for the insurgents and to kill all who did not obey the orders of its chiefs. In pursuance of the band's methods one Luis Flores, in August, 1900, at the barrio of Paratong, Santa Catalina, was delivered, bound, by Luis Plana, to the three accused, Lazaro Reg, Eulogio Rebodan, and Severino Rebolde, with orders to take out the victim to a spot near the sea and kill him. The order was executed by the three accused last named, each stabbing the deceased with sabers and daggers, at the brink of a grave in an isolated spot selected for his interment, and in which grave the victim was immediately thereafter buried.

[Page 144.]

In the foregoing case of Ubaldo Leonardo, Julio Boras, Engratio Demanjog, Luciano Ramonal, Ermonjenis Mansa, and Potenciano Nery, natives, who were jointly tried, it appears of record that these accused, armed with guns and bolos, entered the pueblo of Misamis, and, seizing a policeman at that place, carried him away by force to the house of one of these accused, where they tied him to a post and brutally beat him with a gun. The band then took their victim out upon the highway a short distance from Misamis, where they inflicted several fatal bolo wounds upon his body and left it lying lifeless upon the road with a paper pinned to the breast bearing the inscription: "Countrymen, don't imitate me, for I am an Americanista and have talked with the Americans." The evidence of many witnesses, fully corroborated by one of these accused from the witness stand, leaves no reasonable doubt that, as principals, they are all guilty of murder. With respect to four of these accused the commission has found otherwise, but confirms against these the charge of "Abduction with intent to do bodily injury."

[Page 145.]

In the foregoing case of Teborcio Mabola, native, it appears from the record that the accused belonged to a band of men armed with bolos and clubs that secretly assembled within the territory occupied by American troops and, watching its opportunity, attacked a party of four native policemen, who had been sent by the presidente of San Fernando to obtain wood for the use of a detachment of said troops; that they killed one of the policemen outright, and pursued the three other men as they fled for their lives and inflicted upon one of them wounds in consequence of which he lost an arm.

The friendly services being rendered the American troops appear as the evident motive for this murder. Such savage and inhuman methods of unlawful partisan warfare fall under the condemnation of all law, and, under the laws of war and military government, all who so offend are subject to the penalty of death.

[Page 149.]

In the foregoing case it appears that the accused, Augustin Miranda, was the leader of an armed band of ladores, whose unlawful operations were carried on in the vicinity of Santa Ana, San Luis, and adjacent localities. On or about November 29, 1899, the band, led by accused, ambushed, shot, and bled to death and robbed of their money two brothers, Adelardo Alfaro and Ricardo Alfaro, the accused personally firing one of the fatal shots. On the 3d of February, 1899, the accused led his band against the country house of one Pascual Tison, set it afire, looted its contents, and carried off into the fields three daughters of the owner, from whom they also robbed their earrings, diamonds, and rings. Three days later the accused and his band attacked the town house of Pascual Tison and thoroughly sacked it. In the latter part of October, 1899, accused and two armed followers, prompted by his inamorata, who kept a gambling house, carried off and cruelly shot one José Rivera, who was then bled until dead by the companions of accused, and this for the sole reason that their victim was unable at that time to pay his gambling debt.

[Page 154.]

In the foregoing cases of Mariano Aragon, Prudencio Llanes, Nicasio Llanes, Mamerto Llanes, Tomas Asinan, Fermín Cortes, Placido Quito, Castor Alcausa, Laureano Querubin, and Catalino Natividad, natives, it appears of record that Mariano Aragon and Prudencio Llanes were two of a triumvirate of chiefs of an oath-bound band of armed men, styling themselves "Sandatahans" and of which all of these accused were members; that they appointed a chief executioner, assistant executioners, a requisite number of grave diggers, and then, with set purpose, proceeded to assassinate all persons who manifested reluctance to join them or to contribute of their means to their support or to the support of the insurgents in the hills, whom the leaders of the band claimed they were serving. They operated secretly at night, the leaders usually selecting their victims one at a time, and, having first secured, conducted them to a secret rendezvous on a sandy beach covered with very tall grass where, by timely notice, the grave diggers had dug the number of graves required and the chief executioner and his assistants had assembled for their appointed work.

Here, in the presence of the assembled band, men and women, bound and helpless, were, from time to time, placed upon the brinks of their opened graves, their bodies run through with swords and bolos, and then buried. The members of the band would then separate, each going to his own home, trusting to the rise and fall of the near-by waters to slowly hide the traces of their work. These hideous operations were continued with industrious persistence through two months or more until the lengthening row of graves reached, in the language of one of the witnesses, "about thirty, more or less."

Why a populous community of men should calmly submit to gradual and certain extermination at the hands of a few men banded together for secret assassination, possessing no lawful authority and weak in numbers, can only be explained by those who prefer a reign of terror to the reign of wise, merciful, and equal laws.

[Page 157.]

In the foregoing case of Gregorio Degala, Bonifacio Deseo, and Doroteo Degala, natives, who were jointly tried, it appears from the evidence that these accused belonged to an armed band of robbers that forced an entrance into and robbed the house of Alipio Delfin, taking therefrom money, jewelry, and other valuables, forced the inmates to come out and down from the house, bound and maltreated the men and brutally assaulted the women.

[Page 158.]

In the foregoing case of Anselmo Morales, native, it appears that the accused was the leader of a small band of men armed with bolos and two rifles, one of which was carried by the accused. That he had made a requisition or demand of chickens, rice, and other supplies for his band upon the barrio of Soso, which, being refused, he later, with his followers, entered the place and killed two men and one woman, and that he then and there proclaimed his reason for murdering them to be the refusal of the people of the barrio to obey his orders and provide him with supplies. When captured, and on subsequent occasions, the accused freely admitted this to be true, and that the murders were committed in compliance with the orders of his insurgent superior officer. Eyewitnesses of the murder confirm his admissions. As it does not appear that he could not have secured the supplies he unlawfully demanded without resort to taking the lives of his law-abiding neighbors, some of whom were also, doubtless, blameless of even refusing his unlawful demands, there is no escape from the conclusion that he acted more from vindictive and malicious motives than a belief, however mistaken, of justifiable necessity.

[Page 159.]

In the foregoing case of Felix Medina it appears that the accused was one of a band of armed insurgents who entered within the lines of the United States forces at San Nicolas, Cavite Province, and lay in ambush for the approach of Severino de Guña, vice-presidente of Bacoor, who was returning in a carromata with his two young sons from the fiesta of San Nicolas. On the approach of the carromata accused and his companions sprang out, struck the coachman senseless, and led off as a prisoner Severino de Guña, followed by the two lads. Arriving at the barrio of Pomplona, Las Pinas, the accused, who was one of two leaders, from a distance of about two paces opened fire and shot deceased in the presence of his children, who were standing in his immediate proximity. The body was then flung into a pile of rocks and the murderers moved off.

[Page 163.]

SENTENCE.—And the Commission does therefore sentence him, Eugenio Inasuria, native, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, two-thirds of the Commission concurring therein."

In the foregoing case of Eugenio Inasuria, native, the accused was one of six armed men, who in the daytime seized two men in a house, dragged them therefrom, and after securing such valuables as they could find took their victims into the fields and with rifles and war bolos killed them.

[Page 166.]

In the foregoing case of Rufino Zamudio, Gilio Alicante, Isidro de la Llagas, Higinio Agabo, Tranquillino Santiago, Nicholas San Buenaventura, and Pedro San Juan, natives, it appears from the record that Rufino Zamudio had been an insurgent soldier, and, while residing at Cabusao, conceived the idea of styling himself a chief; that, aided and abetted by two or three Tagalog insurgents and a few confederates of the barrio, he caused notice to be served upon the people to assemble at a given place in order to be presented to one General Santos, who would punish them if they failed to obey. Men, women, and children obeyed the mandate, and, in coming together, the men were told by the said Zamudio that they were required to take an oath to resist the Americans to the death. After the oath had been administered and the men made to kiss and pass under crossed swords, they were formed in ranks and given orders to take certain persons to another place, there to be presented to General Santos. As the evidence shows, the use of the name of General Santos by the leaders of this band of assassins was but a cruel

deception whereby they veiled their sinister design of introducing their intended victims, by death, to another world. Their victims were selected from the relations and friends of a native pilot on a steamboat engaged between Manila and Nueva Caceres. Upon the slender pretext that this pilot must be an Americanist, eleven persons, among them one aged woman and four children of tender age, were taken into the fields, on their way to be presented to the fictitious General Santos, and there brutally assaulted with clubs and bolos until left for dead. Three of the victims revived, two succeeded in reaching succor and safety, while the other, being betrayed in the house she had reached, was again seized by three men—one of whom was Higinio Agabo, of the accused—and her almost lifeless body taken on a carabao cart to the fields again, since when she has not been seen.

[Page 171.]

In the foregoing case of Faustino Mago and Fortunato Abanlog, natives, it appears that the former was the leader and the latter a member of an armed band of outlaws, which on about December 11, 1899, sequestered and murdered by stabbing with daggers one Santiago Ramos, suspected of being an American spy. The actual killing was consummated by Faustino Mago and Fortunato Abanlog, the latter acting under the orders of the former, though undoubtedly a willing member of the band of outlaws and participant in its general criminal operations, but in this particular crime it is apparently shown in the case for the prosecution that he participated under the direct order and immediate coercion of Mago, who threatened him with his gun. This circumstance must be considered in fixing the degree of crime.

[Page 172.]

In the foregoing case it appears that the accused, Querino Biday, was one of a band of five armed outlaws, who seized and carried off from the sitio of Tarig, Camarines Sur, one Donicio Noqui, who was subsequently accused of being a Macabebe and American spy, and upon his denial, the accused plunged a dagger into his heart from the effects of which he died.

