

Baldwin, Ill., indorsing House bill 9206—to the Committee on Agriculture.

By Mr. LINDSAY: Resolutions of Republican Union of the Eighteenth assembly district, Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Resolutions of Mena Lodge, No. 529, Brotherhood of Railroad Firemen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. LLOYD: Resolutions of Mine Workers' Union, Bevier and Novinger, Mo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 43 citizens of Macon County, Mo., in favor of giving the Missouri Enrolled Militia a pensionable status—to the Committee on Invalid Pensions.

By Mr. MANN: Resolutions of W. M. Hobbs Lodge, No. 4, of Chicago, and W. C. Pearce Lodge, No. 271, of Champaign, Ill., Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Petition of G. F. Carl and other citizens of Sanborn, N. Dak., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. McCLEARY: Resolution of Minnesota State Forestry Association, favoring the construction of forest areas—to the Committee on Indian Affairs.

By Mr. MOODY of Massachusetts: Resolutions of Bricklayers and Masons' Union No. 21, and Fish Skinners, Cutters, and Handlers' Union No. 9582, of Gloucester, Mass., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MUTCHLER: Resolutions of Onoko Lodge, No. 211, Brotherhood of Railroad Firemen, and Lehigh Lodge, No. 403, Association of Machinists, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Lodge No. 259, of Easton, Pa., Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. NAPHEN: Resolutions of Bay State Lodge No. 73, of Worcester, Mass., Brotherhood of Locomotive Firemen, favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of Lodge No. 338, Locomotive Firemen, Milwaukee, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Mine Workers' Union No. 961, Jeanesville, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of a Polish society, favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. PUGSLEY: Resolutions of Coopers' Union No. 2, of New York; Plumbers and Gasfitters' Union No. 86, of Mount Vernon, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Iroquois Club of California, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of board of aldermen of New York City, urging appropriation for dredging and deepening Buttermilk Channel, N. Y.—to the Committee on Rivers and Harbors.

Also, resolutions of the Trades League of Philadelphia, urging law authorizing communities, corporations, or individuals to improve commercial channels at their own expense—to the Committee on Rivers and Harbors.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of board of directors of the Chicago Board of Trade, approving of House bill 8337 and Senate bill 3575, amending an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Credit Men's Association of Rochester, N. Y., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, resolution of common council of Mount Vernon, N. Y., asking for an appropriation for dredging the Hutchinson River, New York—to the Committee on Rivers and Harbors.

Also, resolutions of Painters and Decorators' Union No. 454, and Electric Lodge, No. 313, of Bronx Borough, New York City, Painters' Union No. 52 of Mount Vernon, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Core Makers' Union No. 27, of Ossining, N. Y., and petition of citizens of New York City, in favor of the exclusion of the Chinese—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting a pension to George W. Sutton—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11077, to amend the military record of Peter Coyle—to the Committee on Military Affairs.

Also, papers to accompany House bill 13958, granting an increase of pension to Charles C. Pemberton—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Clothing Clerks' Union, No. 10, of Fort Wayne, Ind., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of citizens of Davenport, Iowa, in favor of the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolutions of Branch No. 538, Polish National Society, of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SMITH of Kentucky: Papers in support of House bill 7335, granting a pension to Elsy Pinter—to the Committee on Invalid Pensions.

By Mr. SNOOK: Resolutions of L. S. Holmes Post, No. 87, of Deshler, Department of Ohio, Grand Army of the Republic, favoring House bill No. 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Resolutions of Order of Railway Conductors and Bricklayers' Union, of El Paso, Tex., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of Stone Cutters' Union, of Jacksboro and Big Springs, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Order of Railway Conductors of Laredo, Tex., asking for the recall of Ambassador Powell Clayton, of Mexico—to the Committee on Foreign Affairs.

By Mr. TOMPKINS of New York: Resolutions of Laborers' Protective Union No. 8856, of Middletown, N. Y., favoring a restriction of immigration and cheap labor—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Petition of J. S. Neighbor, to accompany House bill to amend the military record of William Ridge—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Monroe Brothers, Fleisher Brothers, Joel Baily Davis Company, George H. West Shoe Company, The S. S. White Dental Manufacturing Company, Fourth Street National Bank, Bickel & Miller, Felton, Sibley & Co., E. R. Hawkins & Co., G. W. Bernstein, and J. L. Shoemaker & Co., all of Philadelphia, Pa., in regard to the bankruptcy law—to the Committee on the Judiciary.

SENATE.

THURSDAY, April 24, 1902.

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

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

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

HERRERA'S NEPHEWS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 26th ultimo, certain information relative to the claim of Herrera's Nephews for the detention and use of their steamship *San Juan*, and of Gallego, Messa & Co., for the use and detention of their steamship *Tomas Brooks*, and the occupation and use of their wharves and warehouse by the military authorities of the United States at Santiago de Cuba in 1898 and 1899; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

AUTHORITIES ON RECIPROCITY.

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting a list of authorities on reciprocity; which, on motion of Mr. CULLOM,

was, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Republican County Committee of New York County, N. Y., praying for the enactment of legislation to increase the salary of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented sundry papers in support of the joint resolution (S. R. 60) giving the thanks of Congress to Capt. Charles A. De Arnaud, on the staff of General Frémont, Missouri Volunteers, for very important and meritorious services rendered to the country in 1861; which were referred to the Committee on Military Affairs.

Mr. DILLINGHAM presented a petition of H. H. Smith Post, No. 19, Department of Vermont, Grand Army of the Republic, of Stowe, Vt., 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.

Mr. WARREN presented petitions of Typographical Union No. 184, of Cheyenne; of Carpenters' Local Union No. 469, of Cheyenne; and of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers' Local Union No. 224, of Cheyenne, all of the American Federation of Labor, in the State of Wyoming, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. WETMORE presented petitions of Typographical Union No. 33, of Providence; of the Lace Weavers' Local Union of Pawtucket; of the Amalgamated Society of Carpenters and Joiners of Providence; of Journeymen Barbers' Local Union No. 224, of Providence; of Journeymen Plumbers' Local Union No. 28, of Providence; of Iron Molders' Local Union No. 41, of Providence, all of the American Federation of Labor, and of Local Division No. 478, Brotherhood of Locomotive Firemen, of Narragansett, all in the State of Rhode Island, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. DEPEW presented petitions of Local Union No. 14, of Kingston; of Local Union No. 75, of White Plains; of Local Union No. 73, of Clayton; of Local Union No. 58, of Little Falls; of Local Union No. 68, of Middletown; of Local Union No. 71, of Hudson; of Local Union No. 69, of Canandaigua; of Local Union No. 57, of Oneonta; of Local Union No. 62, of Mount Vernon, all of the Bricklayers and Masons' International Union; of Local Union No. 711, of Buffalo; of the Sixth Branch of the Local Union, of New York City; of the Yonkers Branch, of Yonkers; of the Local Union, of Clayton; of the Buffalo District, of Buffalo; of Local Union No. 15, of Syracuse; of Local Union No. 26, of Syracuse; of Local Union No. 42, of New Rochelle; of Local Union No. 476, of New York City; of Local Union No. 478, of New York City; of Local Union No. 499, of New York City; of Local Union No. 147, of New York City; of Local Union No. 175, of Brooklyn; of Local Union No. 192, of Syracuse; of Local Union No. 203, of Poughkeepsie; of Local Union No. 229, of Glens Falls; of Local Union No. 240, of New York City; of Local Union No. 251, of Kingston; of Local Union No. 270, of Alexandria Bay; of Local Union No. 282, of Hudson County; of Local Union No. 285, of New York City; of Local Union No. 289, of Lockport; of Local Union No. 301, of Newburg; of Local Union No. 310, of Norwich; of Local Union No. 322, of Niagara Falls; of Local Union No. 357, of Bay Shore, all of the Brotherhood of Carpenters and Joiners of America; of Local Union No. 386, of Jamestown; of Local Union No. 212, of Buffalo; of Local Union No. 489, of North Tonawanda; of Local Union No. 146, of Lockport; of Local Union No. 280, of Niagara Falls; of the Local Union of Corning, all of the Retail Clerks' Association; of Local Union No. 227, of Tonawanda; of Local Union No. 156, of Binghamton; of Local Union No. 141, of Buffalo; of Local Union No. 29, of Olean, all of the Journeymen Barbers' Union; of Local Union No. 289, of Elmira; of Local Union No. 130, of Sandy Hill; of Local Union No. 109, of Geneva; of Local Union No. 80, of Syracuse, all of the Iron Molders' Union; of the Local Union of Corning; of the Local Union of Green Island; of Local Union No. 223, of Utica, all of the Boiler Makers' Union; of the Local Union of Saratoga Springs; of the Local Union of Tarrytown; of Local Union No. 2, of New York City; of Local Union No. 13, of Rochester; of Local Union No. 74, of Geneva, all of the Plumbers and Steam Fitters' Union of America; of Local Union No. 211, of Syracuse; of Local Union No. 13, of Troy; of Local Union No. 155, of Rochester, all of the National Union of the United Brewery Workmen of the United States; of Local Union No. 144, of Elmira; of Local Union No. 114, of Binghamton; of the Switchmen's Union of North America; of Hat Makers' Local Union No. 7, of Brooklyn; of Tile Layers' Local Union

No. 5, of Buffalo; of Lake Seamen's Union No. 73, of Buffalo; of Watch-case Jointers' Local Union No. 1, of Brooklyn; of the New York Plate Printers' Local Union of New York City; of Local Division No. 152, Locomotive Engineers' Local Union, of Oswego; of Laborers' Protective Union No. 8856, of Middletown; of H. G. Brooks Lodge, No. 169, Brotherhood of Locomotive Firemen, of Hornellsville; of Journeymen Bakers' Local Union No. 10, of Albany; of Eureka Lodge, No. 434, International Association of Machinists; of the Printing Press Assistants' Local Union of Buffalo; of Electric Lodge, No. 313, International Association of Machinists, of New York City; of the Trade and Labor Council of Poughkeepsie; of the Central Federation of Labor of Troy; of Steuben Division, No. 225, Order of Railway Conductors, of Hornellsville; of the Meat Cutters and Butchers' Local Union of Rome; of Leather Workers' Local Union No. 10, of Little Falls, and of Brewery Firemen's Local Union No. 30, of New York City, all in the State of New York, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the Manufacturers' Association of St. Louis, Mo., praying for the enactment of legislation to provide for the reorganization of the consular service; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. LODGE on the 23d instant, proposing to appropriate \$25,000 for the purpose of preparing and printing a new edition of the charters, constitutions, and organic laws of all the States, Territories, and colonies, intended to be proposed by him to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 111) for the relief of William J. Smith and D. M. Wisdom, reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 4408) to amend section 934 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (S. 2276) to fix the time of holding the circuit and district courts for the southern district of West Virginia, reported it without amendment.

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

A bill (H. R. 10449) granting an increase of pension to Sarah H. Lake;

A bill (H. R. 9777) granting a pension to Helen F. Lasher; and

A bill (H. R. 11325) granting an increase of pension to James Merrick.

Mr. PRITCHARD, 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. 7982) granting an increase of pension to William T. Peterson;

A bill (H. R. 7507) granting an increase of pension to James M. Ashley; and

A bill (H. R. 11894) granting a pension to Hannah A. Timmons.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 12148) granting an increase of pension to Frederick O. Clark, reported it with an amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 9037) to allow the commutation of homestead entries in certain cases, reported it with amendments, and submitted a report thereon.

Mr. KITTREDGE. I am directed by the Committee on Claims, to whom was referred the bill (S. 3209) for the relief of the heirs of William Tinder, deceased, to submit an adverse report thereon. At the request of the senior Senator from Tennessee [Mr. BATE], who introduced the bill, I ask that it be placed on the Calendar.

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

TRANSPORTATION AND SALE OF MEAT PRODUCTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr.

HARRIS on the 22d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 copies of Senate Report No. 829, Fifty-first Congress, first session, with testimony; 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

PARK SYSTEM OF THE DISTRICT OF COLUMBIA.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from New Hampshire [Mr. GALLINGER] February 12, 1902, to report it with amendments, and I ask for its present consideration.

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

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 10,000 copies of Senate Report No. 166, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 4,000 copies for the use of the Senate and 6,000 copies for the use of the House of Representatives.

The amendments of the Committee on Printing were, at the end of line 2, before "thousand," to strike out "ten" and insert "six;" in line 6, before "thousand," to strike out "four" and insert "two," and at the beginning of line 7, before "thousand," to strike out "six" and insert "four;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of Senate Report No. 166, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

DECAY OF TIMBER.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a joint resolution providing for the printing of an edition of 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry, and I ask for its present consideration.

The joint resolution (S. R. 88) providing for the printing of an edition of 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry—The Decay of Timber and Methods of Preventing it—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 10,000 copies of Bulletin No. 14 of the Bureau of Plant Industry, United States Department of Agriculture, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,000 copies 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 OF GOVERNOR OF OKLAHOMA FOR 1901.

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

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

REPORT ON BEET-SUGAR INDUSTRY.

Mr. TELLER. Mr. President, yesterday the Presiding Officer of the Senate laid before the Senate a message from the President, transmitting a report from the Secretary of Agriculture covering the progress of the beet-sugar industry during the year 1901. I find that it was referred to the Committee on Agriculture and Forestry. The President in his message says:

Your attention is invited to the recommendation of the Secretary of Agriculture that 10,000 copies of the report be printed for the use of the Department, in addition to such number as may be desired for the use of the Senate and House of Representatives.

It seems to me that the message belongs to the Committee on Printing, if we are to comply with the suggestion of the Secretary of Agriculture, which I think we all want to do.

The PRESIDENT pro tempore. It must go to the Committee on Printing if any objection is made to the reference to the Committee on Agriculture and Forestry.

Mr. TELLER. Then I ask unanimous consent to reconsider the reference and let the message be referred to the Committee on Printing.

The PRESIDENT pro tempore. Without objection, the reference will be reconsidered and the message will be referred to the Committee on Printing.

CORRECTION OF RECORD OF CITIZENSHIP.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5314) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, to report it without amendment.

Mr. McCUMBER. I ask for the immediate consideration of the bill just reported by the Senator from Massachusetts.

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

Mr. HOAR. Perhaps before the bill is read Senators may catch the purport of it better if I make a simple statement. A considerable number of persons were naturalized by Territorial courts where all the necessary requisites for naturalization were complied with, but the certificates of the clerk of the court are defective in form. The court has gone out of existence, so that it now can not amend its record or make a certificate nunc pro tunc. Of those thus naturalized a few have taken up land, which they could only do if they were citizens, and all are entitled to vote. This bill, which was drawn by direction of my honorable friend from North Dakota, provides that there may be a hearing before a United States court, and if the judge finds that the requisites were in fact complied with, notwithstanding the defect of the certificate, he may so adjudge. It makes a general bill for all like cases.

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

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.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5332) to confirm divers records and judgments admitting certain persons to be citizens of the United States and to confirm the filing, entry upon, final proof of, and title obtained to public lands, to report adversely thereon. It is merely another bill providing for the same thing. I move that it be indefinitely postponed.

The motion was agreed to.

WARRIOR SOUTHERN RAILWAY.

Mr. BERRY. I am directed by the Committee on Commerce to report back favorably, without amendment, the bill (H. R. 13575) to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River, and known as Lock 4.

Mr. PETTUS. I ask for the present consideration of the bill just reported by the Senator from Arkansas. It is a very short bill, giving the railroad company a right to cross the lands of the United States at a lock on the Warrior River.

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

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

JOHN Q. A. MOORE, E. D. SWEENEY, AND W. D. CADDELL.

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

A bill (S. 174) for the relief of John Q. A. Moore;

A bill (S. 175) for the relief of E. D. Sweeney; and

A bill (S. 1045) for the relief of W. D. Caddell—

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

Resolved, That the bills entitled (S. 174) for the relief of John Q. A. Moore, (S. 175) for the relief of E. D. Sweeney, and (S. 1045) for the relief of W. D. Caddell, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. McMILLAN introduced a bill (S. 5409) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRIS introduced a bill (S. 5410) granting a pension to Hugh Carver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5411) to amend an act, approved February 28, 1899, entitled "An act providing for the sale of the

surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes;" which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FORAKER introduced a bill (S. 5412) granting an increase of pension to Henry E. Spring; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5413) granting a pension to Frank V. Lewis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5414) for the relief of Hillis Rees; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 5415) to remove the charge of desertion from the military record of R. Severn;

A bill (S. 5416) to remove the charge of desertion from the military record of Jesse P. Brown;

A bill (S. 5417) to remove the charge of desertion from the military record of William Behymer; and

A bill (S. 5418) to remove the charge of desertion from the military record of William H. Taylor.

Mr. PETTUS introduced a bill (S. 5419) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy; which was read twice by its title.

Mr. PETTUS. I move the reference of the bill to the Committee on Naval Affairs, and make a request of that committee that the bill be referred to the Navy Department for its opinion on it. The motion was agreed to.

Mr. PETTUS introduced a bill (S. 5420) to reorganize the corps of dental surgeons attached to the Medical Department of the Army; which was read twice by its title.

Mr. PETTUS. I move that the bill be referred to the Committee on Military Affairs. I ask also that that committee be requested to refer the bill to the Secretary of War.

The motion was agreed to.

Mr. PROCTOR introduced a bill (S. 5421) granting a pension to William H. H. Avery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS. By request of my colleague [Mr. BARD], who is unavoidably absent, I desire to introduce a bill.

The bill (S. 5422) authorizing the county of Maricopa, Territory of Arizona, to issue bonds for the construction of reservoirs and dams for water storage, and for other purposes, was read twice by its title, and referred to the Committee on Territories.

Mr. McCUMBER introduced a bill (S. 5423) to prevent the sale of intoxicating liquors in Government buildings; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 5424) granting an increase of pension to Cynthia J. Shattuck; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5425) for the relief of honorably discharged officers and privates, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McLAURIN of South Carolina introduced a bill (S. 5426) to repeal the import duties upon pork, veal, mutton, and beef imported from foreign countries; which was read twice by its title, and referred to the Committee on Finance.

Mr. MONEY. On the 4th of this month I introduced a bill (S. 4956) for the relief of the estate of W. R. Butler, deceased, which was referred to the Committee on Claims. In order to correct an error in the bill, I move that the Committee on Claims be discharged from the further consideration of the same and that it be postponed indefinitely, and I will introduce a new bill.

The motion was agreed to.

Mr. MONEY introduced a bill (S. 5427) for the relief of W. R. Butler; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 5428) to amend the internal-revenue laws; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. McLAURIN of Mississippi introduced a bill (S. 5429) for the relief of the heirs of Moses Meyer, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 5430) for the relief of the estate of William Parks, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

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

A bill (S. 5431) granting a pension to Daniel Dougherty;

A bill (S. 5432) granting a pension to Joseph Tusinski; and

A bill (S. 5433) granting a pension to Anna E. Harman.

Mr. McMILLAN introduced a joint resolution (S. R. 87) to permit steam railroads in the District of Columbia to occupy additional parts of streets in order to accommodate the traveling public attending the encampment of the Grand Army of the Republic in October, 1902; which was read twice by its title, and referred to the Committee on the District of Columbia.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (S. 4848) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes; which, together with the memorial of the full-blood Mississippi Choctaws relative to their rights in the Choctaw Nation, was ordered to be printed, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HANSBROUGH submitted an amendment authorizing the Secretary of War to procure a suitable medal to be presented to those members of what was known as "Young's Scouts" who participated in the engagement at the burning bridge over the Cabon River, Philippine Islands, May 16, 1899, etc., 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. WARREN submitted an amendment providing that the number of cadets authorized to be appointed by the President from the United States at large shall be 10 per annum, but the total number of cadets at large at the Military Academy at any one time shall not exceed 40, intended to be proposed by him to the Military Academy appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

BUFFINGTON-CROZIER GUN CARRIAGE.

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

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate copies of all official reports from artillery officers in regard to the Buffington-Crozier disappearing gun carriage, made either to the War Department or to the Board of Ordnance and Fortification.

REPORT ON BEET-SUGAR INDUSTRY.

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

Resolved, That there be printed for the use of the Senate 400 copies of the report of the Secretary of Agriculture relative to the progress of the beet-sugar industry in the United States, and transmitted to the Senate on the 23d instant, omitting for the present any process plates that might otherwise delay the printing of said reports.

UNION RAILROAD STATION.

The PRESIDENT pro tempore. The morning business is closed, and the Calendar under Rule VIII is in order.

Mr. McMILLAN. I understood that the Senate was to go into executive session this morning, and I made arrangements to have a meeting of the Committee on the District of Columbia to discuss the amendment which was proposed by the Senator from Colorado [Mr. PATTERSON]. I therefore should like to have Senate bill 4825, which was under consideration in the morning hour yesterday, go over until to-morrow morning, and I give notice that to-morrow morning I shall again call up the bill.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

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 was announced as first in order on the Calendar.

The PRESIDENT pro tempore. There has been an arrangement made in relation to this bill. It goes over without prejudice.

BILLS PASSED OVER.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," was announced as next in order.

Mr. NELSON. Let the bill go over, retaining its place on the Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

COURTS IN WYOMING.

The bill (S. 1919) fixing fees of jurors and witnesses in the United States courts in the State of Wyoming" was announced

as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT pro tempore. This bill has been heretofore read in Committee of the Whole.

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

LABELING OF WINE.

The bill (S. 1847) for the proper labeling of wine purporting to be champagne was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over.

The PRESIDENT pro tempore. Retaining its place?

Mr. McCUMBER. Retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill will go over without prejudice.

FOOD ADULTERATION, ETC.

The bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced was announced as next in order.

Mr. GALLINGER. Let the bill go over without prejudice.

Mr. PLATT of Connecticut. I do not know but that the Senator from North Dakota [Mr. McCUMBER] is ready to take it up.

Mr. McCUMBER. I am ready to take it up, and I have an amendment to suggest to which I think there will be no objection.

Mr. GALLINGER. I withdraw my request that it go over.

The PRESIDENT pro tempore. The bill will be read.

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

The bill was reported from the Committee on Manufactures with an amendment, in section 2, line 4, before the words "more than \$2,000," to strike out the words "less than 500 nor;" so as to make the section read:

SEC. 2. That if any person or persons violate the provisions of this act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$2,000; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

The amendment was agreed to.

Mr. McCUMBER. I submit an amendment as a substitute for section 1.

The PRESIDENT pro tempore. The Senator from North Dakota, in behalf of the committee, offers an amendment; which will be read.