[Page 174.]

In the foregoing case of Pedro Mercado, Victoriano de O'Campo, Martin Gamboa, and Magno Simbulan, natives, who were jointly tried, it appears that in obedience to the orders of a local outlaw or guerrilla chief these accused, while following the usual avocations of peace, kidnapped a Macabebe because he was "working for the Americans," and, taking him beyond the sight of the passersby, stabbed him to the heart with a dagger. Armed followers of the chief stood by to witness the execution. As in many like cases where the temporarily impressed followers of the chiefs of banditti do murder, it is impracticable to define the degree of willing acquiescence or the extent of the duress under which they act. It is known that these chiefs hold over their followers the threat of death, which they are swift to execute upon the disobedient. Moved apparently by these considerations, the department commander, in approving the sentence, has recommended its commutation to life imprisonment in the cases of all these accused except one.

[Page 179.]

In the foregoing case of Juan Aganon, Cosme Salmos, Antonio Taguinaldo, Juan Pagaragan, Cecilio Manavis, and Fausto Manavis, it appears that these accused, prompted by the secret accusations of the Katipunans to the effect that their victim was an American spy, lured Esteban Versosa, chief of police of the pueblo of Pura, province of Tarlac, to the outskirts of the town on the pretext of necessity for visiting his guard, and there bolted him to death. The actual participation in this crime by all of these accused is fully established by direct evidence, and they offer no evidence, explanation, or statement to meet the proof.

[Pages 180, 181.]

In the foregoing case of Fructuoso Sembrano, native, it appears of record that the accused had taken the oath of allegiance to and the office of presidente local of the pueblo of Gerona, Tarlac, under the Government of the United States; that thereafter, in secret ways, he devoted his abilities to furthering the cause of the insurrection, until being suspected of treachery and criminal misdeeds, he fled to the hills and engaged in active warfare against the Government he had sworn to support.

For his fidelity to the insurgent cause he was rewarded with the office of civil and military governor of Pangasinan. In his new capacity as an insurgent chief, he issued instructions to his subordinates, from which the following extracts are taken:

"Also order all persons in your jurisdiction to employ great astuteness in trying to capture arms from the enemy, and if any of the enemy are in the habit of taking a walk, your people must try to kill him and take his arms. You will immediately advise me the name of the person who captured the arms, that I may advise our government. The money that may be found on the enemy must be given to the brother (Katipunán) who obeyed this order. Return this order and comply. November 14, 1900."

[Translated from "Ilocano.]"

"MOUNT BINGBATO, September 9, 1900.

"To the chief of the town of Pura:

"By this present I nominate you chief of this town, and you may from this date order its affairs and inhabitants. You will follow strictly the following rules: 1. Make out an act signed by all the brotherhood, using their nicknames, that they will defend the cause of their mother country. 2. Cause all those to disappear who oppose this measure or who become traitors to our holy cause. 7. The town that does not revolt with us will be at once destroyed and the people punished accordingly. 10. All secret spies will be killed (translated 'murdered') or sent alive to this camp."

[Page 183.]

In the foregoing case it appears that these accused, José Avila and Paulino Casio, natives, in company with a band of outlaws, entered the houses of one Juan Legaspi, at the pueblo Iriga, in the nighttime, actuated by no higher motive than robbery and degenerate cruelty and inhumanity, bolted to death five natives, including a child 3 years of age and a young girl 11; cut, wounded, and tortured three women, one small girl, and one man, with the intent to kill them.

[Page 184.]

In the foregoing case it appears that these accused, Hermanagildo Viscara and Ramon Nicomedes, natives, were members and officials of a band of assassins whose purpose was to inspire the community in which it operated with obedience to its will through terror by secretly assassinating those coming within its displeasure. In pursuance of this purpose, it is shown that these two accused sequestered and conveyed to an unoccupied house at Pozorrubio, Pangasinan, one Calistro Fernandez, and there killed him by choking and crushing in his skull with some cutting weapon. They then compelled natives to convey the body to an isolated spot, where the legs of the victim were cut off, the body doubled up and forced into a shallow hole, head foremost, and then covered with earth. The motive of the crime is found in the fact that deceased was too friendly to the Americans and had acted as a guide for them.

[Page 185.]

In the foregoing case it appears that the accused, Pedro Abad Santos, native, was the adjutant, secretary, and adviser of General Hizon, the insurgent political military governor of Pampanga Province, having "command of everything" therein, and that the military authority of accused arose from this connection. It appears that this accused was present at the barrio of San Rafael during the month of May, 1900, together with two insurgent officers of the line, Lieut. Eusebio Rojas and Capt. Isabella del Rosario, the last being in command of the detachment of insurgent troops there stationed; that a native, Leoncio Torres, was brought a prisoner before these three officers, charged with being an American spy, and by them condemned to death by burying alive. The victim, with arms bound behind him, begged of this accused for mercy and was answered by a blow, which knocked him down, and an order to the soldiers to take him out and bury him, which was done.

[Page 186.]

In the foregoing case it appears that the accused, Gregorio Decasin, was an active member of an armed band of outlaws that entered the pueblo of Malasiqui, Pangasinan, November 23, 1899, and bound the presidente of the town, the justice of the peace, and five cabezas or headmen, conveyed them to a point at the outskirts of the town, and there murdered them by shooting, stabbing, and cutting with guns, bayonets, and bolos. The motive was robbery and retaliation for friendliness on the part of the murdered men for the American Government.

[Page 197.]

In the foregoing case it appears that these accused, Doroteo Orbino, Juan Seraloy, Domingo Seraloy, and Jose Tambaqui, natives, were members of a band of outlaws operating in the vicinity of Pozorrubio and terrorizing the inhabitants into submission to their rule by the assassination of various members of the community. Accused, Doroteo Orbino, was a captain; Jose Tambaqui, a lieutenant, and Juan Seraloy and Domingo Seraloy, so-called soldiers of this band.

These four accused, about March 10, 1900, sequestered, killed, and beheaded with bolos, two natives, Vicente de la Cruz and Felisardo Pasag, accused of being "Americanistas," such charge being founded on the fact that these victims had been in the habit of supplying beef for the American garrison. After the killing these accused forced several of the natives to carry the bodies to an isolated spot and cast them into the mud on the banks of a stream, where they were subsequently found and identified. No denial of the deed is made by these accused, three of them simply resting their defense upon the statement that they were soldiers of accused, Doroteo Orbino, and that they acted under his orders through personal fear.

[Page 200.]

In the foregoing case it appears that this accused, Benito Dorotan, native, attacked and killed with a dagger one Felix Buenaventura, on the alleged ground that deceased was an "Americanista." It also appears that this accused in frequent prior declarations declared his intention of killing deceased and several other natives accused by him of being friendly to the Americans.

[Pages 203, 204.]

In the foregoing case it appears that the accused, Benancio Cueto, alias Venancio Quefo, alias Captain Benancio, was a reputed captain of insurgents and captured in a barricaded native house at Bay, Laguna Province, armed and accompanied by two of his followers. No evidence of his violation of the laws of war, as specified under the first charge, appears of record, and, indeed, two of the specifications under that charge do not state facts sufficient to constitute a crime. For these reasons the findings of the commission on the first charge and its specifications were properly disapproved by the department commander.

Under the additional charge of murder, it appears that the accused, together with an armed band of insurgents, shot to death, at his residence at Bay, Laguna Province, Domingo Punsulan, presidente of the pueblo, for no other apparent motive than the fact that his victim had accepted the office of presidente under the American Government.

[Page 205.]

In the foregoing case it appears that the accused, Norberto Pré, was a lieutenant-colonel of insurgents, and that he personally killed by stabbing in the neck with a poniard one Claudio Orpilla, because the victim did not desire to join the insurgents. It also appears that the accused wantonly murdered two other natives December 2, 1900, because they were suspected of being spies of the Americans. All three murders were wantonly committed by the accused in person.

[Page 206.]

In the foregoing case of Augustin Botobara, native, it appears that the accused was one of a band of ununiformed men claiming to be insurgents, who lay in wait in a barrio of Barotoc for a police officer; that one of the band assailed this officer as he was entering the door of a house from the top of the steps leading thereto; that the blow felled deceased, his body falling to the ground, when the accused dispatched him with a bolo and afterwards superintended the burial of his body. The crime is one of a long series of like deliberately planned assassinations of men friendly to the American Government and in policy or purpose is so wanton and cruel that clemency can not be exercised in cases of those participating therein.

[Page 207.]

In the foregoing case it appears that the accused, Pio Balugbug, native, voluntarily joined a band of armed outlaws operating in the province of Misamis, Mindanao, and on or about January 8, 1901, captured and murdered a native, Luciano Magdales, accused of being a spy for the Americans, and in conjunction with another outlaw stabbed him to death with daggers. The crime is fully proven and not denied by the accused, who, however, seeks to justify it on the plea that he was acting under orders of a superior. That superior denies that he gave orders for the death of the victim, but if he had it would constitute no defense in law. Men being banded together for the commission of crime are all principals in the execution thereof.

[Page 208.]

In the foregoing case it appears that the accused, Eusabio Rabalan, was the leader of a band of outlaws; that he caused to be seized and bound one Guillermo Crisostomo, suspected of being an American sympathizer at Batoc, Ilocos Norte, in February, 1900, and handing his dagger to a member of his band directed him to kill Crisostomo under penalty of death in case of refusal.

The killing was accordingly consummated in the presence of accused and under his direction.

[Page 219.]

In the foregoing case it appears that the accused, Tedorico Cuyanán, was one of a band of armed insurgents which, on October 14, 1900, forcibly entered the house of Jacinto Salunga and Pedro Salunga, at San Juan, Mexico, Pampanga, bound them and buried them alive in an isolated spot in the vicinity, the alleged motive being that the victims were spies for the Americans.

[Page 230.]

In the foregoing case it appears that these accused, Gregorio Ybasco and Agapito Tuca, were active and directing members of a band of armed outlaws, organized for robbery and assassination; that they seized, bound, and robbed eight peaceable natives at San Nicolas, Pangasinan, in December, 1899, conveyed them to an isolated spot on the banks of a river, where seven men were assassinated with guns and bolos, because suspected of being friendly to the Americans. The eighth prisoner escaped by slipping into the river, bound as he was, and, climbing to a log of wood, floating downstream. No doubt of the guilt of these accused arises from the evidence and no mitigating circumstance suggests clemency.

[Page 232.]

In the foregoing case it appears that this accused, Francisco Celedonio, a commandant of guerrillas, with 20 followers, on December 20, 1899, entered the town of Cagugao, Ilocos Sur, then within the occupation of the United States troops and under United States government, seized and bound several inhabitants, including Basilio Noviega, presidente, and Benigno Sison; caused these last two to be bayoneted to death and affixed to their foreheads a paper bearing the inscription "Traidor de la Patria."

[Page 235.]

In the foregoing case it appears that the accused, Enfrasio de la Cruz, alias Clemente de la Cruz, was a controlling member of a band of armed outlaws that seized, bound, maltreated, and carried off as prisoners two natives, Leandro Fernandez and Roman Martin, near Camiling, Tarlac, October 21, 1900, then delivered them to a band of ladrones, who killed them for their friendliness to the Americans. Again, this accused and his band, impelled by like motives, on November 11, 1900, seized and bound one Hilario Antonio, held him prisoner for twenty-four hours and then murdered him with bolos.

[Page 231.]

In the foregoing case it appears of record that Eginio Gamurot, one of the accused, was a corporal of police at Victoria, Tarlac, and by virtue of his authority over the other accused, Vicente Encarnacion, Cayetano Antonio, and Vicente Gabuni, who were also policemen, ordered them to assist him in arresting two natives, Simplicio and Angelino Daniel, which being accomplished they took their captives to the fields, where the accused Gamurot, without further assistance from the other accused, conducted the deceased to a still greater distance and when beyond observation killed them with a bolo. The motive for this murder is found in the accusation that the deceased had given information to the Americans regarding the location of an insurgent camp.

[Pages 232, 233.]

In the foregoing case it appears that the defendant, José Antienza, was associated with an armed band of outlaws, not a part of any recognized military organization, and that he, with others, at Capas, Tarlac, October 31, 1900, seized, bound, and conveyed to a newly prepared grave one Manuel Dantes, suspected of friendliness to the Americans. Here the accused personally shot Dantes through the head from behind while the latter was bound and helpless.

[Page 239.]

In the foregoing case it appears that this accused, Felix Atienza, native, was a leader of an armed band of outlaws, directing its operations, in violation of the laws of war, against the peaceful inhabitants of the pueblo of Capas; that he ordered and caused to be consummated the murder with bolos of an unarmed and bound native, Civillo Lombay, at the brink of a newly-made grave near the sitio of Sampaloc, Tarlac, on the suspicion of the victim being a spy of the Americans; that, again, he similarly and for like motive, caused two Igorotes to murder two natives, Eusebio Ramos and Cleto Ramos, and on another occasion he caused one Manuel Dantes to be bound, conveyed to the brink of a grave, and shot from behind by the brother of accused.

[Page 240.]

In the foregoing case it appears that accused, Francisco Dizon and Pedro Layug, in company of other armed outlaws, under the command of accused Francisco Dizon, and acting under his direct orders, carried one Juan Rojas, suspected of being friendly to the Americans, to an isolated spot and there killed him with a dagger.

[Page 240.]

In the foregoing case it appears that these accused, Simplicio Alfonso and Juan de la Cruz, were insurgent lieutenants at Tampangue, Concepcion, Tarlac; the former the senior and the latter the junior, that both of these accused ordered their soldiers to capture and kill one Esteban Carlos, suspected of being a spy of the Americans, and such order was duly executed, the accused, Juan de la Cruz, being present at its consummation.

[Page 242.]

In the foregoing case it appears that the accused, Juan Barcana, in company of an armed band of outlaws, at the places and on or about the times alleged, seized, bound, and murdered, with bolos, a native, Fito Balisalisa, suspected of friendliness to the Americans; that he and his band shot to death with rifles another native, Pedro Arilla, and that he personally shot and killed with a rifle a child of one Braulio Bustamente, because the latter was unable to meet the demand of accused for a contribution of rice.

[Page 242.]

In the foregoing case it appears that these accused, Tomas Bacolor, Emerico del Rosario, and Andres Rebillido, in the barrio of San Andres, pueblo of Victoria, Tarlac, about September, 1900, seized and conveyed to an isolated spot a native man, a woman, and a boy, and then and there murdered them with bolos, on the alleged suspicion that the victims were spies of the Americans.

[Page 243.]

In the foregoing case of Florentino Garbo, native, it appears that the accused was an ununiformed boloman, as were the men of arms-bearing age generally in Santa Cruz; that he was under the command of insurgent officers whenever called by them from his usual peaceful occupations to assist in criminal depredations upon the community. In this instance the deceased was a very lame man and had come from a neighboring barrio to that of Quinsabungen on a friendly visit. Here he was forcibly seized in the house of his entertainers, accused of being a spy, and without hearing or form of trial, in open day and in the most public manner, hurried to the near-by forest and there killed and buried.

[Page 244.]

In the foregoing case it appears that the accused, Francisco Peralta, was a leader of an armed band of men living within the lines of the United States forces. Wearing by day the ordinary native dress and seemingly following peaceful occupations, the band came together at night, or, in localities not immediately occupied by American troops, by day and night, for the purpose chiefly, it appears, of summarily killing those of their neighbors who were friendly to the American Government.

[Page 248.]

In the foregoing case it appears that these accused, Deogracias Doria and Roque Doria, in company with an armed band of outlaws, seized, bound, and conveyed to an isolated spot on the banks of the Matabuey River four native policemen, three of whom they shot and bled to death and threw into the river. The fourth was bled, but not fatally, and also thrown into the river. Subsequently he escaped, and appears as a witness herein for the prosecution.

[Page 250.]

In the foregoing case it appears that this accused, Aniceta Angeles, native, a leader of a band of insurgents, ordered and caused to be murdered with bayonets one Faustino Ressorreccion, a peaceful native of Namacpacan, Union Province, on the alleged suspicion that the victim acted as a spy of the Americans. No reasonable doubt as to the guilt of accused arises from the record, and his own admissions on the stand fully establish his criminal responsibility for the deed charged. The victim was in no sense a spy, was kidnaped within the American lines, and murdered without a trial or hearing.

[Page 250.]

In the foregoing case it appears that Tomas Torres and Fermin Directo, two of the accused, in company of other armed outlaws, sequestered and conveyed to an isolated spot one Mariano Peralta, who was friendly to the Americans. There the victim was murdered by a blow in the head with a palma brava club and his throat cut with a knife, both of the said accused participating in the consummation of the crime. The accused Timoteo Viloria is not shown to have been connected with the crime.

[Page 251.]

In the foregoing case of Perfecto Flores, native, it appears by the evidence that the accused was one of a band of men wearing ordinary dress, who lay in wait for the two tailors who were working for the soldiers of Pasay cavalry barracks, and seizing them as they were going home in the evening from their day's work, killed deceased and took the other, Domingo Tancio, captive, in the manner and form as charged. It also appears from the documentary evidence filed in the case that these crimes were committed in compliance with orders received from insurgent chiefs. The sole cause of offense appears to have grown out of the fact that their victims were earning a livelihood by taking service as tailors for the American soldiers. The wanton killing of a peaceful man the dullest intelligence can comprehend is not war, but must in truth be characterized as the most cowardly form of murder. Such murder disgraces any cause in the name of which it is done, and marks all who engage in it, from the chief giving the order to the follower who executes it, as assassins, dangerous to friend and foe alike, and rightly classes them under the laws of war as enemies of mankind. Upon all such offenders the best good of humanity demands that the law shall take its course.

[Page 252.]

In the foregoing case it appears that these accused, Leoncio Macalaguin, Leoncio Tabordan, Ananias Abillanosa, Pascual Tabordan, and Laureano Palmadres, natives, in company of an armed band of robbers, entered the house of one Tomas Ragudo, first seized, bound, and hung up by a rope his son, then finding the father and mother, tied their elbows behind their backs and hung them to a rafter in their house. They then demanded money from Tomas Ragudo, and unsatisfied with the amount he yielded up, proceeded to wrap rags saturated with oil about his feet and legs and set them afire. From a half hour to two hours the torture was continued, accompanied with blows from butts of rifles, flats of bolos, and fists, and the young daughter of the victim was struck down by a blow from a bolo over the head. For five days the victim lingered in agony from the effects of his burns and then died.

[Page 258.]

In the foregoing case it appears that this accused, Eulogio Alomia, alias Toyo, at the pueblo of Biñan, province of Laguna, P. I., about July 8, 1900, kidnaped from his house one Mateo Carabo, and thereafter killed him with a dagger. It further appears that accused was one of the official executioners appointed by and acting under the orders of Lieut. Col. Eustacio Castellor, but the crime was not committed in the immediate presence of said Castellor, and it does not appear that accused had not ample opportunity to avoid obedience to this illegal order and seek protection from the American authorities.