The SECRETARY. Strike out section 1 and insert in lieu thereof the following:

That no person or persons, company, or corporation shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

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

Mr. HOAR. I sympathize with the object of the bill, but I would like to have it so framed as to escape any possible trouble. Does the provision make the sale of the article an offense if the person who sells it does not know that it is falsely or fraudulently labeled?

Mr. McCUMBER. I will state in reply to the inquiry of the Senator that the bill deals with the article only as interstate commerce. It simply prohibits its transportation when it is labeled falsely as to the State or country in which it is made.

Mr. HOAR. My question is not answered by that suggestion. Suppose a man sell in a grocery store something which he bought innocently of a wholesale dealer in a neighboring city that is marked as having been produced in Massachusetts when in fact it was produced in Iowa. This provision does not say that it must be knowingly done. So in regard to transporting the article by a common carrier. An expressman has a bundle put in his cart. It is covered with a wrapper, and it turns out that it was falsely labeled. He does not know anything about it and can not know anything about it. Should not the amendment contain some words which would imply guilt on his part likewise?

Mr. McCUMBER. I think not. That suggestion might be made in regard to nearly every criminal law on our statute books. It might be said with reference to the sale of intoxicating liquors in prohibition States. The moment that you make such a provision as that a part of the law you open wide the door for the escape of almost every person against whom any complaint is made.

Mr. MITCHELL. Mr. President, it is now proposed by the Senator from North Dakota to amend the bill, and I think it should go over, in order that we may know exactly what is proposed. I object, therefore, to the present consideration of the bill.

Mr. McCUMBER. It has been read, and I hope the Senator will not object to its further consideration.

Mr. MITCHELL. In order that the amendment proposed by the Senator from North Dakota may be printed and that we may know precisely what legislation is intended, I object to the present consideration of the bill.

Mr. HOAR. Before the Senator makes his objection, I wish he would allow me to say a word, as I can not be here to-morrow, when I suppose the bill will again come up.

Mr. MITCHELL. Certainly.

Mr. HOAR. There is a very wide distinction between this case and the cases alluded to by the Senator who proposed the amendment. Undoubtedly the man who sells liquor knows what he is selling, and he may be fairly compelled to do it at his peril; but where the act is one which of itself is guilty or innocent according to circumstances which the man can ascertain, we do not require knowledge, but the man does it at his peril. But here is a case where there is to be a transportation of ordinary food products which are sold in every grocery, wholesale or retail, which are carried by express companies from cities, not merely on the railroads, but by the little expressmen, by truckmen, from a depot to a store. They can not know what the thing is, and could not do their business if they did know. Now, this bill says that a truckman who takes a package wrapped in any kind of a wrapper, and which on the inside is branded that it was made in Massachusetts, when, in fact, it was made in North Dakota, is a criminal, whether he knows anything about it or not.

I do not see how we can reasonably pass such a proposition as that on the ground that the cases where we do not require guilty knowledge are a class of their own, where it is reasonable to put the man on inquiry as to what the fact is. If he is required to have a license, he must know that he has got the license; if he is required not to sell to a child under 7 years old or under 15 years old, it is reasonable to put on inquiry a liquor seller who sells liquor to a boy, whether a boy of 15 or 14 years old, but to make criminal the transportation of an ordinary product seems to me to be a very harsh rule indeed.

Mr. McCUMBER. I wish to say, Mr. President, that this bill is not intended to affect common carriers at all; and, on the other hand, it is not intended to affect sales in the States, as it necessarily could not affect them under the Constitution, but it does affect sales in the Territories and in the District of Columbia, and in those only. I shall, however, consider this matter further when the bill again comes before the Senate.

The PRESIDENT pro tempore. The bill goes over on the objection of the Senator from Oregon [Mr. MITCHELL].

Mr. COCKRELL. I hope the amendment proposed by the Senator from North Dakota [Mr. McCUMBER] will be printed with the bill.

The PRESIDENT pro tempore. The amendment will be ordered to be printed, in the absence of objection.

Mr. MITCHELL. Mr. President—

The PRESIDENT pro tempore. The bill has gone over under the objection of the Senator.

Mr. MITCHELL. I know it has, but I should like to make a single remark regarding it.

The PRESIDENT pro tempore. If there be no objection, the Chair will hear the Senator.

Mr. MITCHELL. I do not know that I have any objection to the amendment of the Senator from North Dakota, but I should like to know what I am voting on, and for that reason I desire to see the amendment in print.

The PRESIDENT pro tempore. The amendment has been ordered to be printed.

BILLS PASSED OVER.

The bill (S. 1908) to authorize the establishment of a biological station on the Great Lakes under the control of the United States Commission of Fish and Fisheries was announced as next in order.

Mr. PERKINS. At the request of my colleague [Mr. BARD], I desire that that bill may go over without prejudice.

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

The bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was announced as next in order.

Mr. LODGE. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. That bill will go over under the arrangement made that it will be taken up to-morrow morning.

The bill (H. R. 6847) to correct the military record of Michael Hayes was announced as next in order.

Mr. PLATT of Connecticut. That bill has been reported adversely.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. MARTIN] desired to be present when action should be taken on that bill. If there be no objection, it will go over, retaining its place on the Calendar.

The joint resolution (S. R. 52) authorizing the President of the United States to invite the government of Canada to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries was announced as next in order.

Mr. LODGE. As the provisions of that joint resolution have been incorporated in the river and harbor bill, I would suggest to the Senator from Alabama [Mr. MORGAN], who reported the joint resolution, that it may as well be indefinitely postponed.

Mr. MORGAN. I think it may as well remain on the Calendar for the present.

Mr. LODGE. Very well. It may as well remain on the Calendar, as the conferees have not yet agreed upon the general bill.

The PRESIDENT pro tempore. The joint resolution will be passed over, retaining its place on the Calendar.

The bill (S. 4861) to regulate the assessment and collection of personal taxes in the District of Columbia was announced as next in order.

Mr. McMILLAN. Let that bill go over, retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place.

HALL OF RECORDS.

The bill (S. 5113) to provide for the purchase of a site and the erection of a public building thereon to be used for a hall of records was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. The Senator from Indiana [Mr. FAIRBANKS], who reported that bill, is not present, and I understand when the bill was heretofore before the Senate that the Senator from Maine [Mr. HALE], who is also absent, objected to its consideration. I think the bill had better go over under the circumstances, retaining its place on the Calendar.

Mr. VEST. I do not understand that the Senator from Maine objected to this bill. There never has been any objection to this bill. It has passed the Senate three times. When the bill has gone to the other House, on the proposition to select a site a general scramble commences, with the result that we thus far have got no hall of records.

This bill has been before Congress for twenty years. Every department of the Government, and especially the Treasury Department, I had almost said begged that it might be passed; but at any rate has suggested again and again the necessity for a hall of records. If a fire should take place to-morrow, as it has occurred twice in the Quartermaster-General's Bureau, the papers destroyed would involve the Government in the loss of millions of dollars. Three Presidents have recommended the erection of this building, as have half a dozen Cabinet officers, and yet it seems impossible to get any legislation upon the subject.

Mr. COCKRELL. If my colleague will permit me, I desire to say that I think the Senator from Maine, who is absent, did not object to this bill, but to the Senate bill 2532, which is Order of Business No. 1091 on the Calendar, in regard to the purchase of an entire block beyond Lafayette Square.

Mr. PLATT of Connecticut. I will not make any objection, and I have no objection to the bill; but it was my impression that the Senator from Maine had objected to it, and therefore I thought it ought not to be taken up in his absence.

Mr. COCKRELL. My recollection is that the Senator from Maine did not object to this bill.

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

ADDITIONAL CIRCUIT JUDGE.

The bill (S. 944) to provide for the appointment of an additional circuit judge for the ninth judicial circuit was announced as next in order.

Mr. PERKINS. In the absence of my colleague [Mr. BARD], I request that this bill go over and take its place under Rule IX.

The PRESIDENT pro tempore. Objection being made, the bill goes over under Rule IX.

LOUDON PARK NATIONAL CEMETERY.

The bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md., was considered as in Committee of the Whole. It directs the Secretary of War to purchase such additional land as may be necessary for the extension of the Loudon Park National Cemetery, near Baltimore, Md., to provide burial for such soldiers, sailors, and marines as are by law entitled to interment in that cemetery, and appropriates

\$15,000 to provide for the purchase of the land and for its necessary improvement.

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

INCREASED PENSION FOR TOTAL DEAFNESS.

The bill (S. 1359) authorizing an increase of pension in certain cases was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That from and after the passage of this act all persons on the pension roll of the United States, or who may hereafter be placed thereon, receiving pension for total loss of hearing due to causes originating in the military or naval service of the United States and in the line of duty, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of \$40 per month: *Provided*, That said increase shall in no manner affect the rate of pension now being paid and allowable for partial deafness, the rating for which shall be continued and determined in accordance with the provisions of existing law.

The amendment was agreed to.

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

Mr. BATE. I should like to ask the Senator who has the bill in charge what is the present rate of pension for such disability as this bill proposes to increase the rate to \$40 per month?

Mr. COCKRELL. Thirty dollars per month is the present rating.

Mr. GALLINGER. I will say to the Senator that the present rate is \$30 per month. The bill as introduced provided that the rate should be \$50 per month, and the committee on pensions of the Grand Army of the Republic urged on the Committee on Pensions of the Senate the propriety of increasing it to that amount. After giving the matter very careful consideration, the Committee on Pensions thought an increase to \$40 per month was an adequate increase, and that it was but justice to the few soldiers who are afflicted in this way. There are only 239 of them on the pension roll.

Mr. BATE. Do I understand that the pension is for entire deafness?

Mr. GALLINGER. Yes; for total deafness.

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

The title was amended so as to read: "A bill to increase pension for total deafness."

NATIONAL APPALACHIAN FOREST RESERVE.

The bill (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," was announced as next in order.

Mr. PRITCHARD. Mr. President, owing to the absence of my colleague [Mr. SIMMONS], I ask that that bill may be passed over for the present, retaining its place on the Calendar.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place.

PROTECTION OF GAME IN ALASKA.

The bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, was announced as next in order.

Mr. PLATT of Connecticut. I ask that that bill may go over this morning, for this reason: I supposed it was pending before the Committee on Territories, and I submitted to the chairman of the Committee on Territories an amendment to the bill, which I hoped would be adopted when the bill was reported. I have not that amendment with me at present. I shall be ready to have the bill taken up when we meet again.

Mr. BATE. I have no objection to the bill going over, but the committee having charge of it have reported it favorably, and there is an earnest desire for early action upon it.

Mr. PERKINS. I will state to the Senator from Connecticut that this is the same as the bill which is now pending before the Committee on Territories.

Mr. PLATT of Connecticut. That is what I supposed.

Mr. PERKINS. I introduced this bill early in the session, but the Committee on Territories has not had an opportunity to consider it. This bill has passed the House of Representatives and was referred to our Committee on Forest Reservations and the Protection of Game. It is believed by the people in Alaska that such legislation is necessary to save and prevent the destruction of the few deer and birds remaining there. I think it a wise bill and that it should become a law. Unless the Senator from Connecticut has some objection to offer to it, other than that there is a similar bill now pending in the Committee on Territories, I hope the bill may be considered at this time.

Mr. BATE. I wish to say that a bill similar to this has been introduced and referred to the Committee on Territories, where

it has been under consideration. The junior Senator from California [Mr. BARD] and myself have had it in charge as a subcommittee. We have acted favorably upon it, though we have not yet reported it back to the Senate. I think it is the same as the pending bill.

Mr. PERKINS. It is the same as the pending bill.

Mr. BATE. There is no objection, so far as I know, to the bill pending before the Committee on Territories.

Mr. PERKINS. The bill has the approval of my colleague, who has been endeavoring to collect data and make a report on the bill pending before the Committee on Territories; but while gathering that data the pending bill passed the House of Representatives, and it has been considered by another committee of the Senate and favorably reported.

Mr. BATE. Do I understand that this is a House bill, Mr. President?

The PRESIDENT pro tempore. This is a House bill.

Mr. BATE. There is some urgency in regard to the passage of this bill. Those interested in affairs in Alaska are very desirous that action should be taken on the bill at an early day.

Mr. PLATT of Connecticut. I doubt whether the Senator from California [Mr. PERKINS] heard what I said. I said that, as I understood, this bill or a similar one was pending before the Committee on Territories, that I had presented to the chairman of that committee an amendment which I desire to have adopted to the bill, and supposed that it would be considered by that committee. I have not the amendment here now. If I had, I should be willing to proceed with the consideration of this bill. When I can get the amendment which I desire to propose, I shall be ready for the consideration of this bill.

Mr. PERKINS. I beg pardon. I did not understand the statement of the Senator, and therefore I withdraw my request for the immediate consideration of the bill.

The PRESIDENT pro tempore. The bill goes over, retaining its place on the Calendar.

CHARLES F. SMITH.

The bill (S. 5214) granting an increase of pension to Charles F. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Smith, late first Lieutenant Company K, Fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

CAROLINE R. BOYD.

The bill (H. R. 11545) granting an increase of pension to Caroline R. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline R. Boyd, widow of Augustus Boyd, late captain and assistant quartermaster, United States Army, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

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

PROTECTION OF CITIES AND TOWNS IN INDIAN TERRITORY.

The bill (H. R. 53) for the protection of cities and towns in the Indian Territory, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That any incorporated city or town in the Indian Territory having a population of 2,000 or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks and the building of schoolhouses, such bonds not to exceed an amount the interest on which at 5 per cent per annum would be liquidated by a tax of 5 mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation; that before such bonds shall be issued the same shall be authorized by a two-thirds majority of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *Provided*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, that all the requirements of this section have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be: *Provided, however*, That before any election shall be held for the purposes herein named a census shall be taken and the population of said municipality ascertained by some suitable person, or persons, appointed for that purpose by the said judge of the district court, who shall make a sworn return to said judge showing the number of inhabitants thereof, and that the judgment or decree shall set forth the population and taxable wealth of the municipality, and said order or decree shall be printed on said bond and made a part thereof and shall be final and conclusive against said municipality in any litigation on said bonds.

Sec. 2. That such bonds shall contain all necessary and usual provisions expressing the contract, shall be signed by the mayor, and countersigned by the treasurer of such municipality, who shall keep a proper record of such

bonds. Said bonds shall not bear a rate of interest exceeding 5 per cent per annum, payable semiannually, and none of said bonds shall be sold at less than their par value.

Sec. 3. That any municipality incurring any indebtedness for the purposes provided for in this act shall, by ordinance which shall be irrevocable, provide for the collection of an annual tax sufficient to pay the interest on such bonds, as the same falls due, and also to pay and discharge the principal thereof within twenty years from the date of contracting the same: *Provided*, That if any municipality shall have the authority under any special act to issue its bonds, the amount of the bonds issued under the special act shall be first deducted, and there shall only be issued under this act such additional bonds as shall not exceed the limit provided in this act.

Mr. BATE. May I inquire by whom that bill was reported?

Mr. JONES of Arkansas. The bill was reported by the Senator from Wisconsin [Mr. QUARLES], from the Committee on Indian Affairs.

Mr. BATE. I thought that it had been reported by the Committee on Territories.

The PRESIDENT pro tempore. The Committee on Indian Affairs reported the bill.

Mr. JONES of Arkansas. I inquire what is the size of the towns authorized to issue the bonds provided for in the bill?

The PRESIDENT pro tempore. Cities or towns having a population of 2,000 or more.

The question is on the amendment reported by the Committee on Indian Affairs, which has been read.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

JAMES M. SHACKELFORD.

The bill (S. 3296) to pay certain Choctaw (Indian) warrants held by James M. Shackelford was considered as in Committee of the Whole. It proposes to pay, from the funds in the Treasury belonging to the Choctaw Nation of Indians, two Choctaw warrants for \$1,250 each and issued to James M. Shackelford, the owner, for legal services he rendered as the attorney of the Choctaw Nation.

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

DE WITT C. BENNETT.

The bill (S. 288) granting an increase of pension to De Witt C. Bennett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of De Witt C. Bennett, late of Company F, Nineteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

LONSON R. BURR.

The bill (H. R. 4129) granting an increase of pension to Lonson R. Burr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lonson R. Burr, late of Company G, Twelfth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOHN COOK.

The bill (S. 4141) granting an increase of pension to John Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "United States," to strike out "Volunteer Infantry" and insert "Volunteers," and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cook, late brigadier-general, United States Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were 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, read the third time and passed.

CHARLES D. PALMER.

The bill (H. R. 13371) granting an increase of pension to Charles D. Palmer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Palmer, late of Company F, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. COCKRELL. Let us have the report in the case read. I call the attention of the chairman of the committee to the language of the bill—"Fifty-ninth Regiment Ohio National Guard Infantry"—and to the language of the report. They do not seem to me to agree at all. Let the report be read.

The Secretary read the report submitted by Mr. GALLINGER on the 19th instant, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives is as follows:

"Charles D. Palmer, the beneficiary named in this bill, and now 57 years of age, served as a private in Company F, One hundred and fifty-ninth Ohio Volunteers, from May 2 to August 23, 1864, when honorably discharged; and again served as corporal and private in Company F of the Thirty-sixth United States Infantry from February 10, 1866, to February 10, 1869; in Company B, Sixth United States Infantry, from April 12, 1873, to June 1, 1877, when honorably discharged; and again in Company D, Fourth United States Infantry, from March 2, 1878, to May 14, 1881, when he was discharged by way of favor to support his mother.

"He is now and has been since August 4, 1890, a pensioner under the act of June 27, 1890, at the maximum rating, namely, \$12 per month, for total inability to earn a support by manual labor, the result of disease of heart, feet, and urinary organs.

"A claim to pension under the general law, filed in June, 1897, and based upon rheumatism and resulting disease of the heart, alleged to have been contracted by him while at Maryland Heights in the summer of 1864, was rejected April 2, 1902, upon the ground of no record in the War Department of the existence of said disabilities, the absence of medical treatment for the same in the service or at discharge, and claimant's inability to furnish competent and satisfactory evidence to connect his disability with his military service.

"The soldier filed the testimony of two comrades of the One hundred and fifty-ninth Ohio, to the effect that they were exposed to a severe rain storm at Maryland Heights in the summer of 1864, and that the beneficiary took a cold, which resulted in rheumatism, as a result of such exposure.

"The captain under whom he served during his first enlistment in the Regular Army also testified that it was his conviction that the beneficiary was a great sufferer from rheumatism, owing to exposure while serving in Wyoming, and that this disability was contracted in line of duty.

"Several acquaintances who knew the soldier between his discharge in 1869 and his reenlistment in 1873 testified that he was then suffering from rheumatism, and medical evidence filed by him showed treatment for the same in 1873 and perhaps earlier.

"The continued existence of rheumatism since the soldier's final discharge from the Army, in 1881, is shown by the testimony of several acquaintances, these witnesses testifying that the soldier complained of pain and aching of his legs, that he limped when walking, and that he also complained of his heart troubling him; and medical testimony as to the treatment of the soldier between 1884 and 1892 and 1897 and 1898 has also been filed, such treatment having been given for rheumatism of the shoulders, back, and hips, disease of the heart, kidneys, and disease of eyes.

"The soldier alleged that he had become totally blind in August, 1890, and proof shows that he has been totally blind since 1890; that he requires the aid and attendance of another person, and that he is in a destitute condition, having no means of support except the pension of \$12 per month.

"The certificate of medical examination made in August, 1898, rated him \$14 for rheumatism, \$17 for disease of heart, and \$6 for disease of legs, and also found him to be totally blind in both eyes.

"The rheumatism in this case is no doubt due to the long service of this soldier, and inasmuch as in addition to these disabilities he is also suffering from total blindness and is in destitute circumstances, your committee believes that, following established precedents, an increase of pension to \$40 per month is warranted, and therefore report the bill back with the recommendation that it pass."

Your committee adopt the foregoing report and recommend the passage of the bill, when amended by striking out in line 8 the word "forty" and inserting in lieu thereof the word "thirty," it being the policy of your committee not to increase beyond \$30 per month the pension of any soldier who is pensioned under the act of June 27, 1890.

Mr. GALLINGER. If the only matter to which the Senator from Missouri desires to call attention is the service, I believe the bill ought to be amended by striking out the words "National Guard" and inserting "Volunteer."

Mr. COCKRELL. That certainly ought to be, for I do not think the National Guard was in existence from 1863 to 1864.

Mr. GALLINGER. Evidently it is a mistake.

Mr. COCKRELL. I never heard of the National Guard until in recent years.

The PRESIDENT pro tempore. The amendment proposed will be stated.

The SECRETARY. In line 7 strike out "National Guard" and insert "Volunteer."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

PUBLIC BUILDING AT CROOKSTON, MINN.

The bill (S. 4975) for the erection of a public building at Crookston, Minn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Crookston and State of Minnesota, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses; *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Crookston, in the State of Minnesota."

PUBLIC BUILDING AT KINGSTON, N. Y.

The bill (S. 1463) for the erection of a public building at Kingston, N. Y., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Kingston, N. Y., the cost of the site and building, complete, not to exceed the sum of \$100,000.

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

JAMES WELCH.

The bill (S. 4862) granting an increase of pension to James Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Welch, late of Company G, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

FRANCIS W. POOL.

The bill (H. R. 1086) granting an increase of pension to Francis W. Pool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis W. Pool, late of Company G, Twelfth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$45 per month in lieu of that he is now receiving.

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

PATRICK MORAN.

The bill (H. R. 1012) granting an increase of pension to Patrick Moran was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Moran,

late of Company M, Third Regiment United States Artillery, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

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

ELIZABETH A. BURRILL.

The bill (H. R. 12054) granting a pension to Elizabeth A. Burrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Burrill, widow of Orrin A. Burrill, late of Company A, Fiftieth Regiment New York Volunteer Engineers, and to pay her a pension of \$12 per month.

Mr. COCKRELL. I beg to call the attention of the Senator from New Hampshire to the word "Engineers" in the bill. It reads "Fiftieth Regiment New York Volunteer Engineers."

Mr. GALLINGER. It is manifestly a mistake.

Mr. COCKRELL. The report shows that it was volunteer infantry.

Mr. GALLINGER. That is what it ought to be.

Mr. COCKRELL. I move to strike out "Engineers" and insert "Infantry."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 7 strike out "Engineers" and insert "Infantry."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

WILLIAM A. CAMPBELL.

The bill (H. R. 10795) granting an increase of pension to William A. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Campbell, late of Company G, Twenty-fifth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MARIETTA L. ADAMS.

The bill (S. 5337) granting an increase of pension to Marietta L. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marietta L. Adams, widow of Edgar A. Adams, late of Company A, Sixth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

WILLIAM F. HORN.

The bill (S. 5294) granting an increase of pension to William F. Horn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Horn, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

MARY C. TRASK.

The bill (H. R. 5150) granting a pension to Mary C. Trask was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Trask, widow of Amos B. Trask, late of Company G, Twenty-third Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$8 per month.

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

LANDS IN UTAH FOR EDUCATIONAL PURPOSES.

The bill (H. R. 13025) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796) applicable to the State of Utah, was considered as in Committee of the Whole. It proposes that all the provisions of an act of Congress referred to, which provides for the selection of lands for educational purposes in lieu of those appropriated for other purposes, shall be made applicable to the State of Utah.

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

BENJAMIN RUSSELL.

The bill (S. 1797) granting an increase of pension to Benjamin Russell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Regiment," to strike

out "Third" and insert "Fifth," and in line 7, before the word "and," to strike out "Infantry" and insert "Heavy Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Russell, late of Company E, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendments were 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, read the third time, and passed.

MARY HOLMES.

The bill (H. R. 7678) granting a pension to Mary Holmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Holmes, widow of John O. Holmes, late of Company F, Forty-seventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$12 per month.

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

RICHARD TRIST.

The bill (H. R. 10173) granting an increase of pension to Richard Trist was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Trist, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

THERON R. MACK.

The bill (H. R. 10179) granting an increase of pension to Theron R. Mack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theron R. Mack, late of Company A, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

IDA M. BRIGGS.

The bill (H. R. 12370) granting a pension to Ida M. Briggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida M. Briggs, widow of Fred T. Briggs, late first lieutenant Company E, First Regiment Washington Volunteer Infantry, war with Spain, and to pay her a pension of \$17 per month, and \$2 per month additional on account of each of the minor children of said Fred T. Briggs until they reach the age of 16 years.

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

OLE STEENSLAND.

The bill (H. R. 10782) granting a pension to Ole Steensland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ole Steensland, late of Company E, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

SAMUEL E. EWING.

The bill (S. 2084) granting an increase of pension to Samuel E. Ewing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Ewing, late of Company I, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

MARTHA CLARK.

The bill (S. 4759) granting an increase of pension to Martha Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Clark, widow of James P. Clark, late of Company I, Second Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elmo J. Clark, helpless and dependent son of said James P. Clark, the additional pension herein granted shall cease and determine.

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

CONSTITUTION ISLAND.

The bill (S. 3676) to authorize the Secretary of War to acquire, by purchase or condemnation, Constitution Island, in the State of New York, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, in section 1, page 1, line 4, before the words "to purchase," to strike out "and directed" and insert "in his discretion," and after the words "to purchase" to strike out "or acquire by condemnation;" in line 11, after the word "Reservation," to strike out "and the sum of \$150,000, or so much thereof as may be necessary," and insert "at and for such sum as he may deem reasonable, and the said sum so agreed upon;" so as to make the section read:

That the Secretary of War be, and he hereby is, authorized, in his discretion, to purchase, for the use of the United States, all that tract of land lying east of the easterly bank of the Hudson River and west of the westerly line or side of the New York Central and Hudson River Railroad Company land, situate in the State of New York, formerly known as East Point and now commonly known as Constitution Island, lying opposite to the West Point Military Reservation, at and for such sum as he may deem reasonable; and the said sum so agreed upon is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of said land.

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

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

NEW ORLEANS AND MISSISSIPPI MIDLAND RAILROAD.

The bill (H. H. 12938) to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River was considered as in Committee of the Whole.

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

ROBERT H. BUSTEED.

The bill (S. 3341) granting an increase of pension to Robert H. Busteed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert H. Busteed, late of Company C, Eighth Regiment Maryland Volunteer Infantry, and to pay him a pension of \$80 per month in lieu of that he is now receiving.

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

OSCAR W. LOWERY.

The bill (H. R. 5870) granting an increase of pension to Oscar W. Lowery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Oscar W. Lowery, late of Company I, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

LYDIA CARR.

The bill (H. R. 4994) granting a pension to Lydia Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia Carr, the dependent and helpless daughter of Gorrin H. Carr, late of Company C, Thirty-seventh Regiment Iowa Volunteer Infantry, and to pay her a pension of \$12 per month.

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

REBECCA COPPINGER.

The bill (S. 2336) granting a pension to Rebecca Coppinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "First," to insert "Regiment;" and in the same line, after the word "Dragoons," to insert "Sabine Indian disturbance;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Coppinger, widow of William H. Coppinger, late of Company K, First Regiment United States Dragoons, Sabine Indian disturbance, and pay her a pension at the rate of \$12 per month.

The amendments were 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, read the third time, and passed.

FREDERICK WRIGHT.

The bill (H. R. 5170) granting an increase of pension to Frederick Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Wright, late of the United States steamship *Minnesota*, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ALONZO LEWIS.

The bill (H. R. 1742) granting an increase of pension to Alonzo Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Lewis, late of Company B, Fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

SHADRACK I. CORBETT.

The bill (H. R. 4945) granting a pension to Shadrack I. Corbett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Shadrack I. Corbett, late of Company D, Third Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month.

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

EPHRAIM D. DORMAN.

The bill (H. R. 7149) granting an increase of pension to Ephraim D. Dorman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim D. Dorman, late of Company G, Second Regiment Maine Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JOHN WATTS.

The bill (H. R. 8349) granting a pension to John Watts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dependent," to strike out "the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Watts, dependent and helpless son of Little B. Watts, late of Company G, First Regiment Alabama and Tennessee Vidette Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

Mr. GALLINGER. Let the amendment be rejected. It is unimportant.

The amendment was rejected.

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

SHREVEPORT BRIDGE AND TERMINAL COMPANY.

The bill (H. R. 12867) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana, at or near Shreveport, was considered as in Committee of the Whole.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States;

A bill (H. R. 4446) for the relief of Harry C. Mix;

A bill (H. R. 10144) to donate to the State of Alabama the spars

of the captured battle ships Don Juan d'Austria and Almirante Oquendo;

A bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River, in Marion County, Tenn.;

A bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory; and

A joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac.

INDIGENT CHOCTAW AND CHICKASAW INDIANS.

Mr. JONES of Arkansas. A bill has just come from the House relative to indigent Choctaw and Chickasaw Indians which I should like to have laid before the Senate.

The bill (H. R. 13819) for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes, was read twice by its title.

Mr. JONES of Arkansas. I am directed by the Committee on Indian Affairs to ask unanimous consent of the Senate for the immediate consideration of the bill. It provides for putting \$30,000 of the funds of the Choctaw Nation and \$20,000 of the funds of the Chickasaw Nation in the hands of a commission consisting of the governor, treasurer, and an ex-chief of each of the nations, to be distributed among indigent members of the nation, the funds distributed among the nation to be charged against each individual and reported to the Government and taken out of his distributive share of the funds of the nation when the funds are divided by the Dawes Commission. There can be certainly no objection to the bill. It is earnestly asked by the authorities of the nation. The statement is made that there is great suffering among those people on account of the failure of crops last year, and it is earnestly urged by the Secretary of the Interior in a letter addressed by him to Mr. CURTIS, of the House of Representatives. In the conclusion of his letter he says:

The Department again urges that the relief requested be furnished as speedily as possible and that the bill be passed.

I ask unanimous consent to have the bill taken up by the Senate at this time for consideration.

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

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

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

HOUSE BILLS REFERRED.

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

A bill (H. R. 3153) to amend section 698 of the Revised Statutes of the United States; and

A bill (H. R. 4446) for the relief of Harry C. Mix.

The bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn., was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac was read twice by its title, and referred to the Committee on Printing.

HELENA SUDSBURG.

The bill (S. 4638) granting a pension to Mrs. Joseph M. Sudsberg was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helena Sudsberg, widow of Joseph M. Sudsberg, late colonel Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$5 per month.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting a pension to Helena Sudsberg."

HATTIE M. WHITNEY.

The bill (S. 4927) granting a pension to Hattie M. Whitney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie M. Whitney, widow of Folliot A. Whitney, late major, Sixth Regiment United States Infantry, and pay her a pension at the rate of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said Folliot A. Whitney until he reaches the age of 16 years.

Mr. WARREN. I should like to amend the committee amendment by striking out "thirty-five," before "dollars," making the pension stand at fifty, as introduced, so that the pensioner may draw \$50. I move to strike out "thirty-five" and insert "fifty."

Mr. GALLINGER. I will simply say in regard to the amendment to the amendment that under the rules of the committee \$35 is the rate the committee allows. Of course it is in the discretion of the Senate to determine otherwise, if the Senate chooses.

Mr. WARREN. Mr. President, I will take only a moment's time. It is said "the exception proves the rule," and I would like this bill to be an exception. This pension is for the widow of a gallant officer, who served both as a volunteer and a regular. He was wounded at Bull Run, and afterwards served long, faithfully, and brilliantly in the Regular Army.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 3, strike out "thirty-five" and insert "fifty" before "dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Hattie M. Whitney."

SARAH H. LAKE.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 10449) granting an increase of pension to Sarah H. Lake, a bill that I reported this morning. There are special reasons why it should be acted on.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Sarah H. Lake, widow of Charles R. Lake, late of Company F, Thirty-second Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

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

PHINEAS CURRAN.

Mr. KEAN. There are two pension bills on the Calendar that I should like very much to have passed. The first is the bill (H. R. 12468) granting an increase of pension to Phineas Curran.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Phineas Curran, late of Company G, Thirty-eighth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

THOMAS HOLLOWAY.

Mr. KEAN. I ask the Senate to place on its passage the bill (H. R. 11895) granting a pension to Thomas Holloway.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Thomas Holloway, late of Company K, Twentieth Regiment Pennsylvania Volunteer Emergency Militia, and to pay him a pension of \$12 per month.

Mr. COCKRELL. Let the report be read in that case, so that we may see what kind of a case it is.

The PRESIDENT pro tempore. The report will be read.

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

The Committee on Pensions, to whom was referred the bill (H. R. 11895) granting a pension to Thomas Holloway, have examined the same and report: The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended.

The House report is as follows:

"Records of the War Department show that Thomas Holloway, now 59 years of age, served as a private in Company K, Twentieth Pennsylvania Emergency Militia, from June 18, 1863, to August 1, 1863, when honorably discharged with his company.

"The claim of the soldier, fled under the general law on November 29, 1863, and based upon dislocation of the left kneejoint while guarding the Northern Central Railroad bridges on the line between York and Harrisburg, Pa., in June, 1863, was rejected September 25, 1897, upon the ground of no record

in the War Department of the alleged injury and claimant's inability to furnish satisfactory evidence of the incurrence of such injury in the military service and line of duty.

"In support of his claim the soldier filed the testimony of one of the members of his company to the effect that while returning from a scout one day in July, 1893, the members of the company informed him that the claimant had been injured and sent home; the testimony of another one shows that upon missing the claimant from the company he was, upon inquiry, informed that he met with some injury and was sent home; that thereafter he saw him about the camp limping; that he was lame, but was unable to say in which leg the lameness was; and the testimony of another comrade shows that on or about June 25, 1893, while in camp on the Northern Central Railroad, opposite Bainbridge, Pa., affiant visited the quarters of their captain for the purpose of securing a pass to leave camp, and upon arrival at the captain's tent he found the claimant in conversation with the captain, noticed that he was then in distress, and heard the captain say, 'You can not march with that leg, and I will have to send you home,' and that thereafter he saw the claimant go about limping.

"Another member of the soldier's regiment also testified that when the regiment was discharged he heard some one say that claimant had his leg fractured in the Army, but was unable to state under what circumstances he got hurt.

"A shopmate of the soldier testified that upon his return from the Army the claimant worked in the same shop with him; that at that time he was lame in one of his legs, and informed the affiant that he met with some accident or injury to that leg while in the Army, and continuously thereafter he continued to limp and appeared to be lame in one of his legs.

"Certificates of medical examination of the soldier made in 1891 and 1896 rated him \$10 for dislocation of the left knee, and described the disability as follows:

"There is evidence of a former forward dislocation of the left knee with patella firmly fixed and knee joint firmly ankylosed, causing 1 1/2 inches shortening. The leg is tender on pressure and painful on walking. He walks with a limp."

"A claim of the soldier under the act of June 27, 1890, was rejected upon the ground that he did not serve ninety days during the war of the rebellion.

"The evidence in this case filed by the soldier indicates that he was injured as alleged by him, and while the proof is not as specific as it might be, yet your committee are willing to resolve any doubts that may be in the case in his favor, and recommend that the relief sought for in the bill be granted.

"The bill is reported back with the recommendation that it pass."

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

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays 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. JONES of Arkansas. Mr. President, I ask if there is a quorum present?

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

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

Bacon,	Foraker,	Lodge,	Quarles,
Bate,	Foster, La.	McLaurin, S. C.	Rawlins,
Berry,	Foster, Wash.	McMillan,	Scott,
Burnham,	Frye,	Martin,	Simon,
Burrows,	Gallinger,	Mitchell,	Stewart,
Burton,	Gamble,	Morgan,	Taliaferro,
Carmack,	Harris,	Nelson,	Teller,
Clapp,	Heitfeld,	Perkins,	Vest,
Clark, Wyo.	Hoar,	Pettus,	Warren,
Clay,	Jones, Ark.	Platt, Conn.	Wellington,
Cockrell,	Kean,	Platt, N. Y.	Wetmore.
Dietrich,	Kearns,	Pritchard,	
Dolliver,	Kittredge,	Proctor,	

The PRESIDING OFFICER (Mr. KEAN in the chair). Fifty Senators have answered to their names. A quorum of the Senate is present. The Senator from Utah [Mr. RAWLINS] is entitled to the floor.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama?

Mr. RAWLINS. I yield to the Senator.

CHRISTOPHER COLUMBUS SHEETS.

Mr. PETTUS. I ask for the present consideration of the bill (H. R. 4008) granting a pension to Christopher Columbus Sheets. It is a short bill. The beneficiary is a very old man. The bill was almost reached on the Calendar this morning.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Christopher Columbus Sheets, late an acting recruiting officer of the United States in the civil war, and to pay him a pension of \$30 per month.

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

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. RAWLINS. Mr. President, the facts which I called to the attention of the Senate on yesterday related mainly to that part of the Philippine Islands known as the Visayan district and

covered the period during which General Hughes was in command. General Hughes was succeeded by General Smith. During a portion of this time General MacArthur was the general in command of our armies in the Philippine Islands. In order that I may do no injustice to any of these officers I prefer to let them speak for themselves.

There are a few more facts to which I wish to allude in relation to the Visayan district and which appears in the testimony of General MacArthur taken before the Committee on the Philippines. I invited General MacArthur's attention to that part of his official report which was made to him by General Hughes. I have already called attention to the testimony of General Hughes, in which he stated that the methods of warfare conducted in that district were not civilized because they were an uncivilized people against whom the war was waged. I read from page 894 of the hearings:

Senator RAWLINS. There is a summary of the killed and wounded on each side on page 239 of your report.

General MACARTHUR. What report?

Senator RAWLINS. I think it was made by General Hughes. This question could have been appropriately put to him, but I will ask your explanation of it. A summary is given of the killed and wounded on each side. This is page 238:

"Enemy's loss: Killed, 95; wounded, 6; captured, 4; rifles," etc. "Our loss: Killed, 5; wounded, 31."

Again, I find on page 243 a summary for December:

"Enemy's loss: Killed, 88. Our loss: Killed, 1; wounded, 3."

And again, on page 247, summary for March:

"Enemy's loss: Killed, 29; wounded and captured, 5. Our loss: Killed, 2; wounded, 1."

On page 249, summary for April:

"Enemy's loss: Killed, 13; wounded, 5."

On page 250, summary for May:

"Enemy's loss: Killed, 134; wounded, 21. Our loss: Killed, 2; wounded, 3."

On page 251, summary for June:

"Enemy's loss: Killed, 141; wounded, 1; prisoners, 54. Our loss: Killed, 1; wounded, 9."

Summary for the year, on this same page:

"Enemy's loss: Killed, 801; wounded, 88; captured, 100. Our loss: Killed, 40; drowned, 3; wounded, 72."

Then I put this question:

What I wanted, if you could, is to give an explanation as to the disproportion of the killed and wounded of the enemy as compared with the killed and wounded of our own troops.

General MACARTHUR. It arises from the fact—

I invite attention to his explanation—

that our soldiers are trained in what we call "fire discipline." That is, target practice. In other words, they know how to shoot.

That, in substance, is one explanation that he gives of the circumstance to which I have alluded. Then I presented this phase of the question to General MacArthur in the following language:

Senator RAWLINS. I have recently, with reference to these figures, examined to a certain extent the proportion of killed and wounded in the civil war; also in the war with Mexico, and we have had frequent reports as to the proportion of killed and wounded in the South African war, and I find that in all those wars the proportion of killed and wounded seems to be about the same as that shown in our loss—taking the summary for a year, killed, 40; wounded, 72. It is usually about 3 wounded to 1 killed. Now, I suppose our troops in the civil war on both sides were as accurate in their aim as our troops in the Philippines. I suppose our troops in Mexico were as skilled marksmen as the troops in the Philippines. I appreciate that the general fatality of the enemy in our troops would be much greater; but I can not quite understand the explanation you give as to the fatality resulting from wounds actually inflicted.

General MACARTHUR. There is a point there I will try to make plain.

Senator PATTERSON. What is the proportion of the killed to the wounded?

Senator RAWLINS. You mean here?

Senator PATTERSON. Yes.

Senator RAWLINS. In the summary?

Senator PATTERSON. Yes.

Senator RAWLINS. The summary of the enemy's loss, 800 killed and 30 wounded; while the summary of our loss is, killed, 40; wounded, 72.

Senator PATTERSON. That shows there are about 25 killed to 1 wounded.

General MACARTHUR. It shows that is what we have tabulated as reports, Senator; it does not show all the facts, because we did not get hold of their wounded.

It occurred then to Senator PROCTOR that the explanation which General MacArthur had given of the disproportion between the killed and the wounded in the enemy's loss was not quite tenable; and after the statement which was thus presented by General MacArthur for his explanation, the military men upon the committee, including the distinguished member of the Committee on Military Affairs and a man of military experience, Senator PROCTOR, made this suggestion to relieve that situation:

Senator PROCTOR. They carried off their wounded, I suppose?

General MACARTHUR. Yes. I was going to explain how that occurred, especially in the early operations, where the tactical operation was normal; that is, where we fought in line and observed the usual method of tactical action. In the first instance the insurrection had an abundance of men, but a limited number of arms. I have a memorandum on that subject I can introduce at the proper time.

Senator BEVERIDGE. So that the reason the proportion of the wounded to the killed is so small is because the wounded were removed and you have no data from which to give figures?

These figures relate not to the early operations of the Army in the Philippines, but cover a later period, when it is not claimed that there were any surplus men, and the men who then existed in small bands under the direction of the commanding officers of our Army were men who were directed to pursue the Filipinos swiftly, continually, and unrelentingly, to give them no rest. It was in

the execution of those commands that we find in these official reports the number of the enemy killed and wounded and our loss in respect of the killed and wounded. I submit for the consideration of fair and reasonable men whether we have any explanation which is satisfactory of the disproportion in killed and wounded of the enemy as compared with the killed and wounded of the American troops. Whenever our men came in contact, within gunshot of the enemy, they pursued them swiftly, and they would have no time to gather up and carry away the men who fell and were disabled and to make their escape.

The fact is, as appears from the official reports in relation to the campaign in the district of the Visayas, that our troops were directed not to encumber themselves with prisoners; and a fortiori were directed not to encumber themselves with the burden and care of the wounded, and when small bands of Filipinos were encountered by our soldiers they were swept from the face of the earth. It was in execution of the programme and policy to make that district a howling wilderness and to exterminate all the people who might be above the age of 10 years.

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

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. RAWLINS. With pleasure.

Mr. HOAR. I suppose there are a great many Senators in this body who can answer the question, but in the ordinary reports of battles, in ordinary wars, whether with foreign nations or in a war like our late civil war, do not the reports from the field of battle of the victorious army always contain, within the bounds of reason, a pretty fair estimate of the enemy's wounded, whether carried off or not? For instance, it seems to me the reports we have been in the habit of getting in such cases contain a fair approximate estimate of the wounded, which generally turns out to be nearly correct.

Mr. RAWLINS. Mr. President, as I have stated, in the course of this examination, as the attention of General MacArthur was called to this very matter, the reports of the different wars waged do show the number of killed and wounded. In such official reports is shown substantially the same relative proportion of wounded to killed of the enemy as of the army from which the report emanates.

Mr. PATTERSON. Mr. President—

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

Mr. RAWLINS. With pleasure.

Mr. PATTERSON. I wish to ask the Senator from Utah whether, in all the reports which have been made to the War Department by our officers in the Philippines of the killed and wounded, any attempt of any kind has been made to account for the enormous disproportion between the killed and wounded, or whether there is any suggestion that the reason the number of wounded was not found to be greater was that the Filipinos had been able to carry off their wounded?

Mr. RAWLINS. Mr. President, I have been able to find no official report on that subject. I made an examination of the official reports, and finding that for the year 1901 the number of killed in the Visayan district, of the enemy, was 800, I think, and only 30 wounded, I had the curiosity to endeavor to ascertain whether that condition of things prevailed, and I could find nothing to show it in the official report. So I called the matter to the attention of General MacArthur when he was upon the stand. His first reason, as I have already read it to the Senate, was that the aim of our soldiers was so unerring that, in spite of the changing vicissitudes of the field and of the enemy, their shot struck a vital spot, and every wound therefore carried death to the victim.

But that was so untenable a proposition when the matter was presented to him that it was immediately abandoned. Resort was then had to another equally untenable theory, that while the Filipinos were being swiftly pursued by our troops with messengers of death, they were able to stop and pick up and carry away their wounded. That, however, is too absurd to appeal strongly to the reason of intelligent men, and we have the only explanation remaining, which is that contained in reports not entirely official which came out in the course of the court-martial of Captain Waller, to the effect that his direction from his superior commander was to encumber himself with no prisoners, that he should not encumber himself with the embarrassment and care of wounded, that he should make of that land a howling wilderness and exterminate all who should be over the age of 10 years.