As illustrative of the methods pursued by his superior officers, the following quotation is taken from a written confession of the accused, made in the presence of witnesses, prior to his trial and admitted by him on his trial to be true and correct: "I carried a letter of authorization \* \* \* to act as a special agent, which means authority to commit murder. Each time a murder was ordered, a letter was sent to one of (above named) four men, by one of the chiefs (naming them). Afterwards the letter was taken up and burned. \* \* \* If a man did not pay his contribution to the insurgent collector he was ordered to be killed." This confession is so in line with numberless well-established cases that its substantial truth may be accepted with little doubt.

[Page 259.]

In the foregoing cases it appears that these accused, Ciriaco Rivillez and Mariano Belarmino, in company of a band of outlaws, laid in ambush for the approach of a patrol of three native policemen, of whom deceased was one, and on the approach of this patrol sprang out and captured deceased, Marcelo Gasal. A few days afterwards the body of deceased was found in a neighboring river, weighted with a heavy rock and containing many wounds, one through the heart and one in the neck.

[Page 265.]

In the foregoing case it appears that these accused, Leon Obras, Tomas Oriente, Mateo Oballes, Gregorio Lopez, Severino Directo, and Geronimo Orine, under the leadership of the first named, repaired to the house of one Hugo Mendoza, at Balaocan, Union, in February, 1900, seized, bound, and conveyed said Mendoza to the fields, and there accused Obras killed him with a bolo, because the victim was suspected of friendliness to the Americans.

[Page 268.]

In the foregoing case it appears by the evidence that the accused, Lucas Claudio, was a lieutenant of insurgents living as an ordinary citizen in the environs of Manila at Pasay, and in a neighborhood noted for the reasonable and turbulent character of its residents; that his band of ununiformed followers on about the 3d day of October, 1900, lay in wait for two natives who were returning in the evening from their day's work as tailors for the American garrison of Pasay Barracks, and, seizing them, killed one upon the spot and took the other to the house of the accused, where under threats of death if he complained to the authorities or left the premises, he was practically deprived of his liberty and made to work at his trade for his captors for several months and until the band was broken up by the police force of Manila.

[Page 270.]

In the foregoing case it appears that these accused, Diego de Guzman and Feliciano Borja, in company of a band of outlaws, of which the former was leader, seized and carried away to the fields, near the barrio of San Nicolas, Nueva Ecija, the wife and daughter of the sergeant of police of San

Isidro, and killed and murdered these two women by cutting and stabbing them with bolos.

It further appears by the evidence in the case of the accused, Diego de Guzman, that the dead bodies of two men, one a cousin and the other a coachman of the sergeant of police, were found lying dead with the bodies of the murdered women. From this fact the conclusion is forced upon the mind that these men were killed by violence and for the same motive which inspired the murder of the women, to wit, to inflict an appalling vengeance upon a man who had taken office under American authority.

[Page 271.]

SENTENCE.—And the commission does therefore sentence him, the said Wenceslao, alias Estanislao Rosales, "to be hung by the neck until he is dead, at such time and place as the reviewing authority may direct, all of the members concurring therein."

In the foregoing case it appears that this accused, Estanislao Rosales, about April 17, 1900, in company of an armed band of outlaws, seized and bound three native policemen who had been sent from Laoag to San Nicolas, Ilocos Norte, on duty, there took them before a priest to be confessed and then flinging them alive into a well, filled up the same with dirt, thus causing their death. Their acceptance of service under American rule is the apparent motive for their barbarous murder.

[Page 274.]

In the foregoing case of Francisco Braganza, native, it appears that this accused had been a lieutenant of police of San Fernando and recently appointed a major in the insurgent forces. That at Minalabag a party, by roll call, of 173 Spanish prisoners were delivered to him for the ostensible purpose of being conducted to a place of greater security from the approaching American troops. It appears that from high sources of authority among the insurgent chiefs the most stringent orders had been given to prevent their rescue by the Americans.

At the time the accused took charge of these prisoners they were footsore, weary, and half starved; their hurried marching and large number apparently overtaxing the available means of support which the presidentes of the pueblos through which they passed had at their ready disposal.

Apprehension of the sudden appearance of the American troops caused confusion and disorder among the guard and police which composed the escort, under the orders of the accused, who, on the 23d day of February, 1900, the morning following the day he assumed charge of the escort, proceeded to have the arms of his prisoners bound at the elbows with cords drawn across their backs, so as to render them comparatively helpless. This was the first act of unmistakable indignity imposed upon the prisoners, who, up to this time, had been treated with some kindness. Knowing the habits of the people in whose hands they were, to bind and make helpless one doomed to death, the prisoners must have readily interpreted its sinister meaning. The next act of the accused was to cause the prisoners to be searched for money and valuables and to appropriate the lion's share to himself. The prisoners were then told off in detachments of 10 men, more or less, with a suitable guard placed over each. They were then conducted to the rice fields, a short interval being preserved between the detachments. At a preconcerted signal, the blowing of a whistle by accused, the guards fell upon their victims and slaughtered them with daggers, bolos, clubs, and spears, the accused standing by, encouraging, directing, and urging on the barbarous assault.

Those of the victims who were strong enough, bound as they were, made a break for liberty, and accused ordered them pursued and killed. On the following morning it was reported to accused that thirty of the escaped prisoners had been recaptured at Lupi, whereupon he proceeded there, ordered them bound, conveyed to the woods, and again the scenes of the preceding day were enacted. Returning to Lupi, accused found another party of his recaptured victims, and these in turn, were bound and led to death.

[Page 276.]

In the foregoing case of Timoteo Dhalan, alias Doroteo del Rosario, it appears that the accused was a major of guerrillas of the so-called insurgent forces; that on the 30th day of October, 1900, one of his subordinates, First Lieut. Manuel Gonzales, successfully ambushed a detachment of the Thirty-fifth Infantry, United States Volunteers, taking five soldiers prisoners, and with the prisoners one Señor José Buencamino, presidente of San Miguel de Mayumo. The accused, having had report of the foregoing, sent orders to his subordinate, which appear by translated copies below:

"Señor First Lieut. Manuel Gonzales and Capt. Dionisio Santos:

"Inside of twelve hours you will report to me what has happened in the ambushade that you have done; at what hour, in which place, how many they were, how many rifles captured, and also prisoners, and if José Buencamino, of San Miguel, was with them. With great care you will obey the following:

"First. Separate José Buencamino from the Americans, and with these Americans do as if you were to take them to the general; but when you reach the tall grass do with them what we are accustomed to do; but I strictly recommend to you not to let anyone know, even to our soldiers, but to those of much confidence and with the lips shut.

"Second. To José Buencamino do with him what you know the suffering of the reason in a hidden place, and take great care with the woman, so she may not escape.

"Third. Once you have done all these, give me a report of all that has happened in the ambushade, so I may make the report to the general; what captains and officers were present, so that I may make the recommendations.

"God keep your life many years.

"The chief major of the guerrillas:

"TIMOTEO DHALAN.

"Now November 1, 1900."

Three days later the accused sent the following:

"Señor First Lieut. MANUEL GONZALES:

"I have received your communication for Captain Santos, and when you receive this you will obey, without excuse, the following:

"First. Once the prisoners are in the place where the enemy do not pass do with them what I have ordered; but no one must know, even many soldiers; only those who will do it; do not use bullets, but daggers. Buencamino must not know of this.

"Second. If Buencamino would request you anything, treat him well and that I will go there very soon; but you are responsible if he escapes. What you are going to do with the prisoners should be far from Buencamino, and he must not know.

"Third. Give to each of our soldiers undershirts.

"Fourth. I repeat you again that to hide Buencamino well, also our rifles, separate them from the places where the enemy pass, so that they may not be captured. Hereafter you should be more careful.

"You will receive five pesos for the soldiers.

"God keep your life many years.

"The chief major of the guerrillas.

"T. DHALAN.

"Now November 3, 1900.

"P. S.—What you should tell Buencamino is that the prisoners will be taken to the general; but do what I have ordered."

[Page 284.]

In the foregoing cases it appears that these accused, Pedro Atendido and Cornelio Largo, in company of and consorting with an armed band of tulsanes, killed with bolos, rifles, and daggers eleven members of the Echevarria family at Naro, Masbate, August 14, 1900, for the sole reason that the victims were Spaniards. Women and children were included in the killings, and the dead bodies were subsequently tied up in sacks and thrown into the river.

[Page 286.]

In the foregoing case it appears that this accused, Juan Olivar, was the leader of a band of ladrones that made an attack upon the house of Teodoro Labrador, then presidente of Mina, Panay, captured him, his brother, wife, grandmother, godmother, small daughter, and a policeman. The grandmother, godmother, and daughter were shot to death in the vicinity of the capture, Labrador, his wife, and the policeman were conveyed to an isolated spot and killed with bolos, while the brother effected his escape. Incidentally the accused and his band robbed Labrador of 78 carabao, 1 cow, 800 pesos, 2 guns, and 1 revolver.

[Pages 287, 288.]

In the foregoing case it appears that this accused, Ygnacio Siaotong, was an insurgent leader of volunteers operating against the American Government after having taken the oath of allegiance to that Government; that on September 15, 1900, at Barotac Nuevo, Panay, he forcibly seized a native woman suspected of friendliness to the Americans and caused his followers to convey her to an isolated spot in the fields, where a newly made grave had been prepared. Into this grave his victim was made to lie down and be suffocated with the earth filled in upon her.

[Page 288.]

In the foregoing case it appears that the accused, Luis Bernabe, an insurgent sergeant, in company of soldiers under his command, seized at Culoong, San José, Bulacan, about October 31, 1900, two natives suspected of friendliness to the Americans, conveyed them to an insurgent camp and there stabbed them to death.

[Page 298.]

In the foregoing case of Gabino Santa Inez, native, it appears from the evidence that the accused was a captain of insurgents; that in April, 1900, two muchachos, one a servant of an American presidente, were delivered to him as prisoners, and merely because they were suspected of being Americanistas he caused them to be first hung up until nearly dead and then dispatched them by shooting them with firearms.