Mr. President, let me invite attention to some of this language, and I first read from an official report bearing date December 24, 1901, Headquarters Sixth Separate Brigade:

CIRCULAR } HEADQUARTERS SIXTH SEPARATE BRIGADE,
No. 6. } Tacloban, Leyte, P. I., December 24, 1901.

To all station commanders:

The brigade commander has become thoroughly convinced from the great mass of evidence at hand that the insurrection for some time past and still in

force in the island of Samar has been supported solely by the people who live in the pueblos ostensibly pursuing their peaceful pursuits and enjoying American protection, and that this is especially true in regard to the "pudientes" or wealthy class.

He is and for some time past has been classified that the people themselves, and especially this wealthy and influential class, can stop this insurrection at any time they make up their minds to do so; that up to the present time they do not want peace; that they are working in every way and to the utmost of their ability to prevent peace. He is satisfied that this class, while openly talking peace, is doing so simply to gain the confidence of our officers and soldiers, only to betray them to the insurrectos, or, in short, that while ostensibly aiding the Americans they are in reality secretly doing everything in their power to support and maintain this insurrection.

Under such conditions there can be but one course to pursue, which is to adopt the policy that will create in the minds of all the people a burning desire for the war to cease; a desire or longing so intense, so personal, especially to every individual of the class mentioned, and so real that it will impel them to devote themselves in earnest to bringing about a state of real peace—that will impel them to join hands with the Americans in the accomplishment of this end.

The policy to be pursued in this brigade, from this time on, will be to wage war in the sharpest and most decisive manner possible. This policy will apply to the island of Samar and such other portions of the brigade to which it may become necessary to apply it, even though such territory is supposedly peaceful or is under civil government.

Further on in this same report this occurs:

In dealing with the natives of all classes, officers will be guided by the following principles:

First. Every native, whether in arms or living in the pueblos or barrios, will be regarded and treated as an enemy until he has conclusively shown that he is a friend. This he can not do by mere words or promises, nor by imparting information which, while true, is old or stale and of no value; nor can it be done by aiding us in ways that do no material harm to the insurgents. In short, the only manner in which the native can demonstrate his loyalty is by some positive act or acts that actually and positively commit him to us, thereby severing his relations with the insurrectos and producing or tending to produce distinctly unfriendly relations with the insurgents.

Not only the ordinary natives but especially those of influence and position in the pueblos who manifestly and openly cultivate friendly relations with the Americans will be regarded with particular suspicion, since by the announced policy of the insurgent government their ablest and most staunch friends or those who are capable of most skillfully practicing duplicity are selected and directed to cultivate the friendship of American officers, so as to obtain their confidence.

Neutrality must not be tolerated on the part of any native. The time has now arrived when all natives in this brigade who are not openly for us must be regarded as against us. In short, if not an active friend he is an open enemy.

Mr. President, turning to a report made February 13, 1902, from the headquarters of Sixth Separate Brigade at Tacloban, Leyte, in the Visayan district, we have this language:

This, in outline, is "the policy" to be pursued henceforth. A few details are worked out in the following paragraphs, but all concerned are informed that any actions on their part conceived and executed in the general spirit of "the policy" outlined above will be approved and commended by the brigade commander.

Mr. BURROWS. On what page is that?

Mr. RAWLINS. I read from page 1578.

Mr. HOAR. Did the Senator state at what time that reached Washington?

Mr. RAWLINS. I am unable to state what time it reached Washington. There is a date at the end of it, "War Department, Adjutant-General's Office, April 15, 1902." That may be the date; I do not know.

Commanding officers of all stations will notify all natives living near them that for their protection they will move to within certain prescribed limits, and that so long as they remain peaceful will be afforded all opportunities to obtain food and other necessities. They will in general be paid for all labor and any assistance they are called upon to render the United States forces, and will not be disturbed in their affairs so long as they observe the requirements of loyalty to the United States Government.

Continuing:

As long as the war still actively exists, it is not necessary to seek or wait for authority from these headquarters to do anything or take any action which will contribute to its termination. It is desired that all battalion commanders give their subordinate officers a degree of confidence and latitude in operation such as is accorded to them by the brigade commander. Such restraint and supervision only should be exercised as is dictated by sound discretion, and as may be essential to securing concert of action and cooperation when desirable, adherence to authorized methods, and a uniform policy and harmonious action in working for a common end. Subordinate commanders and young officers of experience should not be restrained or discouraged without excellent reasons, but should be encouraged to hunt for, pursue, and vigorously operate against armed bodies of insurgents wherever they may be found.

The only point of that is to show the latitude that was allowed, and the virtual direction therein contained that civilized rules of warfare were no longer to prevail without expressly so directing. There you read between the lines of these clauses the policy that civilized warfare, as expressed in the testimony of General Hughes, would be abandoned against these people, because he claims they were uncivilized people many things could be done; villages, innocent so far as any proof against them was concerned, were to be destroyed in order that, if possible, some insurrecto might thereby be punished; and by punishing the women and children, they might reach more effectively the sensitive regard for them of their husbands and parents.

On December 13, 1901, this official report was made, dated Bagtanga, P. I., and addressed "To all station commanders:"

The brigade commander therefore announces for the information of all concerned that wherever prisoners or unarmed or defenseless Americans or

natives friendly to the United States Government are murdered or assassinated for political reasons, and this fact can be established, it is his purpose to execute a prisoner of war under the authority contained in sections 59 and 148. This prisoner of war will be selected by lot from among the officers or prominent citizens held as prisoners of war, and will be chosen when practicable from those who belong to the town where the murder or assassination occurred.

Mr. President, just analyze that for a moment, and think of it. If in any town anywhere anybody commits one of the crimes there designated, it is made the excuse for selecting, if they have any such in custody, a person from the town where the crime has been committed, whether he had any connection, even the remotest, or any relationship in the slightest degree with the culprit who committed the crime, he was to be taken out by some method of chance and shot to death as an evidence of the justice and the benignity of the government of occupation under the American flag! That is the proclamation issued by General Smith. If they do not at the time happen to have a prisoner in custody—and I suppose prisoners were scarce among them, although we have a report that in the year 1901 50 were taken in this district—if they did not happen to have in their custody at the time they desired to apply this law of retaliation some native from the village or the town where the offense was committed, they went to some other town or to some other village and by a death raffle selected some other person to be taken out and to be shot. Strange that these things could appear upon the official records, as they do.

But I read from the same directions, given by General Chaffee, dated Manila, Headquarters Division of the Philippine Islands, September 30, 1901:

HEADQUARTERS DIVISION OF THE PHILIPPINES,
Manila, P. I., September 30, 1901.

MY DEAR GENERAL HUGHES: I inclose to you a copy of the indorsement made by me on your letter of September 10, in which you refer to discharges from the First and Ninth Infantry.

Then he refers to certain things which are not material to my purpose. At the bottom of page 1591 I read this language from these instructions:

The condition of mind of officers and men in these islands is largely in error, and they must be given to understand that they are in error; by which I mean their opinion is that the people are far more friendly than they really are, and that they are satisfied with our presence among them. In a considerable sense this may be true; women and children are probably friendly toward us, but as a rule I would not trust 50 per cent of the male population, and they must not be trusted. It is our duty to suspicion every male inhabitant in these islands, and the proof of any error in this regard must rest with them, not so much in words as by action, which can not be misunderstood.

I reiterate:

It is our duty to suspicion every male inhabitant in these islands, and the proof of any error in this regard must rest with them, not so much in words as by action, which can not be misunderstood.

This order was dated September 30, 1901. The commanding general of our Army thus—whether based upon correct or incorrect information it is not for me to presume to say—sets up a new standard, new at least to the Anglo-Saxon mind, accustomed to the beneficent presumption of the common law, that every man, without exception, in the Philippine Islands is presumed to be under suspicion, and that word "suspicion" ought perhaps to receive some analysis until it is proven by the party suspected by acts and not by words that the suspicion should not attach to him.

We read something about the law of suspects enacted during the bloody reign of the French Revolution and the long category of things which constituted a person a suspect under the law of suspects, with consequences fatal to the persons who were thus under suspicion, and the bloody code thus enacted, known as the law of suspects, bears a very striking resemblance to this law of suspects as announced by the commanding general of our Army in the Philippines. I will read a little further at the top of page 1592 of General Chaffee's instructions to General Hughes:

While I do not urge inhuman treatment of any person in these islands, it is necessary that we be stern and inflexible, and both officers and men must be cordially supported in their duty in this regard. There is one thing necessary, and that is the wholesome fear by these people of the Army, and that every hostile motion of any inhabitant toward the troops will be quickly and severely punished. This does not interfere at all with our cordial support of the civil authority in these islands; on the contrary, it is the very best aid that we can afford for the establishment of civil government.

I have all the time thought that we do not appreciate the fact that we are dealing with a class of people whose character is deceitful, who are absolutely hostile to the white race, and who regard life as of little value, and, finally, who will not submit to our control until absolutely defeated and whipped into such a condition. It is to our interest to disarm these people and to keep them disarmed, and any means to that end is advisable. It will probably cost us a hundred lives to get back the guns lost at Balangiga.

"Any means to that end is advisable."

What becomes of your rules of civilized warfare? Why does the Secretary of War send to us that catalogue of direction in regard to methods of civilized warfare when the commanding general of our armies in his instructions to his subordinates says they must be disregarded and any means looking to the end stated here are to be approved and commended; and, as I have already read, that absolute and unqualified discretion was re-mitted to these subordinate commanders and that that authori-

zation emanated from the highest source of military command in the islands?

Mr. CARMACK. If the Senator will permit me, I wish to call attention to the peculiarity of the language used in the order, where the General says, "I do not urge inhuman conduct." It struck me as a very peculiar expression to be used. It seems to me he ought to have said, "I forbid inhuman conduct." It struck me, when the Senator read it, as a very peculiar expression—"I do not urge inhuman conduct."

Mr. RAWLINS. That is to be interpreted in accordance with the rule of grammar that two negatives make an affirmative. It was intended to convey to those to whom the instructions were issued that they were left to practice with impunity, without disapproval, inhuman conduct in the districts over which they presided. That is the only intelligent and reasonable interpretation which can be put upon it.

Mr. CARMACK. Undoubtedly.

Mr. RAWLINS. And, of course, the facts which I have already presented and which may still further be presented afford ample warrant for the belief that those subordinate commanders put that very interpretation upon it, and for that reason, with the direct approval of the highest military officer in the islands, practiced the most inhuman conduct of which the mind can conceive.

Mr. President, I read briefly from a report made by Maj. L. W. T. Waller, major, United States Marine Corps, commanding, dated Basey, Samar, P. I., November 23, 1901, in which he says:

I wish to recommend especially Capt. D. D. Porter and H. I. Bearss, either a medal of honor or a brevet. These officers carried out their instructions in the face of hardships, dangers, and incredible obstacles. Not only was personal courage of a high order displayed, but intelligence, determination, and zeal. Each footstep in the advance up the cliffs carried its own dangers.

And continuing in his work of commendation.

I read next from headquarters Sixth Brigade, Tacloban, November 29, 1901. This memorandum respectfully forwards to the adjutant-general Division of the Philippines the communication of Major Waller. Referring to the same matter, that part of it, this is forwarded by Jacob H. Smith, brigadier-general, United States Army, commanding, with this recommendation:

Maj. L. W. T. Waller, United States Marine Corps, now brevet lieutenant-colonel, has proven himself to be an officer of exceptional merit and carries out my wishes and instructions loyally and gallantly. He deserves another brevet for his services thus far, and I urge this recognition; also a general order from division commander congratulating him and the Marine Corps of his command.

I concur in his recommendations of following officers and men:

For brevets of major, United States Marine Corps: Capt. D. D. Porter; Capt. H. I. Bearss.

What had Waller and these men done? Waller makes a detailed report of his proceedings. Subsequently he was arrested and tried. He said that Smith had given him certain directions, to make of Samar a howling wilderness and to spare no one above the age of 10 years. He shot his prisoners with methods of extreme torture and cruelty. They were selected by lot. The defense of Major Waller was that he had complied with the orders of his superior commander, and he was promoted for complying with the orders of his superior commander; and the reason for such promotion was that with "exceptional merit he carries out my wishes and instructions loyally and gallantly." You will notice he carries out even his wishes and not merely his instructions. In the same court-martial the same Major Waller, thus commended, testified as to the character of his instructions, and in that testimony he was corroborated, as the official report of the War Department shows, by Captain Porter and Captain Bearss, who were also commended for promotion and received promotion for meritorious conduct.

Mr. President, I have been dealing with what is known as the Visayan district. If we had a map before us we would find it intermediate, practically, between Luzon and Mindanao. It is not upon the island of Luzon. It is to the south of it. It covers that part of the Philippine Archipelago occupied by what are known as the Visayans, of whom there are about 3,000,000. If I may be permitted to sum up the situation of affairs there, we have seen the villages burned without excuse; we have found methods of torture employed for the purpose of compelling the giving of information. The witnesses who thus testified not only gave the facts coming within their immediate knowledge and observation, but stated the repute that those things were equally prevalent in places elsewhere to which their observations did not extend.

We know it was reputed to have been done not only in this part of the islands, but throughout the archipelago wherever our army penetrated, and we can imagine the result of this kind of operation in those islands. Of course the people there could not love the hand that smote them, and I think General Chaffee was right when he said that every man capable of feeling the sentiments of indignation could not but be an enemy of the United States. It was the inevitable and necessary logic of the situation.

What race of people under the sun would love a government

that would inflict upon them such cruelties, such injustice, such death and desolation? What man fit to exist upon the face of the earth would not feel to the depths of his soul that if he had the power he would wreak vengeance upon the heads of those who had practiced cruelties and barbarism as if their reason had fled to brutish beasts, nothing surpassing it in all the history of darkness and barbarism of which we have any accounts? Of course Chaffee was right—that those people were universally, without exception, enemies to American rule; and those who think otherwise are grievously mistaken. This commander, General Chaffee, knew that not only as to the Visayan district, but as to every other district in the islands.

I know not whether this policy which he outlines was conceived by him. I am unable to fix the responsible head from whom emanated these barbarities, which would disgrace the annals of even a semicivilized country, not to speak of the nation which claims to hold aloft the escutcheon of honor and justice and fair dealing.

Mr. President, having there a people who, by reason of our injustice and wrong, feel in their souls an undying enmity and hostility to our rule, they will never submit. They will struggle to the point of their own extermination. If our dominion is to be established there, General Chaffee doubtless knows that the only logical theory which would be effectual in its execution would be the extermination of the people, making the land a howling wilderness, and taking the lives of all who would retain a memory of the wrongs which were inflicted upon their race of people. Hence the fixed limit of ten years. Those beneath that age would forget the wrong and in the end might possibly be schooled into some measure of respect for the cruel practice which had destroyed the lives of their people.

Oh, my God! that is the logic upon which Chaffee based the brutal orders and instructions which he issued to his subordinate commanders. Did Chaffee, alone, unaided, in coldness, and in brutality and in savage and unrelenting disregard of every humane sentiment or possibility of human suffering, conceive this iniquitous scheme? Whence, from what diabolical source was it derived? The American people ought to know. Is there any penalty beneath the sun adequate to be meted out to the merciless wretch who has thus brought such dishonor upon the American name and the American people?

But, Mr. President, this is but one phase of the tragedy. The Visayan district is a little more remote from the headquarters of the Army of the Philippine Islands. The magnanimity of our dealings with those people seems to be augmented in direct ratio as we depart from that center, and as we converge to it we find things more unspeakable than even those to which I have been able thus far to make allusion. I refer to the territory immediately around the city of Manila, almost within gunshot of it, extending into Batangas and Laguna and Tayabas. In Luzon what do we find? I invite the attention of the Senate to a report dated December 16, 1901, to the civil governor of the Philippine Islands from Cornelius Gardener, who was made major of the Third Infantry United States Army and provincial governor of Tayabas. On page 884 of the hearings he uses this language:

Since I have been governor I have traveled all over this province with no other escort than natives. Secondly, as civil governor I feel it my duty to say that it is my firm conviction that the United States troops should, at the earliest opportunity, be concentrated in one or two garrisons, if it is thought desirable that the good sentiment and loyalty which formerly existed to the United States Government among the people of this province should be conserved and encouraged.

Being in close touch with the people, having visited all the pueblos one or more times, having lived with them in their homes, I know that such a sentiment once existed. Of late, by reason of the conduct of the troops, such as the extensive burning of barrios in trying to lay waste the country so that the insurgents can not occupy it, the torturing of natives by so-called "water cure" and other methods in order to obtain information, the harsh treatment of natives generally, and the failure of inexperienced, lately appointed lieutenants commanding posts to distinguish between those who are friendly and those unfriendly and treating every native as if he were, whether or no, an insurrecto at heart, this favorable sentiment above referred to is being fast destroyed and a deep hatred toward us engendered. If these things need be done, they had best be done by native troops, so that the people of the United States will not be credited therewith.

Almost without exception soldiers, and also many officers refer to the natives in their presence as "niggers," and the natives are beginning to understand what the word "nigger" means.

Note the words:

If these things need to be done, they had best be done by native troops, so that the people of the United States will not be credited therewith.

This officer still has some regard for the honor and good name of his country. Continuing, on page 885 he says:

The attitude of the Army, thereby meaning most of its officers and soldiers, is, however, decidedly hostile to the provincial and municipal government in this province and to civil government in these islands in general. In Manila especially it is intensely so, even among the higher officers. The work of the Commission in the establishment of provincial governments is ridiculed, even in presence of the natives. It is openly stated that the Army should remain in charge for the next twenty years.

Note this:

Outrages committed by officers and soldiers against natives in an organized municipality and province, when reported by the presidente or governor

to the military authorities, are often not punished. This, in my opinion, is unfortunate, because loyal natives begin to fear that local self-government promised them will not last long, and that any slight disturbance in a province may at any time be made the pretext to again place it under military rule, and this is just the thing the insurgents at heart most desire.

Mr. President, in this connection I ought to allude to the fact that this report was in the hands of Governor Taft when he testified before the Philippines Committee that Tayabas was one of the provinces included in the list of what are known as pacified provinces. Governor Taft said that he would lay before the committee all the reports which he had received from the provincial governments of such provinces, but he did not lay before the committee this one report. He carried it to the Secretary of War. He continued to testify for some ten days after the 7th of February, when he thus carried this report away and lodged it with the Secretary.

The Senator from Connecticut [Mr. PLATT] was enabled to rise and point to the reports of the governors—all the reports from the governors that we then had—in proof of the proposition he made that the islands were indeed pacified and were content with American rule. We finally got this. How? General Miles made a request that he be permitted to go to the islands to see if he could not bring order out of chaos, and when his proposition failed to receive the approval of the Administration, and the correspondence in relation to that subject having been directed to be sent to Congress, it became necessary to lay it before Congress, and the Secretary of War, in explanation of the refusal to adopt Miles's plan, said it was spectacular. That made it necessary for Miles, in honor, to disclose the basis upon which he had made the suggestions he did to the President and the Secretary of War. He incidentally alluded to this report of the governor of Tayabas, which had come under his observation, giving the date of it.

Thereupon my colleague upon the committee, the Senator from Texas [Mr. CULBERSON], invited attention to the fact that one of the reports had been withheld and insisted that the Secretary of War furnish it to the committee in order that we might have complete information. Then only was this dragged forth from the seclusion which it had occupied from the time Governor Taft had received it, and when it should have been laid before the committee seeking to ascertain the whole truth about this matter. Why was this information, officially given and important to the Congress and to the American people in order that they might appreciate the real situation in the island, thus withheld?

The excuse was that it should be sent to General Chaffee in order that they might investigate it. What kind of an investigation would the very men who are the subjects of the accusations contained in the report make of their own conduct, and what kind of a report would they necessarily make to the Secretary of War and to the American people? You might as well convert the culprit arraigned at the bar of justice into the jury and judge to try himself, with the expectation of getting any result in the way of ascertaining the truth, as to refer this report, making charges against the army in the Philippines, to the determination of the army itself. I have no doubt that in due time we will receive the result of this investigation, and that the charges made by Governor Gardener will be denounced as untrue, just as we find the report in the case of Sergeant Reilly and others in regard to the water cure.

Mr. President, I next invite attention to another report, dated December 18, 1901, which was not laid before the Committee on the Philippines until long subsequent, and it was dragged out also before us at the same time that the report from the province of Tayabas was. The only difference between these two reports is that the one from Batangas was not specifically promised in his testimony by Governor Taft, while the other was. Why was it withheld? Not that it contained any facts that the American people should not know; not that there is anything which could not safely be intrusted to the American Congress, undertaking to deal by legislation with every interest in the islands; not that there is any reason on earth why we should not be possessed of the facts therein reported. Mr. President, no such excuse as that can prevail with those who are desirous of knowing fully and fairly what pertains to this archipelago. Let us see what it says.

Mr. BURROWS. What page?

Mr. RAWLINS. Page 887.

OFFICE OF THE PROVINCIAL SECRETARY,
Batangas, P. I., December 18, 1901.

HON. CIVIL GOVERNOR,
Manila, P. I.

SIR: Pursuant to section 7, last paragraph, of the provincial government act No. 83, and in compliance with your excellency's telegram dated day before yesterday, I have the honor to report to your excellency that the conditions of the province during the present year can not be more deplorable.

The mortality, caused no longer by the war, but by disease, such as malaria and dysentery, has reduced to a little over 200,000 the more than 300,000 inhabitants which in former years the province had.

All the highways and wagon roads and bridle paths are almost impassable, even for cavalry, in the wet season, except in a few places where they have been repaired by the military.

Working animals have been decimated by the epizootic (rinderpest); agriculture, the province's only source of wealth, is entirely prostrated, and as a climax to all these events, the war, with all its fatal results.

Continuing, on page 888, after alluding to some incidental matters which I will not take the time to read, the governor says:

After all, I foresee the coming of famine with all its horrible consequences. It is true that during the coming year, in so far as the resources of the province will permit, the famine referred to may be partly remedied by giving work to the poor in the repair of roads, construction of bridges, and opening of means of communication between the pueblos. These resources shall become exhausted—as they will undoubtedly—since agriculture is dead, owing to the lack of working animals, which has been general throughout the archipelago. Famine must reign in this province in the coming years, and God grant that it may not be for a long time.

This is all I can report to your excellency.

Very respectfully, your obedient servant,

FLORENCIO R. CAEDO,
Provincial Secretary.

That is dated the 18th day of December, 1901; and I want the vision of Senators to rest upon the picture thus presented, because it is to be the field in relation to which I am about to present some observations which I think ought to interest and concern at least humane and justice-loving men and women.