[Page 307.]

In the foregoing case it appears that this accused, Nasario Valle, a commissioner of the Katipunan Society at Ibung, Nueva Viscaya, compelled the inhabitants to take the oath of that organization, issued orders that all who should refuse to follow the dictates of the same should suffer death, and in pursuance of such orders did in fact cause to be killed in the following barbarous manner: Tiburcio Baltazar and Juan Oarang, by beating them to death; Eulalio Saridon, by burying him alive; and Raymunda Alejo and Federica Asuncion, native women, by burning at the stake.

[Page 317.]

In the foregoing case of Baltazar Saldivar it appears that the accused was an active member of an armed band of outlaws commanded by one Julio Roda, engaged in depredations, robberies, and assassinations in and near Jimenez, province of Misamis, which band was sworn to "war to the knife" against all friendly to the Americans; that he personally aided and participated in the murder of an unknown native at Macapan by stabbing and cutting him to death with knives and bolos, actuated by a suspicion that the victim was an American spy, and that he similarly and with like motive killed one Santiago Maglipac at San Vicente, pueblo of Oroquieta, Misamis.

[Page 319.]

In the foregoing case it appears that this accused, Roberto Sangalang, was one of a band of armed outlaws that went to the house of Tito Balisalesa, at Balanbag, P. I., in the nighttime, and, after calling him out, shot and boloed him to death, on the suspicion that he was an American spy, and that the accused personally struck and cut the victim with his bolo.

[Page 321.]

SENTENCE.—And the Commission does therefore sentence them, Simplicio Molina and Dionicio Tabay, each and both of them, "to be hung by the neck until dead, at such time and place as the reviewing authority may designate, two-thirds of the members of the Commission concurring therein." In the foregoing case it appears that these two accused, Simplicio Molina and Dionicio Tabay, at or near Santo Domingo, Ilocos Sur, in January, 1901, seized one Teodorico Gallardo, suspected of being an American spy, and while one held the victim the other stabbed him to death with a dagger.

[Page 323.]

In the foregoing case it appears that these five accused, José Santa María, Alberto de los Santos, Donato Ariones, Carlos Quinones, and Fulgencio de la Cruz, and other armed outlaws and participators in his crimes, seized, bound, and carried away from the barrio of Cabasao, Camarines Sur, five native men and four women, two of whom were mere children. Conveying them to isolated spots these accused, José Santa María, Donato Ariones, and Fulgencio de la Cruz, viciously assaulted them with bolos and clubs and with intent to kill, and did, in fact, kill Pedro Vicente, Euduviges Guerrera (a girl), Valerio Guerrero, Cabaltes, a man named Alejandro, and a woman, Aquilina, while the woman and girl, Euphemia Tortones and Maria Guerrera, were grievously wounded and left for dead where they fell. No other motive for this barbarous crime other than that of attempted intimidation of the community and enforced recognition of the authority of these accused as so-called insurgents and "defenders of their country" appears of record.

[Page 331.]

In the foregoing case of Silvestre Bollecer, Graciano Bolosanes, and Francisco Carlos, natives, who were jointly tried, it appears that a party of natives, men and women living in Alang Alang, went into the country in the near vicinity of said pueblo for the purpose of digging camotes and securing other means of leaving; that while engaged in loading their carabaos with the result of their labor, they were approached by a band of bolomen, of whom Silvestre Bollecer and Graciano Bolosanes were active and aggressive members; and first accusing these people of being Americanistas because they lived in Alang Alang under American authority and protection, made a murderous assault upon and killed four of them. They then seized and drove away seven carabaos belonging to their victims. For such wanton crime the laws, both of war and peace, fix the penalty of death.

[Page 332.]

In the foregoing case of Vicente Castanieto, Maximino Gumangan, Timoteo Carbonel, and Rufino Ofalla, natives, it appears from the evidence that these accused had been appointed representatives of one Valle, who had recently appeared in the province of Nueva Viscaya as a commissioner of the Katipunan society; that he claimed and exercised despotic powers over the

people, and with the aid of his newly appointed officers, these accused, he proceeded to establish respect for his authority by committing the barbarous crimes of burning to death helpless women and murdering with savage cruelty two law-abiding men in the manner and form as charged.

This case is but an example of many others where "commissioners" have been sent forth by the Katipunian chiefs, which is but another form of designation of the chiefs of insurrection with instructions to terrorize peaceful communities into taking the oath of the Katipunian society and joining hands with the so-called guerrilla, but now degenerate, bands, whose chief occupation is robbery, enforced by murder and assassination of their own people. Patriotism long since ceased to be the guiding motive of these bands. The number of men and women who have been destroyed by their own countrymen under guise of making war upon the American forces now reaches high into the thousands, and the work of these cowardly assassins, now misnamed insurrectos, still goes on in a few districts where they profess to be making war against the United States, but where, in fact, they engage only in terrorizing the people into the surrender of enough property to enrich the leaders and support their ignorant and vicious followers.

Mr. RAWLINS. Mr. President, at the beginning of the remarks of the Senator from Massachusetts [Mr. LODGE], he gave us notice that he would decline to yield to any interruption. This, of course, the Senator had a perfect right to do; but now, at the conclusion of his remarks, I may with propriety call the attention of the Senate to what I really said, and to which the Senator, by a partial quotation, undertook to make response.

I used this language, Mr. President, in some remarks which I had the honor to make and to which the Senator has made allusion:

I am loath to hold up to criticism the men who take their lives in their hands and go out and fight the battles of the Republic, who are willing to take upon themselves those responsibilities which may end only in death or in honor; I am unwilling, without conclusive proof of the fact, to presume that any one of the men who have gone out and have actually done battle in the Philippine Islands ever conceived this line of policy which has recently been carried out there.

Mr. President, the Senator quoted this language from some remarks which I made:

My God, Senators, will anyone rise and tell me when and where among the most barbaric peoples you ever read such an act of brutality as that? When was anything like that disclosed elsewhere upon the face of the earth?

And other language followed it, which was quoted by the Senator from Massachusetts. That language, Mr. President, had reference to a military order which I quoted from the official records laid before us by the Secretary of War, and from which we have this language:

In addition to this punishment, any presidente or cabeza discovered to be concealing or protecting the enemy or furnishing false information or guides may be impressed as guides themselves and may be marched on foot daily at the head of columns or detachments until they have had a drastic lesson.

These people were to be taken out and marched in front of the expedition on foot, until they had "a drastic lesson," and to receive the shots that might be aimed at the soldiers belonging to the expedition. I wondered if anything of that kind had ever happened in the annals of history. The distinguished Senator from Massachusetts is a historian; I do not profess to be. He has already convicted me of the fact that I am not a historian, and I plead guilty; but that Senator, who is so good a historian, failed to give an instance in history of the kind that is contemplated in this official order which I read to the Senate.

The Senator has called attention to other acts of atrocity and cruelty which have prevailed elsewhere in the world, but he has alluded to nothing of this kind, and nothing of this kind that I know of has ever been called to my attention. Of course, it may have escaped me, but it would not have escaped the Senator from Massachusetts.

The Senator quoted this language employed by me:

Mr. President, I do not believe that Bell himself ever conceived this iniquity; this outline of policy. Perhaps it may have been Chaffee, who received his education in savagery and in cruelty and in barbarity over in China, etc.

Following that is the language which I have already quoted:

I am loath to hold up to criticism the men who take their lives in their hands and go out and fight the battles of the Republic, who are willing to take upon themselves those responsibilities which may end only in death or in honor. I am unwilling, without conclusive proof of the fact, to presume that any one of the men who have gone out and have actually done battle in the Philippine Islands ever conceived this line of policy which has recently been carried out there.

But, Mr. President, here is a line of policy outlined by American officers in the Philippines in their orders to their subordinates to which I made allusion. It may be that these orders were necessary to the pacification of the Philippine Islands; it may be that our army in the islands under the command of Otis, under the command of MacArthur, and finally under the command of Chaffee, came to the conclusion that no other policy would be effectual for the subjugation or pacification of those people than the destruction of their homes and the extermination of the inhabitants.

That seems to be the conclusion at which these Army officers arrived. These instances of torture, of the infliction of the water cure in different parts of the islands, were frequent and of such common repute that it was well known throughout the archipelago that it was but a part of the general policy which it was deemed necessary to employ in order to accomplish the subjugation

of those people and the pacification of those islands. That may be an arraignment of the Army of the United States; but I do not charge these cruelties to the Army of the United States.

The Senator from Massachusetts seeks in vain in this Senate to have us make an accusation which we do not make, namely, that the responsibility for these things rests upon the Army of the United States. The Senator would have better made an effort to follow this policy to its original source, and to have fixed the responsibility where it properly belongs. He has truly said that cruel torture has been inflicted upon American soldiers in the Philippine Islands. No one denies it. He admits that American soldiers have inflicted cruel torture upon the inhabitants of the islands, and no one can dispute it. He says the Army of the United States have been performing a duty which was incumbent upon them, and for which they are not responsible. I admit it. I then raised the query—and it was but a query—that possibly these orders emanated from Chaffee; but, Mr. President, I do not think Chaffee is responsible in any degree for these orders and for this line of policy which has been pursued.

I desire now and here to exonerate him and every other officer in the Philippine Islands. The Army of the United States and these officers have been the victims of that policy, and those Filipinos over there, whom we have been unable to protect against the assaults and cruelties of their former compatriots, their brethren and their friends—those American soldiers who, performing a thankless and unhonored task, have gone down to unhallowed graves; those officers, upon whom will ever rest the stain of the promulgation of the military orders to which I was compelled to make allusion in the remarks which I presented to the Senate, in order that the truth of history might be made manifest and that the iniquity of this policy might be disclosed to the American people, not for partisan ends—God forbid it—but for the sake of humanity and civilization and for the sake of the honor of my country.