More than 300,000 people, for the reasons given, were reduced to about 200,000. One-third of the population of Batangas had thus perished from the face of the earth. Their draft animals, the means by which they carry on agriculture, have been swept away by disease. Their land has been swept by war and by pestilence. No such calamity, perhaps, ever befell a people as is disclosed in this report as having befallen the people of Batangas.

Mr. President, if we are to take this one province as an example it looks as if things most pernicious and evil followed in the trail of the occupation of that land by the American troops. When we appeared it was as if a tornado swept the land. Even the winds were venomous. The vapors became the poisoned vehicle of the wrath of the Almighty. Death lived and Life died.

Mr. President, we leave these people for the time being, on the 18th day of December, confronted with every prospect of famine. I have already read the direction of General Chaffee. I invite attention to an order issued on the 9th day of December, 1901, to all station commanders by Gen. John F. Bell, brigadier-general, commanding the province of Batangas:

Commanding officers are urged and enjoined—

Says this officer—

to use their discretion freely in adopting any or all measures of warfare authorized by this order, which will contribute in their judgment, toward enforcing the policy or accomplishing the purpose above announced.

Further on, at page 1609:

No person should be given credit for loyalty simply because he takes the oath of allegiance or secretly conveys to Americans worthless information and idle rumors which result in nothing. Those who publicly guide our troops to the camps of the enemy, who publicly identify insurgents, who accompany troops in operations against the enemy, who denounce and assist in arresting the secret enemies of the Government, who publicly obtain and bring reliable and valuable information to commanding officers—those, in fact, who publicly array themselves against the insurgents, and for Americans, should be trusted and given credit for loyalty, but no others. No person should be given credit for loyalty solely on account of his having done nothing for or against us so far as known. Neutrality should not be tolerated. Every inhabitant of this brigade should either be an active friend or be classed as an enemy.

Presidents and chiefs of police against whom sufficient evidence can be found to convict them before a court of violating their oaths by acting as agents for insurgents, or by aiding, assisting, or protecting them in any way—

In any way—

should be arrested and confined, and should ordinarily be tried by military commission.

That order was to apply to a people one-third of whose inhabitants had perished from the face of the earth, and the remainder of whom were confronted by starvation and probably all by extinction.

I next read an order by General Bell to all station commanders, dated Batangas, December 23, 1901.

Mr. BURROWS. On what page?

Mr. RAWLINS. On page 1621. Note this language:

All commanding officers in the provinces of Batangas and Laguna are warned against beginning to issue food gratuitously until want and privation absolutely necessitate it. Whenever Government stores of rice are held it is best to preserve the same until the current supply in the town has been used up at regulated prices; then the Government rice may be sold at the same regulated prices to those who are able to buy it. Many of the very poor people who have no food nevertheless have money with which they can buy it, and none should be issued gratuitously until it has been thoroughly determined by a searching investigation that the individuals applying for charity have no means with which to purchase food.

The governor's report was on the 16th. This was on the 23d, seven days afterwards. Put those two statements in juxtaposition. But that is not the worst of it, because under these orders the food which remained to these starving people in Batangas was taken and seized by the Army, and the people were to buy the food which had thus been seized, and the very poor were not to receive a morsel, unless they paid for it, until after a most rigid investigation it was ascertained that they were starving and that they could not pay for it. How long in the red tape of the Army a man would have to starve while waiting upon the investigation

which decided his fate (all that he possessed had been seized by the military power, and it was but a pittance), we are not informed by any of these official reports concerning the military occupation in these islands. On the same date another—

Mr. BURROWS. If the Senator will allow me, does he not think that he ought to read a little further on page 1621, as showing the reason why food should not be liberally issued?

Mr. RAWLINS. I will read the whole of it:

Such persons, with the membership of their families, will be carefully registered and will be issued very limited supplies of food at frequent periods, preferably daily. In issuing rice each adult member of a family will be allowed one chupa per day, and the same amount to each two children. A chupa measure can be found in any retail shop. Great pains will be taken not to unduly pauperize the people, for if the people discover any unwise or excessive liberality in the free issue of food the entire population (excepting the rich and well-to-do) will certainly flock around and claim to be paupers in order to obtain free issues of food. All officers should carefully husband their supplies in anticipation of a period of real want and suffering.

Wherever there are standing crops still ungathered, it is desired that commanding officers give protection to peaceful people in order to enable them to gather their palay. It is also desired that whenever conditions become favorable for the planting of new food crops commanding officers likewise give protection and such assistance as may be practicable to those who have gathered at towns seeking our protection, in order that they may replant their land.

What he means by peaceful people we have already understood. The presumption is that every person in the islands is an enemy and is against peace until the contrary is shown, according to the methods of General Bell. What the General means when he says "all officers should carefully husband their supplies in anticipation of a period of real want and suffering" is past all comprehension, when nine days before we have a report from that island to the effect that in the past short period one-third of the population had perished by starvation and malaria, that they were then confronted with a condition of starvation, and that he did not know what was going to happen to them on account of the scarcity of food. Here we have the military commander taking control of everything and enjoining care that no excessive issues be made to these people lest it might encourage pauperism.

But, Mr. President, let me proceed to read an order issued by this same commander, dated at Batangas, December 24, to all station commanders.

Mr. BURROWS. On what page?

Mr. RAWLINS. On page 623. I read at the top of the page, from an order by this same commander, the following language:

It is not intended by this circular to deprive station commanders of discretion, but it is desired that under its provisions they assume an advanced and stringent policy and maintain it relentlessly.

Think of the significance of that and what it implies! Rules relating to civilized warfare are obsolete. Unlimited discretion is given to station commanders to carry out their own judgment and to carry it out relentlessly. With everything in the province already facing starvation, already decimated to the extent of one-third of its number, with all its draft animals perished from the face of the earth, they are now to be made to understand the beneficence of American rule.

The next day did the general relent? This was on the 23d. On the following day, December 24, from the same station he conceived something else. What is it? Omitting the premise, he says:

First. Until the reestablishment of civil government and the making of provisions thereby for the repair of roads and performance of other public work, the old Spanish law requiring either fifteen days' free labor or three pesos tax in lieu thereof may be enforced and road work be begun as soon as it is practicable or safe to do so. Station commanders will see that engineer officers in charge of road construction are furnished free labor, and the money collected pursuant to this provision will be used to purchase rice for those who labor. Wherever no engineer officer is at work and there is a piece of road needing repair, station commanders will, when practicable, detail an officer to supervise the repairs and put the people to work, and will furnish the officer so detailed with sufficient assistance of soldiers and noncommissioned officers to give protection to and require those working to labor faithfully and intelligently.

These starving people, with their emaciated forms, unable to lift up their heads, were to have their little pittance wrested from them; and they were to be dragged out, without any reason on earth, on the high roads and made to work, and to work faithfully and intelligently. They were to work until they starved. They were to make bricks without straw. They were to be the victims of an inhuman policy that would startle even an Alaric or an Attila.

But he had not conceived everything of iniquity and cruelty yet to be applied. The same day, but a little later, I suppose, he thinks of something else. Those people, already on the road to perdition, were to be sent into a condition where the tortures of the damned would be supreme and superlative happiness compared with what they would be called upon to endure. On the same date, the 24th of December, 1901, ten days after, we are informed officially of the state of starvation of these people. We find the following:

First. Presidents and cabezas will be required to notify the nearest military commander at once whenever insurgents are discovered to be within the limits of their jurisdiction. For any failure in this regard they will be

tried and punished by provost court. 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.

Second. Should the inhabitants of any town fail or refuse to furnish sacati or wood, and there being no assignable reason for said failure or refusal apparent to commanding officers, said failure or refusal may, without great danger of error, be attributed to the influence or threats of disloyal principales or officials. In such a contingency commanding officers may arrest principales and officials believed to be disloyal and, joining them with insurgent officers and prominent and influential persons held as prisoners of war, march them out under guard and require them to cut and deliver sacati until they are willing to induce the poor people to furnish it for compensation, as usual.

The presumption is against every presidente and every cabeza by these station commanders. They are all enemies and insurgents and traitors to the United States. They must be given a drastic lesson. Why are the principal men of the town, the leading officials, who have done no overt act, to be seized? Then what is to become of them? They are to be dragged out and put in front of the expeditions of the soldiers of the United States, and they are to be marched on daily at the head of the columns or detachments until they have had a drastic lesson.

The query arose in my mind, Why thus put these principal men of these barrios and towns out in front of the marching soldiers of the United States, on foot, to trudge along day after day—these starving people—to be marching every day until they had a drastic lesson or until they fell down and were relieved by death of the torture? This was not, perhaps, a vicarious punishment, for whenever an offense was committed anywhere by any man who was so unfortunate as to have become a prisoner of the American troops he was to be taken out and shot to death in Batangas; and now we find that people who had not offended, whose only offense at least was neutrality and inaction—that they did not go out to aid their compatriots and people of their own race—were to be seized and placed at the head of the expedition of the soldiers of the United States, perhaps as a shield to receive the shot and fire of their compatriots, and thus screen the American soldiers from the peril with which otherwise they might be confronted.

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? Just think of General Grant taking people in the South who remained neutral, in so far as they did not engage in actual hostilities against the American troops, and seizing them and placing them in front of the armies of the United States as a shield to protect them and to receive the shots of those who were seeking to defend what they conceived to be the right! But there in the Philippine Islands, great God, what right have we to practice these brutalities against those people? What crime have they ever committed against us that they should be afflicted with the tortures of the fiend incarnate?

Why, Mr. President, such wrongs to those people whom we had called to our side, with weapons furnished to them by us, and who had marched against the common enemy, whom they had learned to believe was the enemy to the human race by reason of its ancient practice of cruelty and oppression, when they had assisted us and had brought about a glorious victory to the American arms and to the American people for the sake of humanity and liberty—we turned traitor to them; we demanded their unconditional surrender; we shut the gates of their own city against them; we turned our arms against them without any pretense or excuse or justification; we mowed them down with horrible slaughter; we swept them away as with the besom of destruction; we paralyzed them and rendered them helpless. They had nothing in their possession with which longer to indulge in the luxury of protection to their homes, their lives, and their fortunes. We decimated them until one-third of them had fallen and gone into the dust, and over whom we still trample without mercy and without humanity.

Now these people are to be subjected to tortures, to cruelties unspeakable and beyond the power of human tongue to describe, and all in the name of civilization, all in the name of justice, all to uphold the glory and the prestige of American arms and to strike terror to all the helpless peoples in the world and make them believe that the American people are in reality a great and honorable nation. If there is a God in heaven, dispensing justice and right, what penalties must come to us by reason of these infractions of all rules both human and divine.

Mr. BURROWS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. RAWLINS. Certainly.

Mr. BURROWS. The Senator omitted, on page 1623, to read that portion of the order requiring these parties to work on the highways, which reads as follows:

The object of this provision is to give beneficial occupation to the able-bodied men concentrated in towns and to compel them to earn food for themselves and their families.

I suppose it was an inadvertence on the part of the Senator that he did not read this portion of the order, but it ought to go into the RECORD to make the story complete.

Mr. RAWLINS. I am very glad to have the Senator read that or anything else which he wishes to read in that connection.

Mr. BURROWS. With the permission of the Senator, then, I want to call his attention to an omission in another instance. I ask the Senator on what page it was that he was reading the statement in regard to the population being reduced from 300,000 to 200,000.

Mr. RAWLINS. Is that some other horrible detail which the Senator has discovered?

Mr. BURROWS. No; the same one to which the Senator alluded.

Mr. RAWLINS. That was on page 1571.

Mr. BURROWS. The Senator omitted a little thing that ought to go in on page 1571.

Mr. PETTUS. Mr. President, I ask permission of the Chair to be allowed to address the Senator a question.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. BURROWS. Certainly.

Mr. PETTUS. I want to know if the Senator from Michigan, in what he has just read, is proposing to justify or excuse the order in question?

Mr. BURROWS. I propose only to give the reasons assigned by the officer for this order. As to the picture of the wiping out of the 100,000 people, the Senator will notice that it was all occasioned by disease and not by war. But further on in that report from the governor, I think the Senator ought to have read—of course he did not have time to read the whole of it—this statement:

The committees of the Federal party having been created in the pueblos of the province since February last, civil rule having been inaugurated and established since the May following, and the pueblos having been organized into municipalities pursuant to the existing municipal code, with the exception of Cuenta, Taysan, and Rosario, all of us who were lovers of peace and order hoped that those who were still in arms would surrender and recognize American sovereignty, in order to enjoy the benefits of that rule with us. But the revolutionary leaders, miserably deceived by the revolutionary committee of Hongkong, and all of them, down to the last private, being the rulers over the life and property of the poor farmers who live outside the immediate protection of the American forces, have wished to remain in arms, for if they surrender the greater part will become vagrants, accustomed as they are to living at the expense of others.

Nevertheless, through the efficient measures which the illustrious General Bell is beginning to take, such as the blockade of the ports of this province and the prohibition of all trade, it is to be hoped that within a short time the desired peace may be secured; all the more since all the pueblos are clamoring for it and willing to lend their valuable assistance to its securement.

I think that, perhaps, should go in with the picture which the Senator gave to us.

Mr. RAWLINS. Mr. President, that which has just been read by the Senator from Michigan, entirely agreeably to me, did not very pertinently pertain to the point which I was discussing; but as I shall have occasion to allude to it for another purpose presently, I am very much obliged to the Senator for putting it in the RECORD and relieving me from the necessity of doing so.

But I might as well allude to the purpose which I had to refer again to that matter in logical connection, which was that that governor reported that in many of the barrios among many of the people of this province of Batangas there was a disposition and a desire on their part to be subordinate to American rule and to conform in every way to the requirements of the civil government throughout the islands; and that, notwithstanding such appeared to be the condition as reported in this document which the Senator has read, as soon as the distinguished general, whom he has referred to, appeared upon the field he issued an order, under the direction of the commanding general of the islands, that every one of those people, including perhaps the very man who made this report, was to be presumed conclusively as a traitor to the United States until he had, by the methods pointed out, proved his loyalty by engaging in the destruction of his own people, by turning spy and informer against them, and cooperating with the American troops in carrying out the methods of warfare which were outlined in those orders to which I have invited the attention of the Senate.

But, Mr. President, some of the people did not conform to what this particular civil officer, in the pay of the United States, thought would be the proper policy for them to pursue. They could not see it in the light that they should go out and shoot down their brethren, their relatives, and their friends; they could not see it as a criterion of fitness to occupy any position as a civilized people if they thus tamely submitted to the requirements of these orders issued by our military commanders. I think there is not a Senator upon the other side of the Chamber who in his heart can not but feel more respect for them than he would feel for the men who would, under the drastic penalties denounced

against those who acted to the contrary, submit to them and go out and fight against their own people and shoot down their own relatives and their own friends.

Mr. President, I was diverted somewhat from the line of argument I was pursuing. I was reading, I believe, from page 1625 of the hearings before the Committee on the Philippines. I will read further from the same order on page 1626, and I want the attention of Senators to this, because we all will be interested in it, and it is pertinent to the suggestion made by the Senator from Michigan [Mr. BURROWS] in that part of the report which he read for my convenience. This is an order of General Bell, dated December 24, 1901:

Fifth. All officers will exact respect for the American flag and for officers and bodies of troops as representatives of the great nation to which they pertain. It has resulted from the lenient policy which the Government has heretofore pursued that the people of these islands look down upon the representatives of the Government to such an extent as to pass by them and their flag with sullen disdain. Hereafter all natives of this brigade, irrespective of standing, will be required to show that respect which is due from the people to the Government of occupation.

We had the testimony of Governor Taft and Major Gardener and other witnesses before the Philippine Committee, to which the Senator from Michigan alluded, as to how Macabebe scouts, under the direction of American officers, spent their nights and days seizing unoffending people, throwing them down upon their backs, prying open their mouths, filling them with water, and torturing many of them to the death. We have seen how Bell had commanded these people to be marched at the head of the expedition on foot day after day to give them a drastic lesson. We know that by reason of our occupation, and the pestilence which ensued as an incident of it, one out of three of their number had perished from the face of the earth, and that, as a necessary consequence, starvation threatened the lives of the rest. This military commander was surprised and indignant that these people should pass by with sullen silence the men who were the authors of their misfortunes and not pay to the army of occupation that respect which they in their character felt themselves entitled to. He says:

Hereafter all natives of this brigade, irrespective of standing, will be required to show that respect which is due from the people to the government of occupation.

The poor, hungry little child, trudging along, if it were able to walk, and the mother seeing her offspring perishing of pestilence and disease and starvation, and looking into the face of the cruel author of her misfortune, the father dragged away from those he loved and put in front of the expedition to march day after day till he had received the drastic lesson, and to operate as a shield for the protection of the American troops and to receive the bullets from his compatriots in arms—those people who were enslaved by the order of this commander and made to work upon the roads in order that they might earn a pittance of food, such as is specified, but that food not to be in excess—this military commander says that these people, now having drunk the bitter dregs to the utmost, are to be compelled to pay respect to the cruel authors of it all.

Mr. CARMACK. Who is that?

Mr. RAWLINS. J. F. Bell. 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, 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.

I fear, Mr. President, that there has grown up in our midst a little cabal, a coterie of military upstarts and parvenues, all unconsciously to the great, broad-minded, humane people constituting the American Republic, within gunshot almost of where I now speak, who are the authors of all these things, and upon whom the responsibility of these iniquities ought justly to be made to rest. 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.

No, Mr. President, it is those who remain secluded, those who practice in insolence, who devise in iniquity, who cabal and scheme to overthrow honorable men, who would deny to Schley the rewards which properly come to a man when he goes out to fight in honesty and in heroism the battles of the Republic—the

men who would drag down General Miles, humane and honorable in all his military career, and would place above him some military upstart, who would not by reason of his services ever be commended to the people who love justice and fair dealing—I fear that it must be people of this kind who, for the time being, have seized the reins of military control of our armies in the Philippine Islands, who are the real authors of these infamies which have been there perpetrated.

I commend Senators to read the testimony relating to the various kinds of torture which have been inflicted, but which the time I ought to occupy will not permit me to go into to any great extent. I have already laid before the Senate, in my judgment, sufficient to invite attention to what still remains undisclosed. This is but the prelude, the prelude, as to what ought to follow in the course of this discussion. I say to Senators upon the other side that this bill can not pass so long as there is any man who, having looked into these facts, and who has anything to say and desires to say it, will make such a presentation to the American people that they may be advised as to what we are about to do.

It may be that the minds of Senators upon the other side are irrevocably made up; that they are determined to set up a despotism and monarchy, without limit or without qualification; that they propose to turn over to these nine men constituting the Philippine Commission, under the sole supervision of whoever may be the President of the United States, without any sort of qualification or restriction of the absolute power which is conferred upon them as to everything civil, military, and judicial; turning over to them the fate of all the people in that distant land, who are helpless.

It may be, Mr. President, that Senators on the other side have made up their minds to do that, with no effectual relief from any independent judiciary held up to them as a possibility, with no definition of the fate which is to ensue to them in all the years of the future.

Mr. President, notes of warning have been given to us by people who have had opportunities of observation, who have occupied responsible official positions in the islands, members of the first Philippine Commission, and I commend to the attention of the Senate, in conclusion, a few expressions of their opinion. I read from a recent article by Jacob Gould Schurman, in which he uses this language:

The future of the Philippines is an open question. The American people have never passed upon the ultimate destiny of the archipelago. By the terms of the treaty of Paris the Congress of the United States was required to determine the civil rights and political status of the inhabitants; but this obligation Congress has not yet discharged.

We are free to stay in the archipelago or to withdraw from it; to incorporate it into the United States of America or to set it up as a sister republic in Asia; to grant independence to the inhabitants or to retain them in forcible subjection.

He further says:

Now, the Filipinos, like other nations, desire good government; but there is something they desire more ardently. A good government imposed upon them by a foreign nation—especially of alien race and different color—is not at all to their taste. They desire to conduct their own government, even if the result seems to us far inferior. In short, they think they have a right to their own country, a right to govern themselves, a right to determine their own destiny. They want, in a word, liberty and independence. You could not find in all the islands a single Filipino who favors colonial dependence on the United States. If the Filipinos come to believe that our jingo and imperialists represent the mind of the American people, they will, like the Boers, fight till they are annihilated. Our crowning victory would be their utter extinction.

Our assertion of sovereignty is supported at the present time only by the Federal party, who are numerically small, who are held together by the cohesive force of public office, and who, worst of all, are animated by the delusion (which is the foremost plank of their platform) that the Philippine Islands will be admitted, first as a Territory and then as a State, into the American Union. Apart from this exception, which rests on a misapprehension, the Filipinos are opposed to us and unanimously demand independence. Here most of those who talk about Philippine affairs have in the past assumed the colonial policy as a matter of course; but this no Filipino will endure. There some Filipinos support our sovereignty on the understanding that the Philippine Islands are to be a State of the American Union; but this no American will endure. The final resultant of these psychological forces must be Philippine independence.

Again he says:

But whatever be done with them, the civilized and Christianized democracy of Luzon and the Visayas desire independence. They are fairly entitled to it, and, united as they now are, I think they might very soon be safely entrusted with it. In their educated men, as thorough gentlemen as one meets in Europe or America, this democracy of 6,500,000 Christians has its foreordained leaders.

Such are the intelligent and self-convincing words of the man who was selected by President McKinley to go to the Philippine Islands and deal in the first instance with those people; and in that statement he is confirmed by another member of the commission, Mr. Denby, an ex-minister to China, who uses this language:

No man who knows anything about the Philippines doubts that if Congress were to declare to-day that the Philippines shall be independent as soon as their people are fit to maintain and carry on an independent government

the troubles in that distracted region would cease to-morrow. If, therefore, our real and honest purpose is to give autonomy to the islands as soon as the people develop sufficient capacity to govern themselves, the declaration of that purpose should be immediately made. There can be no object in holding it back which is conducive to the general welfare of our country. Congress has forborne to express any opinion on the subject, but many of its members, Republicans and Democrats, have openly declared that we should not hold the islands permanently.

Further on he says:

The minute that we agree that they shall at any period hereafter be independent, that instant we shall institute proceedings to let them go. All this talk about the capacity of the people for self-government is mostly without foundation. They are as capable of self-government as the Cubans are. After having been four years in contact with Americans they will be able to organize and maintain a republican government. But whether they are fully equipped for self-government or not, is no business of ours if they are to be independent.

Mr. President, I read from a man who is commended for his sagacity and his wisdom and intelligence—a Filipino—in regard to what they want. Señor Buencamino, who is the civil-service commissioner of the United States in the Philippine Islands, says:

We hope that the civil governor, Mr. Taft, after having organized the municipalities, provinces, judicial district, supreme court, and everything connected with the judicial power, the public schools, public order, and what refers to revenue and taxation, to have a starting point for the future politics of the country. We hope, we will repeat, that he will give his attention to the organization of the general control of the country, unless he confines himself to waiting for the Congress to resolve what the definitive form of government for the Philippines shall be.

Such is the general anxiety at the present time.

The people are suffering from a great paralysis of their activities—it seems that they exhaust all their strength in making war and afterwards in making peace; they desire a rest.

Now their actual occupation is to work in order to earn money wherewith to recuperate their lost strength. Therefore agriculture, industry, and commerce are recovering life and animation.

Politics seems to even horrify them, and it appears that, Musselman-like, they expect from Congress either the kindness or the rigor of destiny as regards their future fate.

You Senators who are responsible for the character of legislation which will be enacted in regard to the islands ought to pay attention to these words, that they expect from Congress either the kindness or the rigor of destiny as regards their future fate. He says:

Such is the situation of the Philippine people; a very dangerous situation, because its present inertness might be interpreted as a consent to a colonial policy, in which case new insurrections are to be feared, because the people hold in horror the colonial system. I have said this very plainly to the American authorities, in order to be irresponsible for the calamities with which such an uncertain future as that of a colony is pregnant.

In this critical situation I turn my eyes to the America of 1787, to the legitimate heirs of those who drew up the famous Declaration of Independence, the source of your present happiness, greatness, and welfare.

Ah, Mr. President, what do you propose to do? Do you propose to fly in the face of these assertions made by men who are undoubtedly patriotic and who are competent, by reason of having come in contact with that situation, to speak intelligently and wisely?

This bill inaugurates a colonial policy. It sets up a despotism. It provides for exploitations, for spoiliations and plunder. It is to be the foundation of new insurrections, new deaths. It means, in all probability, if we are to follow it out in all its consequences, what is implied in the declaration of the former chairman of the Philippine Commission—the extinction of that race of people.

When you have followed to the end the road upon which you are now about to enter, after you have achieved the results which knowingly you thus set out to accomplish, what will they be? An extinct race, who will remain, like the Huron tribe of Indians, as a tradition of history; a race of people who have not wronged us; a race of people indigenous to the soil and the climate in which they live, a climate to which we can not be inured, a land which can not be made the home of our people. You want to exterminate those people—in order to supplant them? No; you never can supplant them. You never will go there for the sake of a home, for the sake of the establishment of a permanent abode. You annihilate those people for revenge, because you do not like them, because their color is different from yours, because they are an alien race, because they have a different religion, because their habits and customs are not your habits and customs.

You want to go there as if you were carrying out the edict of some inscrutable fate, to annihilate a race of men who never have injured us, while we have gone and ruthlessly assaulted them and their institutions. After you have annihilated them, after you have made Samar a howling wilderness, how many will still live in Batangas, one-third of whom had perished in December last? How many will remain in Tayabas or the rest of Luzon? God only knows. We have taken no census upon that subject, and it is not proposed to take any.

But all this is to secure some munificent end. This is in order to advance civilization. This is in order to uplift races of mankind. This is a humane policy. This drastic policy, this severe and uncivilized war is the most humane in the end. Aye, its humanity consists in the extermination of a people, and when

they are dead they cease suffering. But some of our people, I think, would follow them into the realms of perdition and keep them there dancing forevermore upon the burning marl of hell. What vengeance do we want to wreak upon them? What benign end do we want to accomplish? Tell me, tell me, you upon the other side, you who say you will not speak on this subject, say who struck you dumb? Why will you not utter a word in the face of this great epoch in the history of our country? Why do you remain silent?

I ask you to speak and tell me what useful and humane purpose you have in now embarking upon this policy. Speak and tell us. Tell the American people. Tell the American people who are moved upon this question in a manner you little dream of. Tell the people who will be called upon to pass on the question whether you are acting upon some principle which is justifiable to your conscience and your God. You will not speak. Then I infer, sir, that this is the inauguration of a scheme of loot and of plunder and of exploitation—another plowing of a ruined Carthage. You have garnered the harvest of death, and now propose to rake the stubblefield of a slaughtered people. If this be not true, disclose what is true, if your motive be not sordid; and if you can justify yourselves, for God's sake do it quickly, because it seems to me we are standing in the presence of an awful tragedy, and that we will reap the whirlwind of misfortune if we do not retrace our steps.

Mr. LODGE. I had intended to move an executive session, but the Senator from New Hampshire [Mr. GALLINGER] informs me that he is obliged to leave the city on public business on Monday, and he would like, as it is still early, to take advantage of this time to complete the unobjected pension cases on the Calendar. I therefore will not make the motion at this time, but will yield the floor to the Senator from New Hampshire.

CONSIDERATION OF UNOBJECTED PENSION CASES.

Mr. GALLINGER. I ask unanimous consent that we may now proceed to the consideration of unobjected pension cases on the Calendar.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases on the Calendar. Is there objection? The Chair hears none, and the first case on the Calendar will be stated.

JOSEPH SEITHEN.

The bill (H. R. 5789) granting an increase of pension to Joseph Seithen was announced as the first case in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to place on the pension roll the name of Joseph Seithen, late of Company B, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$13 per month in lieu of that he is now receiving.

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

JAMES R. BROCKETT.

The bill (H. R. 5711) granting an increase of pension to James R. Brockett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James R. Brockett, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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

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

The bill was read the third time, and passed.

OBED D. JASPER.

The bill (H. R. 13066) granting an increase of pension to Obed D. Jasper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Obed D. Jasper, late unassigned recruit, Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

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

GEORGE W. EDMONDS.

The bill (S. 3661) granting an increase of pension to George W. Edmunds was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with

amendments, in line 6, before the word "late," to strike out the name "Edmunds" and insert "Edmonds;" and in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Edmonds, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendments were 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, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George W. Edmonds."

JONAS OLMSTEAD.

The bill (S. 3730) granting an increase of pension to Jonas Olmstead was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "second lieutenant;" in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonas Olmstead, late second lieutenant Company G, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were 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, read the third time, and passed.

JAMES D. BOWLAND.

The bill (H. R. 5111) granting an increase of pension to James G. Bowland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Bowland," to strike out the letter "G" and insert "D;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Bowland, late of Company G, First Regiment New York Volunteer Marine Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James D. Bowland."

JAMES B. HASHBARGAR.

The bill (H. R. 12504) granting a pension to James B. Hashbargar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dependent," to strike out "the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Hashbargar, dependent and helpless son of Zachariah S. Hashbargar, late of Company K, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

Mr. GALLINGER. Let the proposed amendment be disagreed to.

The amendment was rejected.

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

JOHN J. WOLFE.

The bill (H. R. 9370) granting an increase of pension to John J. Wolfe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Wolfe, late first lieutenant Company A, First Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

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

ISAAC PHIPPS.

The bill (H. R. 11168) granting an increase of pension to Isaac Phipps was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Phipps, late of Captain Gregg's company, Tennessee Volunteers, Cherokee Indian

disturbances, and to pay him a pension of \$12 per month in lieu of that he is now receiving.

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

GEORGE TUCKER.

The bill (H. R. 4927) granting a pension to George Tucker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Tucker, late of Company K, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

REBECCA H. GEYER.

The bill (S. 5321) granting a pension to Rebecca H. Geyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Company," to strike out "of" and insert "first lieutenant;" and in line 9, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca H. Geyer, widow of Harvey Geyer, late first lieutenant Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay her a pension at the rate of \$17 per month.

The amendments were 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, read the third time, and passed.

ADA V. PARK.

The bill (S. 3331) granting a pension to Ada V. Park was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to insert "twelve," and in the same line, after the word "month," to insert "and \$2 per month additional on account of the minor child of said Andrew G. Park until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada V. Park, widow of Andrew G. Park, late of Company A, First Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Andrew G. Park until he reaches the age of 16 years.

The amendments were 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, read the third time and passed.

WILLIAM HARRINGTON.

The bill (S. 4706) granting a pension to William Harrington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Harrington, late of Company I, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to William Harrington."

CHARLES H. HAZZARD.

The bill (S. 4732) granting an increase of pension to Charles H. Hazzard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Hazzard, late of Company

G. Forty-eighth Regiment Pennsylvania Volunteer Infantry, and paymaster's clerk, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

JOHN O'ROURKE.

The bill (H. R. 282) granting an increase of pension to John O'Rourke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O'Rourke, late of Company B, One hundred and tenth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

ENOS G. BUDD.

The bill (H. R. 5254) granting an increase of pension to Enos G. Budd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enos G. Budd, late of Company F, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

DANIEL SIMS.

The bill (H. R. 4426) granting an increase of pension to Daniel Sims was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Sims, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

WILLIAM G. TAYLOR.

The bill (H. R. 6356) granting an increase of pension to William G. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Taylor, late of Company H, One hundred and third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

ALEXANDER SCOTT.

The bill (H. R. 10361) granting an increase of pension to Alexander Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Scott, late of the Sixth Independent Battery Ohio Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

ALEXANDER F. M'CONNELL.

The bill (H. R. 7116) granting an increase of pension to Alexander F. McConnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander F. McConnell, late of Company K, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$45 per month in lieu of that he is now receiving.

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

GEORGE W. PARKER.

The bill (H. R. 4543) granting an increase of pension to George W. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Parker, late major Seventy-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

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

WILLIAM P. FEATHERSTONE.

The bill (H. R. 9952) granting a pension to William P. Featherstone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William P. Featherstone, late of Company F, First Regiment United States Mounted Rifles, and to pay him a pension of \$12 per month.

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

S. AGNES YOUNG.

The bill (H. R. 11112) granting an increase of pension to S. Agnes Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of S. Agnes Young, widow of Thomas L. Young, late lieutenant-colonel One hundred and eighteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

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

JAMES COOLEY.

The bill (H. R. 11091) granting an increase of pension to James Cooley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Cooley, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

SIDNEY CABLE.

The bill (H. R. 11977) granting a pension to Sidney Cable was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sidney Cable, widow of Conrad Cable, late of Company K, Fourteenth Regiment Kentucky Volunteer Cavalry, and to pay her a pension of \$8 per month.

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

MARY F. ZOLLINGER.

The bill (S. 182) granting a pension to Mary F. Zollinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the letter "a;" in line 7, after the word "colonel," to strike out "of the;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Zollinger, widow of Charles A. Zollinger, late colonel One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The amendments were 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, read the third time, and passed.

JAMES S. MYERS.

The bill (S. 2703) granting an increase of pension to James S. Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Myers, late of Company F, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$80 per month in lieu of that he is now receiving.

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

HULDA MILLIGAN.

The bill (S. 3668) granting a pension to Hulda Milligan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 9, after the word "month," to strike out "for each of her children until they shall have reached the age of 16, respectively," and insert "additional on account of each of the minor children of the said William Milligan until they reach the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hulda Milligan, widow of William Milligan, late of Company L, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of the said William Milligan until they reach the age of 16 years.

The amendments were 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, read the third time, and passed.

OTIS A. BARLOW.

The bill (S. 3997) granting an increase of pension to Otis A. Barlow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otis A. Barlow,

late of Company B, Thirty-fourth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

HENRY W. EDENS.

The bill (S. 4256) granting an increase of pension to Henry W. Edens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Edens, late of Company D, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

NIMROD HEADINGTON.

The bill (S. 4829) granting an increase of pension to Nimrod Headington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a lieutenant-colonel" and insert "major;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nimrod Headington, late major, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were 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, read the third time, and passed.

WINFIELD S. PIETY.

The bill (S. 3250) granting an increase of pension to Winfield S. Piety was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winfield S. Piety, late of Company F, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

HENRY JENNINGS.

The bill (S. 4088) granting an increase of pension to Henry Jennings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Jennings, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

JOHN HALL.

The bill (H. R. 2599) granting an increase of pension to John Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hall, late of Company H, Fourth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

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

JAMES R. WILSON.

The bill (H. R. 9144) granting an increase of pension to James R. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Wilson, late of Captain Blackman's company, First Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

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

RICHMOND M. CURTIS.

The bill (H. R. 6205) granting an increase of pension to Richmond M. Curtis was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Richmond M. Curtis, late of Company A, Eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

HENRY RUNNEBAUM.

The bill (H. R. 2660) granting an increase of pension to Henry Runnebaum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Runnebaum, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

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

JAMES E. HORTON.

The bill (H. R. 12550) granting an increase of pension to James E. Horton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Horton, late of Company A, Sixteenth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

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

SARAH CIPLES.

The bill (H. R. 8562) granting an increase of pension to Sarah Ciples, now Vandemark, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Ciples, now Vandemark, dependent mother of Albert P. Ciples, late of Company I, One hundred and ninth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

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

EMMA MORRIS.

Mr. WARREN. I ask the Senate to proceed to the consideration of the next bill on the Calendar, the bill (S. 4903) for the relief of Emma Morris.

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.

It proposes to pay to Emma Morris, widow of Frank H. Morris, late Auditor for the War Department, who lost his life on the 22d day of December, 1900, while in the discharge of his official duties in the Winder Building, \$2,097.83, the balance of the salary which would have been due him June 30, 1901.

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

Mr. GALLINGER. The Pension Calendar has been finished.

EMMA MORRIS.

Mr. WARREN. I ask the Senate to proceed to the consideration of the next bill on the Calendar, the bill (S. 4903) for the relief of Emma Morris.

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.

It proposes to pay to Emma Morris, widow of Frank H. Morris, late Auditor for the War Department, who lost his life on the 22d day of December, 1900, while in the discharge of his official duties in the Winder Building, \$2,097.83, the balance of the salary which would have been due him June 30, 1901.

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

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. I am about to renew my motion to go into executive session, but I understand the Senator from Tennessee [Mr. CARMACK] desires to give a notice.

Mr. CARMACK. Yes; I give notice that I will go on tomorrow at 2 o'clock upon the Philippine civil-government bill. I shall ask to be recognized at that time.

The PRESIDENT pro tempore. At 2 o'clock?

Mr. CARMACK. Yes, sir.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 25, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1902.

UNITED STATES ATTORNEY.

Joseph Lippman, of Utah, to be United States attorney for the district of Utah, vice Charles O. Whittemore, whose term expires June 7, 1902.

MARSHALS.

Henry Z. Osborne, of California, to be United States marshal for the southern district of California. A reappointment, his term expiring May 15, 1902.

John H. Shine, of California, to be United States marshal for the northern district of California. A reappointment, his term expiring May 28, 1902.

CHIEF OF BUREAU OF NAVIGATION.

Rear-Admiral Henry C. Taylor, United States Navy, to be Chief of the Bureau of Navigation, in the Department of the Navy, from the 29th day of April, 1902.

INDIAN INSPECTOR.

John E. Edwards, of Junction, Mont., to be an Indian inspector, vice Andrew J. Duncan, resigned.

INDIAN AGENTS.

S. G. Reynolds, of Billings, Mont., to be agent for the Indians of the Crow Agency in Montana, vice John E. Edwards, resigned.
Samuel W. Campbell, of Wisconsin, to be agent for the Indians of the La Pointe Agency, in Wisconsin, to take effect May 28, 1902, at expiration of his present term. (Reappointment.)

REGISTERS OF LAND OFFICES.

Joseph H. Battenfield, of Arkansas, to be register of the land office at Dardanelle, Ark., his term having expired. (Reappointment.)

John I. Worthington, of Arkansas, to be register of the land office at Harrison, Ark., his term having expired. (Reappointment.)

Andrew W. Swaney, of Kalispell, Mont., to be register of the land office at Kalispell, Mont., vice Frank H. Nash, term expired.

Samuel Gordon, of Montana, to be register of the land office at Miles City, Mont., his term having expired. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Edward A. Schicker, of Arkansas, to be receiver of public moneys at Camden, Ark., his term having expired. (Reappointment.)

John G. Chitwood, of Arkansas, to be receiver of public moneys at Dardanelle, Ark., his term having expired. (Reappointment.)

Charles M. Greene, of Harrison, Ark., to be receiver of public moneys at Harrison, Ark., vice Felix S. Baker, term expired.

John E. Lewis, of Columbia Falls, Mont., to be receiver of public moneys at Kalispell, Mont., vice William C. Whippis, term expired.

James M. Rhoades, of Montana, to be receiver of public moneys at Miles City, Mont., his term having expired. (Reappointment.)

Jay M. Smith, of Minnesota, to be receiver of public moneys at Duluth, Minn., his term having expired. (Reappointment.)

John E. Bush, of Arkansas, to be receiver of public moneys at Little Rock, Ark., his term having expired. (Reappointment.)

PROMOTIONS IN THE ARMY.

Infantry Arm.

Capt. Pierce M. B. Travis, Eleventh Infantry, to be major, April 14, 1902, vice Buchanan, Twenty-eighth Infantry, promoted.

First Lieut. George W. Helms, Nineteenth Infantry, to be captain, March 21, 1902, vice Blauvelt, Fifteenth Infantry, detailed as paymaster.

First Lieut. Rufus E. Longan, Eleventh Infantry, to be captain, March 28, 1902, vice Browne, First Infantry, promoted.

First Lieut. Frank M. Savage, Fourteenth Infantry, to be captain, April 2, 1902, vice Merchant, Fifteenth Infantry, deceased.

First Lieut. Thomas T. Frissell, Third Infantry, to be captain, April 5, 1902, vice Dodds, Twenty-sixth Infantry, who resigns his line commission only.

POSTMASTERS.

Stephen F. Kelley, to be postmaster at San Bernardino, in the county of San Bernardino and State of California, in place of Stephen F. Kelley. Incumbent's commission expired March 22, 1902.

Moses P. Stiles, to be postmaster at Norway, in the county of Oxford and State of Maine, in place of Moses P. Stiles. Incumbent's commission expires April 26, 1902.

Peter A. Peterson, to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota, in place of Peter A. Peterson. Incumbent's commission expired January 28, 1901.

Joseph D. Senn, to be postmaster at Morrisville, in the county of Madison and State of New York, in place of John H. Broad. Incumbent's commission expired March 22, 1902.

Frank Foggin, to be postmaster at Port Richmond, in the county of Richmond and State of New York, in place of Frank Foggin. Incumbent's commission expires May 16, 1902.

Dwight A. Dawson, to be postmaster at Reno, in the county of Washoe and State of Nevada, in place of Henry P. Kraus, deceased.

Frederick L. Scott, to be postmaster at Farmington, in the county of Hartford and State of Connecticut, in place of Edward H. Deming, resigned.

Roswell A. Moore, to be postmaster at Kensington, in the county of Hartford and State of Connecticut. Office became Presidential April 1, 1902.

William A. Stotlar, to be postmaster at Herrin, in the county

of Williamson and State of Illinois. Office became Presidential April 1, 1902.

George Manville, to be postmaster at Wathena, in the county of Doniphan and State of Kansas. Office became Presidential April 1, 1902.

William P. Giessing, to be postmaster at Desloge, in the county of St. Francois and State of Missouri. Office became Presidential April 1, 1902.

Joseph L. Sanders, to be postmaster at Auburn, in the county of Providence and State of Rhode Island. Office became Presidential April 1, 1902.

Henry H. Hartson, to be postmaster at Greenwood, in the county of Clark and State of Wisconsin. Office became Presidential April 1, 1902.

WITHDRAWAL.

Executive nomination withdrawn April 24, 1902.

Leonard M. Sellers, to be postmaster at Cedar Springs, in the State of Michigan.

CONFIRMATIONS.

Executive nomination confirmed by the Senate April 12, 1902.

PROMOTION IN THE ARMY.

ARTILLERY CORPS.

To be second lieutenant.

Sergt. Maj. Francis J. Behr, Twelfth Infantry, February 2, 1901.

Executive nomination confirmed by the Senate April 21, 1902.

POSTMASTER.

L. V. Fulghum, to be postmaster at Fredonia, in the county of Wilson and State of Kansas.

Executive nominations confirmed by the Senate April 24, 1902.

UNITED STATES ATTORNEY.

Joseph Lippman, of Utah, to be United States attorney for the district of Utah.

DISTRICT JUDGE.

Waller T. Burns, of Texas, to be United States district judge for the southern district of Texas, commencing July 1, 1902.

INDIAN AGENT.

George W. Saunders, of Bazile Mills, Nebr., to be agent for the Indians of the Santee Agency in Nebraska.

MARSHAL.

Charles J. Haubert, of New York, to be United States marshal for the eastern district of New York.

UNITED STATES ATTORNEY.

James W. Ownby, of Texas, to be United States attorney for the eastern district of Texas, commencing July 1, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. William G. Blasdel, of California, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Godfrey L. Carden, of California, to be a first lieutenant in the Revenue-Cutter Service of the United States.

First Lieut. Charles H. McLellan, of Maine, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. Frank H. Newcomb, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States.

First Asst. Engineer Henry O. Slayton, of Maine, to be a chief engineer in the Revenue-Cutter Service of the United States.

POSTMASTERS.

Wesley L. Booton, to be postmaster at Greene, in the county of Butler and State of Iowa.

Romie P. Dryer, to be postmaster at Lagrange, in the county of Lagrange and State of Indiana.

B. F. Campbell, to be postmaster at Fayetteville, in the county of Washington and State of Arkansas.

Andrew Sutherland, second, to be postmaster at Oxford, in the county of Oakland and State of Michigan.

Richard M. Johnson, to be postmaster at Middleville, in the county of Barry and State of Michigan.

J. Mark Harvey, jr., to be postmaster at Constantine, in the county of St. Joseph and State of Michigan.

Fred C. Nagle, to be postmaster at Dunkirk, in the county of Chautauqua and State of New York.

Alexander C. Yard, to be postmaster at Trenton, in the county of Mercer and State of New Jersey.

Ogden H. Mattis, to be postmaster at Riverton, in the county of Burlington and State of New Jersey.

Frank B. Dodge, to be postmaster at Mount Morris, in the county of Livingston and State of New York.

Robert W. Warner, to be postmaster at Ilion, in the county of Herkimer and State of New York.

Amos Youmans, to be postmaster at Fulton, in the county of Oswego and State of New York.

Marshall F. Aspy, to be postmaster at Geneva, in the county of Adams and State of Indiana.

William E. Johnston, to be postmaster at Tecumseh, in the county of Pottawatomie and Territory of Oklahoma.

George E. Call, to be postmaster at Northport, in the county of Suffolk and State of New York.

John W. Henderson, to be postmaster at Greenwood, in the county of Johnson and State of Indiana.

Ralph S. Tompkins, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York.

William S. Ostrander, to be postmaster at Schuylersville, in the county of Saratoga and State of New York.

Samuel J. Wall, to be postmaster at Cadillac, in the county of Wexford and State of Michigan.

Luther Wait, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts.

Joseph H. Miller, to be postmaster at Syracuse, in the county of Kosciusko and State of Indiana.

Harrison Brown, to be postmaster at Watonga, in the county of Blaine and Territory of Oklahoma.

George B. Harwood, to be postmaster at Skaneateles, in the county of Onondaga and State of New York.

George E. Voos, to be postmaster at Crystal Falls, in the county of Iron and State of Michigan.

Herbert C. Hurd, to be postmaster at Rugby, in the county of Pierce and State of North Dakota.

Richard Daeley, to be postmaster at Devils Lake, in the county of Ramsey and State of North Dakota.

U. S. Sartin, to be postmaster at Kansas City, in the county of Wyandotte and State of Kansas.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 24, 1902.

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

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

PERSONAL EXPLANATION.

Mr. GOLDFOGLE. Mr. Speaker, a question of privilege. While I was absent yesterday, my distinguished colleague from New York [Mr. CREAMER]—

The SPEAKER. Does the gentleman desire to address the House upon any subject?

Mr. GOLDFOGLE. On a matter of personal explanation.

The SPEAKER. The gentleman from New York asks how many minutes?

Mr. GOLDFOGLE. Say three minutes.

The SPEAKER. The gentleman from New York asks three minutes for a personal explanation. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Speaker, while I was absent for a moment yesterday, my distinguished colleague from New York [Mr. CREAMER], rising to a personal explanation, called the attention of this House to an article recently published in one of the prominent New York dailies which referred to the failure of Congress to consider the bill for a new post-office in New York City, and in substance charged the Representatives with dereliction of duty in failing to secure a favorable report from the committee on the passage of the bill. In February last the entire delegation waited upon the chairman of the Committee on Public Buildings and Grounds and urged in every possible and conceivable way the speedy action of the bill, and the immediate necessity for increased postal facilities, and adequate quarters for our office in New York. To my knowledge the chairman as well as other members of the committee have again and again been appealed to and implored to act upon the bill, but no heed seems to have been given to their request.

The Representatives from New York have not been lacking in interest in this matter. In every way known to the rules, the usages and practice of the House, have they labored to secure the passage of the measure to give New York a post-office commensurate with the needs and demands of this great commercial city. Speaking for myself personally, let me say I attended the conference spoken of by Mr. CREAMER, waited on the chairman of the committee, and urged him to act promptly on the bill.

On March 13, as appears by the CONGRESSIONAL RECORD of that date, when in Committee of the Whole we were considering the post-office appropriation bill, I took occasion to address the committee on this subject, and pointed out at length the necessity for

a new post-office in the metropolis. I insisted that the post-office there was not a local but a national institute, and read the figures and statistics supplied on my request by the Post-Office Department demonstrating the vastness of the postal business in New York. Those statistics appear in the RECORD.

I find no fault with the impatience of our constituents in New York to obtain a much-needed improvement which will inure to the benefit of the whole country; but it seems to me that after all that has been done and after all the efforts that have been made by the Representatives from New York we have neither been lax nor derelict. I cheerfully join my colleague from New York in insisting that we should not be charged with neglect to secure what so far has been, despite our labors and our protests, unjustly withheld. [Applause.]

The SPEAKER. The time of the gentleman has expired.

ANNIE L. EVENS.

The SPEAKER laid before the House the bill (H. R. 5560) granting an increase of pension to Annie L. Evens, with Senate amendments, which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MARY A. ANDRESS.

The SPEAKER also laid before the House the bill (H. R. 9494) granting an increase of pension to Mary A. Andress, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MARGARET M. GRANT.

The SPEAKER also laid before the House the bill (H. R. 7994) granting an increase of pension to Margaret M. Grant, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

ELIZABETH L. BECKETT.

The SPEAKER also laid before the House the bill (H. R. 9625) granting a pension to Elizabeth L. Beckett, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

BRIDGE ACROSS NEUSE RIVER AT OR NEAR KINSTON, N. C.

The SPEAKER also laid before the House the bill (H. R. 12093) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C., with Senate amendments, which were read.

Mr. CLAUDE KITCHIN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CALVIN A. RICE.

The SPEAKER also laid before the House the bill (H. R. 3379) to correct the military record of Calvin A. Rice, with a Senate amendment, which was read.

Mr. PARKER. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9206 and the Senate amendments thereto.

The SPEAKER. The gentleman from Connecticut moves that the House resolve itself into Committee of the Whole House on the state of the Union on the bill H. R. 9206, the oleomargarine bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9206. Unless there are other amendments to be offered to the amendment in the last paragraph that was read, the Clerk will resume the reading of the bill.

Mr. HENRY of Connecticut. Mr. Chairman, there is a printing error on page 5, line 15. There is a comma inserted after the word "butter." It should be inserted after the words "butter fat."

The CHAIRMAN. Without objection the change suggested by the gentleman will be made. The Chair hears no objection.)

The Clerk read as follows:

That "process butter" or "renovated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added with intent or effect of cheapening cost or increasing weight of same.

Mr. HENRY of Connecticut. Mr. Chairman, I move that line 6 to line 16 be stricken out, as we have already adopted a substitute to that section of the bill.

The CHAIRMAN. The gentleman moves to strike out the paragraph just read.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

That special taxes are imposed as follows:

Manufacturers of process or renovated butter and of adulterated butter shall pay \$600 per year, the payment of which shall cover the tax upon the manufacture of both articles. Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

The amendments of the committee were read, as follows:

Line 18, after the word "butter," insert "shall pay \$50 per year;" and after the word "and" insert the word "manufacturers;" and strike out all after the word "year," line 20, to and including the word "articles," in line 22.

Mr. HENRY of Connecticut. I move that the Committee recommend that the House concur.

The CHAIRMAN. The question is upon the adoption of the amendments offered by the Committee on Agriculture. If there be no objection, the amendments will be considered together. The Chair hears no objection, and it is so ordered. The question is on agreeing to the amendment.

Mr. TAWNEY. One moment. This is an amendment of the Committee on Agriculture to the Senate amendment, and I suppose it ought to be adopted separately, should it not?

The CHAIRMAN. The Chair will state to the gentleman from Minnesota that this is the question as now put: Whether the amendments proposed by the Committee on Agriculture to the Senate amendment shall be adopted?

Mr. TAWNEY. I did not understand.

The question was taken, and the amendments were agreed to.

Mr. HENRY of Connecticut. Now it will be in order to move to concur.

The CHAIRMAN. The Chair is of the opinion that the motion to concur in the entire amendment of the Senate can be considered.

The Clerk read as follows:

Wholesale dealers in adulterated butter shall pay a tax of \$480 per annum, and retail dealers in adulterated butter shall pay a tax of \$48 per annum.

Mr. SCOTT. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers the following amendment, which the Clerk will read.

The Clerk read as follows:

Insert in line 3, page 7, after the word "annum," the following:

"Every person who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter. Wholesale dealers in process or renovated butter shall pay a tax of \$50 per annum, and retail dealers in process or renovated butter shall pay a tax of \$5 per annum. Every person who sells or offers for sale renovated or process butter in the original manufacturer's package shall be deemed a wholesale dealer in process or renovated butter, but any manufacturer of renovated or process butter who has given the required bond and paid the required tax and who sells only renovated or process butter of his own production at his place of manufacture in the original packages to which the tax-paid stamps are affixed shall not be required to pay the special tax of the wholesale dealer in renovated or process butter on account of such sale. Every person who sells renovated or process butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in process or renovated butter."

Mr. TAWNEY. Mr. Chairman, I desire to ask the Chair if the question is not divisible on the amendment offered by the gentleman from Kansas? I observe that it relates to wholesale and retail dealers of adulterated butter and also to renovated and process butter.

Mr. SCOTT. If the gentleman will wait until I get through. Mr. Chairman, I desire to state that it seems to me the gentleman in charge of this bill upon consideration will agree with me that this amendment is presented to supply an omission in the Senate amendment.

There are three propositions in the amendment I have offered. The first is a definition of a retail dealer of adulterated butter. I do not see what objection there can be to inserting that definition in the bill.

The second proposition is to impose upon dealers in process and renovated butter the same tax that is imposed upon dealers in uncolored oleomargarine. I understand it to be the theory of the proponents of this measure that the sale of oleomargarine, uncolored, is not prejudicial to the public interests in any way, and therefore they do not desire to tax it further than is necessary to exercise the proper police power. It is certainly the

theory of those supporting this measure that renovated and process butter stands on the same footing as uncolored oleomargarine. Now, if it is necessary, in order to properly police uncolored oleomargarine, to tax the wholesale and retail dealers in the article, it seems to me to be equally necessary that the wholesale and retail dealers in renovated and process butter should be taxed in order that their product should be properly policed.

Mr. GRAFF. Will the gentleman permit me to ask a question?

Mr. SCOTT. Why, certainly.

Mr. GRAFF. Would the gentleman be willing to submit as a separate provision the one he proposes, defining retail dealers of adulterated butter?

Mr. SCOTT. I was going to say, when I had got to the proper place in my remarks, that I regarded the amendment I have presented as clearly divisible from a parliamentary standpoint.

Mr. GRAFF. It involves two or three distinct questions about which the House might well differ. That is, they might be in favor of one portion of the amendment, particularly the first portion defining retail dealers of adulterated butter, to which, by the way, I see no objection, but my position is that to adopt the balance of the amendment would be to defeat the bill.

Mr. SCOTT. Mr. Chairman, I stated in the beginning that this amendment contained three distinct propositions. As a parliamentary proposition I have no question that it is divisible, and have no objection to taking a separate vote on each one of the propositions. I trust that meets the objection of the gentleman from Illinois.

Mr. GRAFF. Then, will the gentleman offer as a separate amendment the first provision in regard to dealers in adulterated butter?

Mr. SCOTT. I have stated already that I regard the amendment as divisible. I presented it in its present form because it seemed to me it could not be logically complete in any other form.

Mr. TAWNEY. Let me ask this question: The gentleman proposes to amend, in the first instance, by attempting to define the wholesale dealer and retail dealer in adulterated butter?

Mr. SCOTT. The retail dealer, because the bill defines the wholesale dealer.

Mr. TAWNEY. The remainder of the amendment is to impose a tax on the wholesale and retail dealer of renovated or process butter.

Mr. SCOTT. Exactly; and it goes further and closes by defining the retail dealer in renovated butter.

Mr. TAWNEY. The definition of a dealer in adulterated butter and the proposition defining the retail dealer have no relation whatever to the proposition to tax the wholesaler and the retailer in process or renovated butter.

Mr. SCOTT. In a parliamentary sense they have not, but they are all in the same section, and I thought this was a proper place to offer the amendment.

Now, I want to state the reasons that influenced me in presenting the proposition that imposes a tax on the wholesale and retail dealers in renovated butter. I understand it to be proposed in the bill before the House to protect the interests of legitimate dealers in pure butter and also to protect consumers of butter in order that the latter may not be imposed upon by the fraudulent sale of an impure or spurious product in place of the genuine article. Now, if that is the purpose of this bill, it certainly is as much to the interest of manufacturers of genuine butter to be protected against the fraudulent sale of imitation butter as it is to be protected against the fraudulent sale of oleomargarine. And if it is necessary to tax the wholesale dealers of uncolored oleomargarine in order to guard against the fraudulent sale of that article, it is equally necessary to tax the wholesale dealers in renovated butter in order to guard against the fraudulent sale of that article. Now, to show the extent to which the fraudulent sale of renovated and process butter interferes with the sale of the legitimate article, the genuine fresh article, I desire to offer the evidence of a gentleman who was for many years inspector of the State board of agriculture for the enforcement of the oleomargarine legislation in the State of Missouri.

This gentleman believes that the 10 cents tax on colored oleomargarine is right, and he can not therefore be discredited as the enemy of this legislation. In a private letter addressed to myself he says:

I have found during my experience last year, while inspector for the State board of agriculture for the enforcement of the oleo legislation of this State, that vast amounts of process and adulterated and renovated butters were put up in attractive packages and sold as creamery butter, which, of course, is a fraud upon the purchaser as well as a disadvantage to the producer of pure butter. The sale of this imitation creamery keeps down the price of pure creamery and milk throughout the district in which it is sold. The imitation creameries have a nice odor and last well for two or three days, when they become rancid and offensive, while the housewife, thinking that she has bought pure creamery butter, becomes dissatisfied with all creamery butter.

I emphasize this last sentence because it confirms what I said a moment ago—that the sale of imitation creamery butter inflicts

an injury upon the manufacturers of all creamery butter, discrediting their product in the market and depreciating its value. The letter continues:

It is undoubtedly a fact that the fraudulent sale of this so-called creamery is a detriment to the patrons of every skimming station and creamery in this country, and so long as legislation along these lines is now being considered I think it would be perfectly proper to suggest to you that a tax of at least 4 cents per pound should be placed upon all imitation butters, whether adulterated or process.

Now, I do not go to the length this gentleman does, of asking that a tax of 4 cents a pound be put upon process or renovated butter, because personally I do not think this is a product which should be penalized to that extent. I do agree with him, however, that safeguards should be thrown around the sale of this article, so that the public may not be imposed upon—may not be led to believe that they are buying butter made from fresh milk or cream, when, as a matter of fact, they are buying a renovated and rejuvenated and resurrected product.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask that my time be extended for five minutes. There was no objection.

Mr. SCOTT. Mr. Chairman, I desire to read one more paragraph from the letter which I have already quoted. This gentleman, as I have said, was State inspector for the enforcement of oleomargarine legislation in Missouri, and is now engaged in the creamery brokerage business at Kansas City, Mo. He adds:

I have been in the creamery brokerage for some time, but the sale of this fraudulent and imitation creamery has about ruined my business.

I take the liberty of sending you to-day by mail a small sample of this imitation butter bought by me to-day for 35 cents per pound on the open market, and I also inclose you herein the label, which I removed from the package, showing the fraudulent method of the sale of such goods. You can readily verify the fact that this is process goods and not pure creamery goods by asking any chemist in any of the departments there to put a piece of the goods under the microscope.

I sincerely trust that you may see your way clear to include all bogus and imitation butters in the legislation now pending, as the pure creamery people of the country are certainly deserving of some protection against the bogus butter people of the country.

Now, the package which this gentleman sent me was originally put upon the market with this wrapper about it which I hold in my hand. Upon it is printed "White House Butter." I assume that this brand was not imprinted upon this wrapper with the consent or by the authority of the present occupant of the White House, because I am sure he would not give his indorsement to so palpable and so wicked a fraud. But this wrapper is in itself evidence enough that there is no mark whatever about this imitation butter to brand it as an imitation product. And the fact that it was sold on the market at Kansas City at the price demanded and received for the best grades of pure, fresh, creamery butter is an evidence that the fraud has been committed.

It is for the purpose of preventing such frauds in the future that I have offered the pending amendment. It seems to me that no reasonable objection can be made to it, for the reason that it does not impose an onerous burden upon the dealers in this product. It imposes a tax of only \$50 upon the wholesale dealer and \$6 upon the retail dealer—merely a nominal tax—imposed for the purpose of continuing police control of this article.

The third proposition of my amendment simply defines a retail dealer in renovated and process butter. It is necessary if the preceding propositions of the amendment are adopted.

Now, as I said, Mr. Chairman, I recognize the fact that in a parliamentary sense this question is divisible, but I hope, in view of what I have said and the evidence I have presented here in support of my position, that the gentleman in control of this bill will think best to accept the amendment for the completion of the measure.

Mr. GRAFF. Mr. Chairman, we always want to be a little suspicious when the Greeks come bearing gifts, and we must remember that the gentleman from Kansas [Mr. SCOTT], who seeks to perfect this bill, as he said, is an opponent of the bill itself; that he is not in sympathy with it—is not in sympathy with its objects and purposes. I am informed that the Kansas City Star a short time ago published an interview with the gentleman from Missouri [Mr. COWHERD], in which he is reported to have said that they welcomed the amendments in the Senate for the regulation of renovated and adulterated butter, and they proposed to use those amendments for the purpose of defeating the oleomargarine bill.

Now, when this letter of this commissioner from Missouri is read regarding renovated butter, you must remember that he does not speak of renovated butter, having before him the definition of renovated butter which is drawn in this bill. The renovated butter described in the bill as we have amended it now excludes all rancid butter, excludes all butter which must necessarily have some drug or ingredient interjected into it for the purpose of making it palatable and a food product, but all that sort of butter belongs under the class of adulterated butter; so that we have what in renovated butter? We have simply a butter which needs to be refined and cleansed—clarified.

Mr. WADSWORTH. Will the gentleman permit a question?
Mr. GRAFF. Certainly.
Mr. WADSWORTH. Would you consider artificial coloring in process butter an adulteration?

Mr. GRAFF. No; I would not.
Mr. WADSWORTH. Not artificial coloring?

Mr. GRAFF. No.

Mr. WADSWORTH. I am glad to know it.

Mr. GRAFF. Now, in addition to that there is a benefit to the farmers of the country, and not the creameries, in having so closely defined and hedged about the definition of renovated butter. Why? We have a market here for the farmer in the sale of butter before it becomes rancid, and the renovated-butter man, operating only under the provisions of this bill as a manufacturer, and as a dealer is handling an article which has never been rancid, never been impure in that sense, and after it comes through the process of clarification and regranulation by melting, it becomes even a cleaner product, if anything, than the creamery butter itself.

Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman a question.

Mr. GRAFF. Wait until I finish my argument in this direction. Now, then, if you propose to injure the farmer by hedging about the sale of this absolutely objectionless article by fixing a needless tax not only upon the manufacturer, which we have consented to, but upon the wholesale dealer and upon the retail dealer, you simply strike a blow at the farmer. The creameries, about which so much is said and which are stated to be the especial beneficiaries under this bill, have no interest in the renovated-butter men except as they become dangerous rivals and proper rivals, and so I say that there is no need for the fixing of a tax upon the retail dealer or the wholesale dealer in renovated butter, because there is already a tax upon the manufacturer. He must conduct his business distinct and separate from that of the manufacturer of adulterated butter under the regulations of the bill. There are provisions surrounding this inspection and marking in the sale of it, so that it is kept entirely separate in its manufacture and sale and handling from adulterated butter.

Mr. WADSWORTH. May I ask the gentleman a question?

Mr. GRAFF. Yes.

Mr. WADSWORTH. Notwithstanding what you just stated, you still insist that the wholesale dealer and the retail dealer in oleomargarine, which is conceded to be a wholesome and nutritious food, shall pay that tax, and for what purpose? For police purposes, and you refuse it to this.

Mr. GRAFF. But the gentleman seeks to go over the argument upon which the House has passed. Adulterated butter, renovated butter, pure butter are all sold for nothing else except butter. They are never sought to be sold for another article. The contention about the regulation necessary by taxation and inspection of oleomargarine was founded upon the argument that no other means would be adequate for the purpose of securing to the consumer the opportunity to purchase, when he knew it, the article which he desired to buy, and to save the farmer from the fraudulent competition brought about by the fraudulent sale of oleomargarine as some other article.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Connecticut. Mr. Chairman, with just a word more I will ask for a vote.

Mr. COWHERD. Mr. Chairman, I hope the gentleman will not close the debate until he permits me a reply.

Mr. HENRY of Connecticut. We have had the usual debate.

Mr. COWHERD. But the gentleman from Illinois [Mr. GRAFF] made a personal allusion to me.

Mr. HENRY of Connecticut. Oh, I beg pardon.

Mr. GRAFF. I hope the gentleman will be permitted to reply.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois may be extended for a minute in order that I may ask a question. He declined to yield when I first rose for that purpose.

Mr. GRAFF. The gentleman is unkind when he says that I declined to yield. I am not alarmed at the gentleman from Kansas.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Illinois be extended one minute for the purpose of asking a question. Is there objection?

There was no objection.

Mr. SCOTT. I desire to ask the gentleman from Illinois whether he believes it is improper and should be made illegal to sell process butter when the purchaser expects and desires to buy pure creamery butter?

Mr. GRAFF. Certainly not.

Mr. SCOTT. You think it is not a fraud, then, to sell process or renovated butter—

Mr. GRAFF. Oh, I think it is a fraud.

Mr. SCOTT. For what it is not?

Mr. GRAFF. I think that is a fraud.

Mr. SCOTT. That is the question I desired to ask. Now, if the same kind of a fraud is committed by the sale of process or renovated butter for what it is not as is committed by the sale of oleomargarine for what it is not, then what is the gentleman's objection to extending the same police regulations over both products?

Mr. GRAFF. I do not think that the frauds are of the same degree.

Mr. SCOTT. They may not be, in the gentleman's mind, but they are of the same general nature.

Mr. GRAFF. They are both immoral, but not equally dangerous.

Mr. SCOTT. And I desire to have the gentleman answer this question, which he did not in his first argument: In what way can he justify the imposition of the tax upon the wholesale and retail dealer in uncolored oleomargarine and not require the same tax to be put upon men who deal in renovated or process butter?

Mr. GRAFF. Let me answer that by asking the gentleman a question: What has aroused the gentleman's interest in the creameries of the country in proposing this amendment? Is he afraid that the creameries are going to be exposed to unjust competition with the farmers' butter which is afterwards renovated?

Mr. SCOTT. I think that it hardly lies in the mouth of the gentleman from Illinois to question the sincerity or the good faith with which this amendment is offered. If he has any doubt about it, I desire to assure him that the amendment is offered in the best of faith, and that it is offered because I believe that while, as the gentleman properly says, I was not in sympathy with the methods proposed by this bill, yet I am in sympathy with the object proposed to be accomplished by it. I desire as earnestly as the gentleman possibly can to prevent the fraudulent sale of any food product upon the markets of the United States.

Mr. GRAFF. So that the gentleman proposes to use the same methods that we have adopted, which he condemns, against another article in which he is not particularly interested.

Mr. SCOTT. I am no more interested personally in creamery butter or in renovated butter than I am in oleomargarine; but I do make this contention: that the fraudulent sale of renovated butter is just as much a wrong, and ought to be made just as much a crime, as the fraudulent sale of any other product; and I insist that when you are throwing no safeguards whatever around the retail or wholesale sale of renovated butter you are opening the gate wide to fraud.