I have deemed it proper to allude to these things, Mr. President. I shirk no responsibility for a single fact which I presented, and the Senate will note that the Senator from Massachusetts was enabled to allude to but two things stated by me in response to the speech which I had the honor to make. One was an inadvertence, an oversight upon an incident of history as to whether I meant Copernicus or Galileo, a lapsus linguæ, made in the course of extended remarks in the Senate, and the other an attempted misapplication of words which I employed in order, upon a fabrication, to base the charge that we on this side were assailing the Army of the United States.

No, Mr. President, we invited your attention in the inception of this business to the consequences which would ensue. The honored Senator sitting upon my right [Mr. BACON], all will remember, in January, 1899, alluded to the practice of cruelty in India, clearly foreboding what would ensue if that line of policy were pursued in the Philippine Islands. Ah, Mr. President, I do not lay these things at the door of Chaffee or of any soldier in the Philippine Islands. They are not there of their own choice. They are there performing a thankless task; they are there doing that which has been done by honored men elsewhere in the world.

I allude to Lord Elgin, an Englishman, a man of high character and good repute, a man whose career would disclose as many deeds of honor and of humanity as could possibly pertain to any of the men whom we have sent to the Philippine Islands, but who was sent as the agent for the execution of an iniquitous policy of aggression and subjugation into Asia, and as he surrounded the towns and cities which were to be destroyed in the execution of that policy he said, to use his own words: "I feel as if there is to be a fourth term added to the litany of misfortune. Hereafter it will be war, pestilence, famine, and Elgin." And in the Philippine Islands hereafter we, too, shall have a new litany, and it will be war, it will be pestilence, it will be cruelty—reciprocal, retaliatory cruelty upon a helpless people, not assailing us or our institutions, the victims of criminal aggression—all the result of a cruel and remorseless policy. That policy I lay at the door of the Senator from Massachusetts and other Senators who have been foremost in its promotion.

Mr. President, I have deemed it proper to say so much; but there is one other thing that I ought, in justice, to say. The Senator from Massachusetts alluded to the circumstances, and detailed them, of the death of one O'Hearn, a soldier of the United States, one of the victims of this policy. He was tied to a tree, burned for four hours, hacked to pieces, and buried. How does the Senator from Massachusetts know that? Why, twelve Filipinos were seized, put into the custody of American soldiers, and information as to how this soldier of the United States came to his death was unascertainable.

This system which prevails over there, started about two years ago, was brought into application, and what was the result? Twelve men were thrown down and subjected to the water torture. They were called upon to confess that they had been in-

strumental in bringing about the death of O'Hearn. They were tortured one day, but the necessary information was not derived; they were tortured the second day, and then, being unable to endure the torture longer, those twelve men, each and every one of them, said, "For God's sake, we can not endure this torture longer. What do you want us to say?" The interpreter, listening attentively, said, "Confess the charge which has been made against you." "What was that charge?" "That you burned this man for four hours; that you hacked him to pieces." Thereupon these men did confess, and that is the sole basis upon which is built up this fabric of alleged cruelty perpetrated by Filipinos upon this American soldier.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. RAWLINS. I decline to yield at present. The Senator can read the history of that as disclosed in our testimony before the Philippine Committee.

I rose but for one purpose, and I want those upon the other side to understand our position. Whenever any act of cruelty and atrocity is perpetrated by whomsoever, whether by Filipino or by American, it is a disgrace to any who participate in it—a disgrace to the semicivilized people of the Philippine Islands, if you are pleased to call them such, but doubly a disgrace to the people of our country and our race who are supposed to set an example of civilization and humanity to the rest of mankind.

You may as well understand now as at any time that no plea that two wrongs make one right will divert us from our purpose, if we can accomplish it, to bring to light these iniquities. When they are brought to light it will be to one end, namely, to show that you can not go into the Tropics except you carry with you degradation, abasement, and turpitude, that good men, men of the highest character can not do that which is interdicted in the providence of the Almighty without being degraded, and those who go there and do these things, who have heretofore been honorable men, are but the victims of this, your policy. Stop it to-day and you may take the reins of the Government for the next fifty years, and I will cease to refer to it any more. Retrace your steps. Put this country back in the line of policy in accordance with the traditions of those who founded it, and you may have all the offices in this country from the highest to the lowest during all the years of my life, whatever they may be. I will return to my native heath and live in satisfaction to know that this Government, created for and by the people, to uphold the principles of liberty and dispense justice and humanity, is still going to live, and that the course of this Government is not going to be turned aside from the pathway which the fathers who started it intended it to follow.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the unfinished business may be temporarily laid aside, in order that the Senate may complete the sundry civil appropriation bill.

The PRESIDING OFFICER. If there be no objection, the Philippine bill will be temporarily laid aside, and the Chair lays before the Senate the sundry civil appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the amendments made as in Committee of the Whole be concurred in in the Senate in gross?

Mr. HOAR. I desire to say a word or two about an amendment which was adopted in my absence where I think the majority of the committee were misled in adopting an amendment to the bill as it came in. I should like to state the point. I ask unanimous consent that the amendment may be treated as open.

Mr. ALLISON. It is open. If the Senator will allow me, it is the amendment of the Senate to the provision on page 60 of the bill, relating to the transportation of silver coin. The Senator from Massachusetts would like to have the amendment left open. I ask that all the other amendments may be concurred in, and then this will be reserved for a separate vote.

Mr. HOAR. Very well. Has the bill gone into the Senate?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. The bill is in the Senate, and the question is on concurring in the amendments made as in Committee of the Whole.

Mr. HOAR. It makes no sort of difference. I merely wish to state once what I have to say.

The PRESIDENT pro tempore. Without objection, then, the other amendments made as in Committee of the Whole will be concurred in. The question is on concurring in the amendment on page 60.

Mr. HOAR. Mr. President, Congress some years ago passed a measure providing for the transportation free of charge of silver coin from the Treasury. It was intended to promote, as far as possible, the use of silver, and it was provided that whenever silver coin was sent from the Treasury to any bank or business organization whatever it should be transported free of charge. Ever since there has been, I suppose, an annual appropriation to cover that expense. It was a part of the policy of the law to urge and press into circulation, as far as possible, the silver coinage of the country, which was losing its place, according to the judgment of a very large portion of the Senate.

Now, this year the House of Representatives put into the paragraph providing for that expense a provision that silver should be transported free "for general circulation," "under such regulations as the Secretary of the Treasury shall make." It is to be for the purpose of general circulation, not for any private speculation, and the Secretary of the Treasury is to make the proper regulations.

The purpose of that was to strike at this abuse. Some banks in some parts of the country make a charge for collecting checks. The banks in our part of the country in general will collect your check for nothing. You have a check on your domestic bank and you put it into a bank here, and that bank sends it to the bank where you have a deposit, and they pay it without any charge to you and generally are glad to do it. Some banks within a few years have established the practice of making a charge therefor, and there are some banks which make a good many thousand dollars a year income off such charges.

The banks in general in New England, all but 40 or 50—all the Rhode Island banks, and all the Massachusetts banks, and the largest part of the banks in Maine, although there are a few that hold out, making some five or six hundred as against 60—do this for nothing. It is as much for their interest as for the owner of the check that it should be done for nothing.

In order to avoid that charge, the bank to which the check is sent, to be forwarded for collection to the bank where the depositor has his deposit, instead of sending it by mail and having the bank which receives it send back a check, making no charge for it, sends it by an agent, which it has a perfect right to do. If I want to draw a check in Worcester, where I have a deposit, I go to the bank and they will pay it to me, but if I send it by an agent they have to pay it also across their counter. Otherwise they would be liable for damages.

The banks which do not want to have their customers submit to this extortion send the check by express, and the bank where the deposit is has to make payment, of course without charge, to the full amount of the check.

So they have hit on this device: They say if there comes under these circumstances a check for \$10,000 or \$5,000 or \$1,000, they will pay it only in silver coin, silver dollars, I suppose, or whatever sized coins they choose. The express company has to carry back \$10,000 or perhaps \$20,000 or \$5,000 in silver coin, or else they have to submit to the extortion. Those banks not only do that, but they make the Government of the United States send the silver to them at its own expense. So, if my honorable friend the Senator from Arkansas has a check on his home bank or against a deposit in New York, and he puts the check into a bank in Washington, the bank which tries to do this thing will either make him pay the exchange, or, if he gives the check to some agent to pass across its counter, it will pay him \$10,000 in silver. His agent has to lug back the \$10,000 in silver, or he has to send it by express at a cost of three or four dollars.

This the banks are able to do by requesting the United States Treasury first to send them that amount of silver free. Thus the banks make the Government pay three or four dollars in order that they may get this tax of 1 per cent or whatever they charge. They get the Treasury to send them the silver for nothing. Then they make the man who holds the check pay three or four dollars to have the money carried back to the place where he drew the check. There the silver is put on deposit, and eventually is sent back to the Treasury or subtreasury, and then the process is gone all over with again. That trick, for it is nothing but a poor, cheap trick, is played by abusing a provision which was made to get silver into general circulation as far as possible.

The House put in this clause. They maintain the policy that we shall send silver, for general circulation, at the Government's expense, into the remotest corners of the country, but they say that it is to be sent for general circulation only.

This use of the banks does not in the least help the circulation of silver. The silver merely goes in one mass into a bank, back again into another bank and into the subtreasury, and comes around and around again. The House say that it shall be for general circulation and that the Secretary of the Treasury shall make the regulations.