Mr. GRAFF. We think we have thrown sufficient safeguards around it by the bill now.

[Here the hammer fell.]

Mr. COWHERD. Mr. Chairman, the gentleman from Illinois [Mr. GRAFF] has seen fit to call the attention of the House to an interview purported to be given by me, and which he says was published in the Kansas City Star.

Mr. GRAFF. I said I was informed that that was true.

Mr. COWHERD. Whether that interview was published or not I am unable to say, as it was not called to my attention. I am willing to state that I did have an interview with a representative of that paper immediately after the passage of the bill in the House, and what I then said referred to the action of this House in putting into the bill an amendment which was adopted by a vote, as I remember it, of two-thirds of the members voting, providing that renovated butter should be marked and sold as renovated butter.

Mr. WACHTER. And should be inspected.

Mr. COWHERD. I approved that, and the gentleman's criticism is a criticism upon the majority of this House. I said I approved it also because in my own district the only men that were favoring this bill, and the men that came threatening to beat me for this House because I did not favor it, were the men that were then engaged in renovating butter and marketing it as creamery butter and selling it as a fraud upon the market in Kansas City and the country. [Applause.] And I said that this action would drive those men out of business, or force them to do a legitimate business, and I hope that the majority of this House that stood then so strongly by that amendment will not brand themselves as hypocrites by coming up now and saying that this bill, which its supporters say is enacted to prevent the sale of oleomargarine in fraud of butter, can not be so amended as to prevent the sale of renovated butter in fraud of creamery butter. I hoped then and I hope now that the majority of this House will stand by their own action, and when they go out to prevent fraud, will prevent fraud in renovated butter just as they attempt to prevent fraud in oleomargarine. Let me say one thing further.

Mr. GRAFF. Will the gentleman allow me?

Mr. COWHERD. Just a moment. I personally know the man who wrote the letter that has been read by the gentleman from Kansas [Mr. SCOTT]. That man is engaged in the dairy

business in and near Kansas City. He has been an officer of the Missouri Dairy Association. His business is the sale of milk and butter from dairies and creameries, and his protest is made because of the fact that we have in Kansas City several large firms engaged in buying up butter all over the country—dirty, rancid, unsalable butter—taking it there and renovating it and putting it on the market in opposition to the good wholesome creamery butter. I hope that the amendment of the gentleman will be adopted, and that the House will stand by its former action.

Mr. GRAFF. Does not the gentleman know that renovated butter would fall under the head of adulterated butter and would fall under the tax of 10 cents a pound?

Mr. COWHERD. Most assuredly I do not. Under the provisions of this bill it does not become adulterated unless chemicals are used, and you can put butter into a renovator and by the system they have of renovating that butter and washing it and proceeding to cool it and re churn it with milk, they send it out with a fresh odor that lasts a few hours or a few days, and it goes out in the market as a fraud on the purchaser.

Mr. GRAFF. The gentleman is misrepresenting me when he states that I criticised him because he advocated a bill introduced in the House, but the point on which I wanted to criticize the gentleman was that it was charged that he advocated the measure for the purpose of defeating the legislation itself.

Mr. COWHERD. No; I said I welcomed it. I thought the legislation was bad, and I welcomed the amendment and thought it would tend to defeat the bill, because I believed that at least one-half of the force behind this bill are the renovators of the country, who are carrying on a business as fraudulent as is charged against oleomargarine makers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I move to strike out the last word, provided such motion is necessary to enable me to have two or three minutes in answer to the remarks of the gentleman who has just taken his seat, the gentleman from Missouri [Mr. COWHERD]. He states to us that he believes a great deal of the mischief this proposed amendment seeks to prevent (occasioned by the supposed adulteration and sale of renovated butter) arises in a constituency engaged in the manufacture and sale of that product. I know not how this remark may affect constituencies of other gentlemen sitting in this committee, but I want to make it plain to him that I know of no one in my district who meddles in this stuff, who sells it, or who eats it, or who manufactures it, but there are many amongst us who claim to have the right to know when they buy a product that it is what they bought it for and not something else.

Mr. COWHERD. Then, if the gentleman will permit me, he would favor an amendment that would compel renovated butter being marked as renovated butter?

Mr. BUTLER of Pennsylvania. I do not propose at this time, without knowing the real object intended by this proposed amendment—it being brought here without the friends of the pending bill having been forewarned, without its purpose being fully understood by this committee, without being told in advance what was sought to be saddled upon this bill—to contribute to its defeat by voting for the amendment. I will not be dragged into voting for an amendment which might compel the courts to hereafter hold the purpose and intention of this body to be that which was not intended.

The gentleman from Missouri no doubt is well acquainted with the legislative propositions of this House, because I have heard him several times on the same subject—that of preventing frauds, such as this bill is intended to prevent and will prevent. When did the vigilance of gentlemen in this House first show itself in the way it is manifesting itself now? When did you first make an attempt to prevent the perpetration of this fraud that you are so desirous of preventing now?

Mr. WADSWORTH. We attempted that line of legislation when the gentleman from Kentucky [Mr. ALLEN] introduced an amendment on the floor of this House and which you voted against.

Mr. BUTLER of Pennsylvania. When was that?

Mr. WADSWORTH. That was a clause that was put in when the original bill was passed. [Loud applause.]

Mr. BUTLER of Pennsylvania. That is all right. I voted against it then and will vote against it now.

Mr. WADSWORTH. Of course you will.

Mr. BUTLER of Pennsylvania. Every member is entitled to his views on the pending question, and we need not lose our temper because we differ. When was it that this vigilance first manifested itself? Now, the very purpose of this amendment is first stated by the gentleman from Missouri. I will say for him that while I have sat with him in this House during the past five years I have always known him to be candid and to speak the truth. The purpose of this amendment is to defeat the bill. The gentleman from Missouri admits it. If the members here are in favor of the bill as originally reported; if this House is in favor of passing it as prepared by its promoters; then it is too late to accept

as genuine the proposition that is made in this amendment. Now, if I might have the time—and I think about seven minutes is all the time I have occupied in five years—[laughter]—

The CHAIRMAN. The gentleman has two minutes.

Mr. BUTLER of Pennsylvania. I have seen enough crocodile tears shed over this bill by its adversaries on account of those they term "the poor man." I have seen them flow and flow time and time again. The attempt to defeat this bill is made because its provisions are said to be inimical to the privileges of the poor man. I have a letter in my hand from the agent of the dairy and food commission in Pennsylvania, whose name I do not hesitate to give. His testimony will dissolve the argument made for effect. Does the gentleman from Missouri desire to hear what he has to say?

Mr. COWHERD. I am listening to the gentleman.

Mr. BUTLER of Pennsylvania. The writer of this letter is Robert M. Simmers, who for six years has been running down and hunting out and fining and punishing every man where he could find him who had been practicing this fraud.

Mr. WACHTER. I would like to ask the gentleman, Who is this man?

Mr. BUTLER of Pennsylvania. I have said he is the agent of the dairy and food commission of Pennsylvania.

Mr. WACHTER. He gets paid for that business, does he not?

Mr. BUTLER of Pennsylvania. The same as you do, and I say you are honest.

Mr. WACHTER. Then he does not deserve any credit, as he gets paid for it, and it is his business.

Mr. BUTLER of Pennsylvania. That may be said by the gentleman, who is a stranger to the writer; but if I have time I will read the letter. The gentleman says he is unworthy.

Mr. WACHTER. I did not say that.

Mr. BUTLER of Pennsylvania. I leave it to the members, but I know the gentleman meant to say the writer, being employed to detect fraud, may have been overzealous.

In an experience of five years he says he has never been able to buy oleomargarine in the State of Pennsylvania for less than the butter price. Hundreds of cases he has given where he has always paid the price of butter. In this letter he states many cases where he has seen miners march into stores and buy that which they supposed to be butter, but which turned out to be oleomargarine, with only 2 per cent of butter fat found therein.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I ask unanimous consent that the gentleman have his time extended ten minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER of Pennsylvania. The letter is dated January 20, 1902, and is written, as I have already said, by Robert M. Simmers, special agent for the Department of Agriculture. Before reading the letter I wish to say that I have known him twenty-five years, and even the people who think that he is too vigilant say that he always tells the truth. He is the agent who was discharged by the former food and dairy commission of Pennsylvania, but was soon afterwards restored. The letter is as follows:

SPECIAL AGENT DEPARTMENT OF AGRICULTURE,
Phoenixville, Pa., January 20, 1902.

Hon. THOMAS S. BUTLER,
Washington, D. C.

DEAR SIR AND FRIEND: In answer to yours of January 17, will say that in 1896 I found 10 barrels shipped by an oleo manufacturer to the Avondale Coal Company, below Wilkesbarre, Pa., which contained 2 60-pound tubs each of oleo, and billed as other goods, and was after being sold as pure butter when I found it in the store; and many times have I found it being shipped in soap, orange, and cracker boxes, and without any stamps on at all.

In 1898 I found a party at Williamsport that was shipping it in regular butter boxes in prints and 2-pound rolls to different stores in Sunbury, Shamokin, McAdoo, Yorktown, Lansford, Tamaqua, and several other towns, as and for pure butter, and I had 38 stores at one time arrested for selling this goods. The man Dorman, who was the shipper, was convicted and served two years for it, and several of the stores were fined. None of this goods had any stamps on.

I have taken hundreds of samples of the stuff, and I have never (with two exceptions) bought it for anything else but pure butter, paying from 20 to 35 cents per pound for it, and as butter. One man in Pottsville had in his store creamery prints, at 32 cents, farmers' roll, at 28 cents, and oleo prints, at 35 cents, and all in the same refrigerator. I of course took the 35-cent stuff and he paid for it in a heavy fine.

Mr. COWHERD (interrupting the reading). Mr. Chairman, I want to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. BUTLER of Pennsylvania. I will.

Mr. COWHERD. I want to ask the gentleman whether that officer had ever made any attempt to discover whether renovated or adulterated butter was sold, and whether it be not a fact that your farmers and creamery men are as much opposed to that fraud as to the sale of oleomargarine?

Mr. BUTLER of Pennsylvania. They are in favor of prevent-

ing all kinds of fraud, and I hope to represent my district in such a manner that I may aid them in preventing a fraud.

Mr. COWHERD. Then the gentleman, as I thought I gathered from his remarks, will join us in the motion of the gentleman from Kansas to put a small police tax upon these people and make them mark their product.

Mr. BUTLER of Pennsylvania. I understand where the gentleman's question will lead me; but I will say that if he and his people had been fair, if they had submitted this proposition to us so that we could understand it and had time to digest it, we might support it. Take this proposition off the bill, if you please, and I will vote for it, but do not mix it up with this measure to encompass its defeat.

Mr. COWHERD. The gentleman means to separate the proposition from this bill?

Mr. BUTLER of Pennsylvania. Yes.

Mr. COWHERD. We could not get it before the House. The only way to get good legislation is to amend legislation when it is before the House.

Mr. BUTLER of Pennsylvania. That is the ordinary way; but do not introduce one measure for the mere purpose of killing another. I will accept the gentleman's statement, as quoted by the gentleman from Illinois [Mr. GRAFF], that it is his intention to defeat the bill with this proposition.

Mr. COWHERD. Oh, no.

Mr. WADSWORTH. May I ask the gentleman a question?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. WADSWORTH. Would the gentleman vote for an independent proposition to prevent the artificial coloring of creamery butter?

Mr. BUTLER of Pennsylvania. Of course I would not. [Laughter.]

Mr. ALLEN of Kentucky. I would like to know if the gentleman is acquainted with Levi Wells, the dairy product commissioner of Pennsylvania in 1898?

Mr. BUTLER of Pennsylvania. I know of him, and I know he was discredited by some people and was displaced.

Mr. ALLEN of Kentucky. Discredited by whom?

Mr. BUTLER of Pennsylvania. By every farmer in the State of Pennsylvania, and by every creamery man in the same State with whom I talked. He was displaced and another man named in his stead.

Mr. WACHTER. What was the reason?

Mr. BUTLER of Pennsylvania. Because it was said that he had not sufficient anxiety to prosecute your people. I do not know that such a charge was justifiable. I only state the report as I heard it.

Mr. WADSWORTH. My people? [Laughter.]

Mr. BUTLER of Pennsylvania. The oleomargarine people. I say further that the man from whom this letter comes, which I have tried hard, Mr. Chairman, to read, was discharged by Levi Wells. Do you know why?

Mr. ALLEN of Kentucky. No; I do not know.

Mr. BUTLER of Pennsylvania. Because it is said he found too many men selling oleomargarine for butter. I know that the governor of Pennsylvania required Mr. Wells to surrender his portfolio. The reason I can not give, except from reports made by people I know.

Mr. WADSWORTH. Was he discharged at the instigation of John Wanamaker? [Laughter.]

Mr. BUTLER of Pennsylvania. Respectfully referred to Senator QUAY. [Laughter.]

Mr. SCOTT. The gentleman from Pennsylvania understands that this bill imposes one-quarter of a cent tax on uncolored oleomargarine and also on renovated or process butter. Now, why should the bill—

Mr. BUTLER of Pennsylvania. I do not know how it is, and I do not care. [Laughter.] Mr. Chairman, I do not want to attempt to answer this question, because I do not fully comprehend the purpose of the amendment proposed. I know the purpose of this bill is to prevent fraud, and I propose to be honest enough to state to my friend from Kansas that if colored oleo and butter can not exist together after the passage of the bill, colored oleo shall go and butter remain. That is my position.

If either shall survive, it shall be butter. But if they can honestly, let them exist together. I do not believe they can. I do not believe you can sell your oleomargarine colored and make a profit if this bill passes. But that is nothing to me. I simply want it said by this law that you shall not commit a fraud. You have stuck a stick into the body politic, thereby creating a festering sore. Now, I propose that it shall be withdrawn by operation of law.

I do not care what the result is, so that we succeed in preventing the fraud and secure the farmer and the dairyman in his rights. It is his right to sell his butter as butter, and it is also his privilege to prevent, if possible, the product of the district of

my friend from Chicago [Mr. MANN] and that of other districts to come into my district and be sold for butter. It shall not be done if I can prevent it.

Mr. MANN. You want to compel our people to buy the higher priced product which they do not want, rather than the lower priced product which they do want?

Mr. BUTLER of Pennsylvania. That is not the purpose of the bill. I want your people to be required to obey the law.

Mr. MANN. Having had the benefit of protection all your life, you want to protect your State against the competition of another part of the country. You are not willing to stop with the protection you have had.

Mr. BUTLER of Pennsylvania. The gentleman may construe my action as he pleases. It is not a question of protection, but one of obedience, that is before us. I desire the people of Illinois who are represented by my friend, and who now violate the law, to obey it, and I shall vote to continue the struggle to this end until the end comes.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER of Pennsylvania. May I be allowed to finish reading this letter? [Laughter.]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended long enough to permit him to read the letter to which he has referred.

There was no objection.

Mr. BUTLER of Pennsylvania. I am now coming to a point which should interest my friend from Missouri. From his standpoint he made a good speech the other day; it was cleverly and well made, but we would have enjoyed it more if it had only been based on facts. Here is where the poor man obtains his benefits from oleo frauds:

Down in Chester last year I found several places where the stores were selling as pure creamery butter, at 30 cents per pound, and told their customers that it was the very best quality, and that they, in some cases, controlled the creameries that made it; and in other cases, when they had given their customers inferior butter at 28 cents and they complained, said that they had a better goods at 32 cents, and when they bought it it turned out to be oleo in prints, with 2½ per cent of butter fat in it instead of 89 per cent.

Mr. WADSWORTH. Who was it that committed that fraud; a butter dealer or an oleomargarine manufacturer?

Mr. BUTLER of Pennsylvania. He was a butter dealer, I suppose.

Mr. MANN. And a Pennsylvanian!

Mr. BUTLER of Pennsylvania. Yes; of course all men in Pennsylvania are not good men.

Mr. MANN. One of the gentleman's constituents?

Mr. BUTLER of Pennsylvania. We have six millions and a half of people in our State, and they can not all be irreproachable. Now I will give some more names and facts:

Russell Uhl, of Wilkesbarre, is now having agents over the territory up there selling tea and coffee at certain prices and giving them oleo as a premium for pure butter—

[Laughter.]

Mr. WADSWORTH. That is a way of advertising.

Mr. BUTLER of Pennsylvania (continuing the reading)—

and this last week I arrested four parties for selling the goods as butter at 28 and 30 cents per pound for butter and one of them is in jail, and the stuff had been shipped in boxes, covered up with heavy paper to conceal the article from the public, and it was transferred to other boxes and the empty ones thrown into the Lehigh River. All of this goods is colored just like pure butter, and put up in imitation of the same, in rolls, prints, and tubs. If the Government would not allow the coloring it would be almost impossible to sell it under a false name, and should not be allowed under any consideration. In using the argument that it is the friend of the poor man, I will state that I have stood in stores and seen the goods sold to miners and other laborers at 30 cents per pound as and for pure butter. The miner, as a rule, wants good food, and is willing to pay for it, but at the same time he wants to buy as cheap as he can, and wants butter when he asks for it and pays butter prices, and I have got the first time in my work for five years to see the stuff sold at its value and for oleo at the same time, and that is where the great fraud comes in the sale of oleo, not that it is so detrimental to health—

We have changed our views somewhat on that point.

A MEMBER. I am glad of it.

Mr. BUTLER of Pennsylvania (continuing the reading)—

but in the deception and fraudulent way that it is disposed of when it is colored like butter, and it always will be so long as it is allowed to be made as it is at this time, for the Government is defrauded, as well as the State and the consumer; for at least three-fourths of the parties that I have found have no license to sell it from anyone and run the risk of selling it and not be detected when they can take it from the original package and put it in butter boxes and dispose of it that way. I have not time to make out a detailed number of cases, but have given you some information in a general way, but if you desire to have them will be glad to do so. Inclosed find copy of present State law.

Very respectfully,

ROBT. M. SIMMERS.

Mr. WADSWORTH rose.

Mr. HENRY of Connecticut. I make the point of order that debate on the amendment is exhausted.

Mr. WADSWORTH. I hope the gentleman will withdraw that point for a moment.

Mr. HENRY of Connecticut. Very well; I withdraw it in order to allow the gentleman from New York to go on with his remarks.

Mr. WADSWORTH. I am extremely sorry that the gentleman from Illinois [Mr. GRAFF] should feel himself so weak in his position as to resort to the argument that "we must fear the Greeks bearing gifts." I suppose, Mr. Chairman, I am one of the Greeks.

Mr. GRAFF. Undoubtedly that is true.

Mr. WADSWORTH. I want to say in all honesty and in all sincerity that the minority of the Agricultural Committee has interposed no objection to this bill in the way of delay. We have agreed to all the Senate amendments, and we are offering amendments to the Senate amendments simply to put process butter and adulterated butter and oleomargarine on the same plane. As far as governmental supervision is concerned—

Mr. DAVIDSON. Will the gentleman permit an interruption?

Mr. WADSWORTH. No. Exactly as far as taxation per pound is concerned and exactly as far as license fee is concerned and for process butter, we reduce the manufacturer's license from \$200 to \$50. We have done that in all sincerity, and we do not want to impede this bill in any way.

Mr. HENRY of Connecticut. Mr. Chairman, I renew the point of order.

Mr. DAVIDSON. Will the gentleman permit a question?

Mr. WADSWORTH. I will.

The CHAIRMAN. The gentleman from Connecticut renews his point of order.

Mr. WADSWORTH. Oh, let him ask his question.

Mr. HENRY of Connecticut. I withdraw the point of order for the present.

Mr. DAVIDSON. Didn't you propose an amendment yesterday which would permit colored butter to be mixed with oleomargarine?

Mr. WADSWORTH. I did.

Mr. DAVIDSON. For the very purpose of killing the bill?

Mr. WADSWORTH. No; I did not. That is an assumption by the gentleman that he has no right to make. It would not kill the bill. Butter is in itself an ingredient of oleomargarine, and you know that every pound of butter, or 95 per cent, at least, of the butter sold on the market is colored. Now, if the oleomargarine manufacturers go on the market to buy their butter they can not procure it uncolored.

Mr. DAVIDSON. The gentleman knows they put in the cream, and they can buy the cream without the color.

Mr. WADSWORTH. That may be so; but one of the ingredients of oleomargarine, as shown by the list of ingredients filed with the Secretary of the Treasury, is butter. Now, I claim they can not buy uncolored butter, and the gentleman from Wisconsin knows it.

Mr. MANN. And the gentleman is not willing to depart from the fraud of coloring butter.

Mr. DAVIDSON. It is not a fraud.

Mr. WADSWORTH. It is.

Mr. PEARRE. Did not the gentleman from New York [Mr. WADSWORTH] say yesterday that his amendment to the Senate amendment No. 7 was designed to permit the coloration of oleomargarine?

Mr. WADSWORTH. I did.

Mr. PEARRE. And does not the gentleman know, and will he not admit to this House, that such permission would destroy the effect of this bill?

Mr. WADSWORTH. I have held from the first—

Mr. PEARRE. Answer the question.

Mr. WADSWORTH. I beg your pardon, but I will answer it in my own way. I have held from the first that the oleomargarine manufacturers had the right to color their product—just as much a right as the butter manufacturers have to color theirs.

Mr. PEARRE. Then answer the question. Would not that amendment defeat the purpose of this bill?

Mr. WADSWORTH. No; because the Senate has put in an amendment which the majority of the committee have accepted, striking out the words "ingredients or" and inserting the word "artificial" before the word "coloration."

Mr. PEARRE. And when you add to that the exception that you made in the amendment numbered 4, after the word "coloration," "excepting colored butter" or "yellow butter," would not that have—

Mr. WADSWORTH. No; it says "artificial."

Mr. PEARRE. After the word "coloration," would not that have permitted the coloring of butter?

Mr. WADSWORTH. I want to answer the question frankly and openly. I say it would enable them to color their own oleomargarine, and color it in an honest way and under the provisions of this law, because butter is an ingredient of oleomargarine—

Mr. PEARRE. Does not the gentleman know—

Mr. HENRY of Connecticut. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Connecticut makes

the point of order that the debate on this amendment is exhausted. The Chair sustains the point.

Mr. HENRY of Connecticut. Just one word, and I will ask for a vote on the amendment.

The CHAIRMAN. The gentleman has himself made the point of order. [Laughter.]

Mr. HENRY of Connecticut. Then I ask unanimous consent to withdraw the request. I would make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to speak further on