That, I understand, is the performance, and the Senate committee, under some strange misapprehension, has struck out the House clause and left the old performance. I should like to ask

my honorable friend the Senator from Iowa, chairman of the Committee on Appropriations, if I am mistaken in any degree in what I have said; if everything I have said is not literally and absolutely true and the whole truth?

Mr. ALLISON. My colleague on the committee, the Senator from Maine [Mr. HALE], or the Senator from Vermont [Mr. PROCTOR]—

Mr. HOAR. I guess the Senator from Vermont is president of or director in some bank which does it.

Mr. PROCTOR. No, sir; I have not a dollar of stock of, nor do I hold any office in, any bank.

Mr. HOAR. The Senator has a bank close to him that does it.

Mr. PROCTOR. There is one close to all of us.

Mr. HOAR. That is the story. I leave it to the Senator from Iowa whether I am right.

Mr. ALLISON. I yield to the Senator from Vermont.

Mr. PROCTOR. Mr. President, the history of this matter is briefly this: There is in Boston a great money institution known as the Boston Clearing House, which is autocratic in banking matters in New England. All checks that come into Boston on any bank are sent to that institution, and by it sent to the bank on which drawn for collection. It is no new thing, as the Senator from Massachusetts has said, but from time immemorial there has been a small charge by the country banks for transmitting its funds to Boston. It is a just charge. It is obliged to keep a deposit in Boston on which to draw such drafts, which deposit draws no interest, of course.

In my early recollection, which is more than half a century ago, it was a quarter of 1 per cent. Those were stage times, and there was better reason for it, but it has been reduced until now it is one-tenth of 1 per cent. That has been the custom, as I have said, from time immemorial.

Two years ago last January the Boston Clearing House issued its order that all checks of country banks must be paid at par in Boston; that is, they must remit by draft and pay it at par to the clearing house. The banks said that was an entirely new and unjust and arbitrary exaction, and resisted. Some seventy-odd banks in Maine, Vermont, New Hampshire, and Connecticut resisted. Determined to enforce its edict, the clearing house adopted the plan of sending checks by express and demanding the money over the counter of the country bank. Of course the checks were good, and the banks paid over the counter, but if they had silver they paid in silver.

Mr. HOAR. Does that come out of the customer or out of the city bank?

Mr. HALE (to Mr. PROCTOR). Go on with your statement.

Mr. HOAR. I have a right to ask a question.

Mr. PROCTOR. The clearing house found that that process was a good deal more expensive than the one-tenth of 1 per cent, so they stopped it after a while.

But at this session they sent their agent to the House, and, unbeknown to the country banks, they got this provision put in which would stop the shipping of silver. The country banks were not represented. It was a surprise to them, and it was only when the matter was laid before the committee in the Senate that any attention was drawn to it. I submitted to the committee a letter from our State treasurer, who is president of one of our country banks, and the letter is printed in the hearings. Perhaps I will ask that it be printed in the RECORD. All we ask is to let the law remain just as it has been for years. It will cost the Government nothing. They never again will undertake, if the law remains as it is, to send their checks by express. But I can not answer for what necromancy they may try next. However, I think they will gracefully yield to what has been the custom, as I have said, from time immemorial—a very moderate charge.

Mr. HOAR. May I ask the Senator from Vermont a question before he sits down? Is not the practice of charging 10 cents for collections entirely new within the last three years?

Mr. PROCTOR. Oh, no.

Mr. HOAR. I have myself been a bank director. It is absolutely new in general. It may have been done in some few cases. I think Senators have enough knowledge of the subject to know that this is a new practice.

Mr. PROCTOR. I was a director in a little country bank nearly fifty years ago.

Mr. HOAR. I thought so.

Mr. PROCTOR. Then the charge was a quarter of 1 per cent. It was gradually reduced, as I have said. For a few years I was president of a little bank, twenty years ago, and the charge had then been reduced to one-tenth of 1 per cent. I have reformed, and, as I have said, I am not now connected with any bank, but I know the custom.

Mr. HOAR. I do not doubt that my honorable friend has reformed, but I have noticed that some reformed persons get back to their old practices very easily on temptation. There is just one practical fact about this matter. If I have a deposit in a bank, I am entitled to have that bank pay me my money without any

deduction, whether I go there myself with a check and put it across the counter or whether I send my agent.

Mr. PROCTOR. Mr. President—

Mr. HOAR. Allow me to finish this proposition, and I will yield. The arrangement which these few banks, against about 600, are trying to keep up is this: I am entitled to a thousand dollars, and the bank has agreed to pay me. They have had the use of my money, without interest, perhaps for six months or a year. When I send a check by my agent, they say, "You shall pay out of it our charge for collection or we will pay it to you in silver." I have to take the thousand dollars in silver coin. Where do they get the silver? They get from the Treasury free the silver which I have to pay somebody, an express company, two or three dollars to take to the point where the check was drawn, or if I have sent my check from Washington to my agent in Rutland, Vt., I have to pay \$5 to have the thousand dollars brought to me, including insurance and transportation charges.

How are the banks able to do it? They are able to do it by getting the silver sent to them by the Government for nothing from the exact place where it is brought back to me. They keep up that process around and around, under the shelter of a law which was intended to put silver into circulation. It does not put a dollar into circulation. On the contrary, if anything can make silver odious it would tend to do so and to hurt the circulation of silver. Now I will listen to my honorable friend, the Senator from Vermont.

Mr. PROCTOR. If the Senator from Massachusetts has a check for a thousand dollars on any one of these seventy-odd banks it will be paid at par over the counter to him or any agent whom he sends there.

Mr. HOAR. No, sir.

Mr. PROCTOR. What they will not do is to depart willingly, or unless compelled to do so, from this custom, going back to time immemorial, of a slight charge for transporting the money to Boston to the clearing house.

Mr. HOAR. They do not have to transport it. They send all their other funds in a check on Boston by mail free. They have their funds in Boston, where the Senator says they do not get any interest, and they do not pay anything for the privilege of using the bank as a place of deposit for their funds, instead of having them in their vaults, and having this bank make all their accounts and exchanges. They do not have to pay anything.

This is not a question between the banks in the city and the banks in the country. It is a question solely of extorting money for doing that which other banks are glad to do without extorting from the customer, and they are doing it at the cost of the Treasury of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment made as in Committee of the Whole.

Mr. PETTUS. What is the amendment?

The PRESIDENT pro tempore. The amendment will be stated.

Mr. HOAR. I hope it will be voted down.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, line 19, it is proposed to strike out the words "for general circulation," and in line 20, to strike out "under such regulations as the Secretary of the Treasury shall make;" so as to read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, \$100,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so.

Mr. HOAR. Let me say one word. The very amendment itself, the very thing they want to strike out, confesses their case. The House provision is that silver shall still continue to be transported at Government expense for general circulation, but they want to have it transported at Government expense where it is not for general circulation.

Mr. HALE. At first blush in this matter I thought the House proposition was right. I did not think it was right for the reason the Senator from Massachusetts thought it was when he started—that the bank charged on a check when presented at their counter. That was not the grievance that I thought was cured, because I knew enough about banking to know that was not so. It never was so. When the Senator stated with great circumstantiality that it was a grievous burden to the bank that when you presented a check they charged to you a percentage, he was all wrong about it.

Mr. HOAR. The Senator will pardon me; I did not say so.

Mr. HALE. I leave that to the apprehension of Senators. The Senator very quickly changed his ground when he found he was wrong; and nobody can do it more quickly than he.

The truth is all this came up just as the Senator from Vermont has said. I found out about it by correspondence with banks. The Boston Clearing House undertook to dragoon the country banks into doing this business in their way, and in order to dragoon them sent down their checks to be cashed by the banks at their counters.

Mr. COCKRELL. Through express?

Mr. HALE. Through express. It was never done before until within the last year or two. No city association of banks, with their immense power, tried to do that. They said, "We will break down the country banks on this proposition, and we will send the checks by express right to your banks." The average countryman has not lost his wit. He is about as bright, even, as the city bankers are supposed to be, where he is interested. The bright men in the country banks said, "Very well; if this association are going to dragoon us by sending their checks by express to be paid we will send them legal currency; we will send them silver." It operated at once.

The whole thing is ended. The Boston association are not trying to do this now. The moment that the bright countrymen in the banks resorted to this remedy and sent on silver they quit. They have quit and they will never try it again unless we agree to the House provision.

Mr. COCKRELL. And then they will.

Mr. HALE. It came up in the committee. The Senator asked if the committee did not act under misapprehension. It acted under apprehension, which is different from misapprehension. It found out just what there was to this trouble, and it naturally sympathized with the country banks against this performance of the city banks.

Now, as to almost all the banks in New England having yielded to this, I know from my correspondence that most of them were dragooned to back down. They were afraid of this great association in the city, and they declined.

Mr. HOAR. May I ask my friend a question?

Mr. HALE. Yes; half a dozen.

Mr. HOAR. I will ask one first, and hear what the Senator says to it, and I will then see about the other five. I want to know if the Senator thinks it is not a legal obligation of a bank to pay my check by whatever instrumentality I want it when I present it at its counter.

Mr. HALE. That is just what I say; they have a right to do it.

Mr. HOAR. Very well. Then that is question No. 1. It is a legal obligation to pay that check without deduction. Next, have they a right, if I choose to present that check in the way I want to do it, to say, "Unless you take out a certain sum for us, we will pay you in silver, which is going to cost you a large sum to cart across the country to where you want it, and we get the Government to cart that silver to us for nothing?"

Mr. HALE. Undoubtedly they have that right, and that is the only protection they have against this city association.

Mr. HOAR. I will now ask question No. 3. I have six that I can ask. What does the Senator mean by the only protection to a bank against complying with its precise, legal, just obligation to pay me my check when I present it by any other agency I choose at their counter?

Mr. HALE. If the Senator had been a director in one of these frugal country banks—

Mr. HOAR. I have been a great part of my life.

Mr. HALE. He would have known what the protection was, because the moment the association resorted to this expedient to break down the country banks, and they countered by sending it silver by express, it stopped. The banks in Maine say that they agreed to it because they were afraid of this Boston concern; they were under the shadow of the Boston concern, and they backed down; but I am very much obliged to the Senator from Vermont and the country banks that stood their ground and naturally fell back upon this resource. It is all right; the Government will not be burdened a cent if this remains as the Senate committee, after full deliberation, put it on the bill. That is all there is to it.

Mr. HOAR. Mr. President, I want to say one word more. Of course there are a great many banks which would like to get two or three thousand dollars a year out of their customers for doing what by their contract they are bound to do for nothing. That is very likely. But can you say that it is a protection against wrong? The Senator from Maine might just as well say, if he owed you a thousand dollars, he was going to be protected against your asking for it when you wanted it by paying it all to you in silver. That is just what he is doing.

Mr. HALE. If the Senator sent it to me by express, he would have a right to have it sent me in silver.

Mr. HOAR. That is it exactly. That strips the whole thing and comes to the point the Senator will have to come to with his clear head. If the Senator owes me a thousand dollars and I want it, he has a perfect right to pay me in legal-tender silver. Now, that being so, has he the further right at Ellsworth, Me., to go to the United States Government and say, "I am going to use legal-tender silver to pay Mr. HOAR to prevent his asking me to pay it down to him for nothing?"

Now, we are not interfering with these rights of the country banks the least in the world. We are only saying that the country banks shall not charge the United States three or four dollars

expressage on every thousand, or whatever it is, to enable them to make two or three thousand dollars out of their customers every year for doing what the law requires them to do for nothing.

Mr. COCKRELL. Mr. President, just one word. I hope the Senate will agree to the amendment proposed by the committee. It is right. A Boston clearing house undertook to dominate and dictate to the country banks, and they had the manhood and the courage to deal with them legally and justly, in my opinion. They sent their checks there to take the money from out of the banks, and they paid them in the current coin of the kingdom. They paid them in standard silver dollars, a full legal tender. It is not for the Senate to inquire where they got those dollars. They got them legally. They got them according to law. We want the law to remain just as it has been ever since we commenced the use of silver. There has been no harm heretofore from this provision of law; and that the Senate of the United States shall be called upon to modify the law, so as to enable the clearing-house institutions to oppress the country banks and make them yield to their terms, whatever they are, I think is asking a great deal, even for the State of Massachusetts.

Mr. BEVERIDGE. Mr. President, there are some Senators on this side of the Chamber who have listened very attentively, but have not been able to catch very much that was said. Not only for myself, but for others, I should like to know from the chairman of the committee, or anyone else, just what will be the effect if the amendment of the committee is agreed to. What we want to know over here is what would be the difference. We have caught little scraps of the debate, but not very much of it.

Mr. COCKRELL. It would leave the existing law just as it has been ever since we commenced the use of silver. The Government transports silver wherever it is demanded.

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

Mr. COCKRELL. The provision of the House places it in the hands of the Secretary of the Treasury to say, "You do not want this money for general circulation, and you shall not have it sent to you."

Mr. BEVERIDGE. It makes it discretionary with him?

Mr. COCKRELL. It makes it discretionary with him to refuse or not refuse to allow the money to be transported. There has never been a complaint, from the enactment of the law down to the present time, except this one complaint made by the Boston Clearing House because of the country banks.

Mr. HOAR. May I ask the Senator before he sits down—

The PRESIDENT pro tempore. The Senator from Indiana has the floor.

Mr. BEVERIDGE. I wish to ask the Senator from Missouri this question: As I understand it, if the amendment of the committee is adopted the result will be that it is then taken out of the discretion of the Secretary of the Treasury, whereas if the amendment of the committee is not adopted it is left discretionary with the Secretary. Is that the situation?

Mr. COCKRELL. The Secretary of the Treasury never has refused; when applications were made for the transfer of silver it was done. There were great quantities transported at different times from one place to another.

Mr. BEVERIDGE. I understand that.

Mr. COCKRELL. If this provision of the House for general circulation under such rules and regulations as the Secretary of the Treasury shall make is put in the bill, then he can make just what regulations he chooses and determine whether it is for circulation or not.

Mr. BEVERIDGE. It is solely in his discretion, then?

Mr. COCKRELL. It is solely in his discretion.

Mr. BEVERIDGE. Whereas the committee amendment takes it out of his discretion?

Mr. COCKRELL. It leaves it just as it has been all the time.

Mr. BEVERIDGE. I understand it now.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

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

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 189) making additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington; in which it requested the concurrence of the Senate.

The message also communicated to the Senate the intelligence of the death of Hon. PETER J. OTEY, late a Representative from the State of Virginia, and transmitted resolutions of the House thereon.

The message further announced that the Speaker of the House had appointed Mr. JONES of Virginia, Mr. SWANSON, Mr. RIXEY,

Mr. HAY, Mr. LAMB, Mr. RHEA of Virginia, Mr. FLOOD, Mr. HEPBURN, Mr. MEYER of Louisiana, Mr. JENKINS, Mr. LANHAM, Mr. OLMSTED, Mr. DE ARMOND, and Mr. MCCALL as members of the committee on the part of the House.

DEATH OF REPRESENTATIVE PETER J. OTEY, OF VIRGINIA.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, May 5, 1902.

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. PETER J. OTEY, a Representative from the State of Virginia.

Resolved, That a committee of fourteen members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral, at Lynchburg, Va., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The Speaker announced the appointment of Mr. JONES of Virginia, Mr. SWANSON, Mr. RIXEY, Mr. HAY, Mr. LAMB, Mr. RHEA of Virginia, Mr. FLOOD, Mr. HEPBURN, Mr. MEYER of Louisiana, Mr. JENKINS, Mr. LANHAM, Mr. OLMSTED, Mr. DE ARMOND, and Mr. MCCALL as members of the committee on the part of the House.

Mr. DANIEL. Mr. President, I beg leave to offer the following resolutions.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and sorrow the announcement of the death of Hon. PETER J. OTEY, Representative in Congress from the Sixth Congressional district in Virginia.

Resolved, That a committee of seven Senators be appointed by the Presiding Officer of the Senate to join the committee of the House of Representatives to make arrangements for and to attend the funeral of the deceased.

The PRESIDENT pro tempore. Will the Senate agree to the resolutions submitted by the Senator from Virginia?

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed as members of the committee on the part of the Senate Mr. DANIEL, Mr. MARTIN, Mr. BATE, Mr. CLAY, Mr. GALLINGER, Mr. CLARK of Wyoming, and Mr. MILLARD.

Mr. DANIEL. Mr. President, I move that as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 6, 1902, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, May 5, 1902.

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty God our Heavenly Father, surely Thou hast laid a heavy hand upon us; and oh, how forcibly are we reminded of the uncertainty of life. Our cup of sorrow already full, Thou hast touched another member of the Congressional family and borne his spirit to the realms beyond. Genial and kindly of disposition, buoyant of heart, he had won the affection of his colleagues and friends; and by industry, courage, and devotion to duty, their respect and confidence. He will be mourned and missed here and by a devoted constituency at home; and O God, be very near we pray Thee to the stricken wife and mourning children. Put Thy loving arms about them and give them sustaining grace, and help them to look forward with bright anticipations to that future where life is eternal; in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, May 3, was read and approved.

STATUE OF MARSHAL DE ROCHAMBEAU.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent for the present consideration in the House, as in Committee of the Whole, of the joint resolution which I send to the desk.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the resolution which he sends to the Clerk's desk, to be considered in the House as in Committee of the Whole.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 189) making an additional appropriation for expenses of the dedication of the statue of Marshal de Rochambeau to be unveiled in the city of Washington.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the additional sum of \$10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State for the purpose of carrying out the provisions of the joint resolution entitled a "Joint resolution authorizing and requesting the President to extend to the Government

and people of France and to the families of Marshal de Rochambeau and Marquis de Lafayette an invitation to join the Government and people of the United States in the dedication of the monument of Marshal de Rochambeau to be unveiled in the city of Washington," approved March 21, 1902.

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

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

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

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FLETCHER, for twelve days, on account of important business.

To Mr. GAINES of West Virginia, for three days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 19371) granting an increase of pension to Charles D. Palmer, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SCOTT, and Mr. GIBSON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 12054) granting a pension to Elizabeth A. Burrill, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DEBOE, and Mr. TURNER as conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10782) granting a pension to Ole Steensland, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes on the two Houses thereon, and had appointed Mr. FOSTER of Washington, Mr. PRITCHARD, and Mr. TALLAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. BURTON, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

Joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4872) to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

DEATH OF REPRESENTATIVE OTEY, OF VIRGINIA.

Mr. JONES of Virginia. Mr. Speaker, it is with deep feeling and profound sorrow that I announce the death of my late colleague, the Hon. PETER J. OTEY, which occurred at his home in the city of Lynchburg at half past 3 o'clock on yesterday afternoon.

At some future time I shall ask the House to set apart a day when members may have an opportunity to pay tributes to the personal virtues and public services of my deceased colleague. I now send to the Clerk's desk and ask to have read the resolutions which I offer and for which I ask immediate consideration.

The SPEAKER. The gentleman from Virginia offers the following resolutions, which the Clerk will report.

The Clerk read as follows:

House resolution 240.

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. PETER J. OTEY, a Representative from the State of Virginia.

Resolved, That a committee of fourteen members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral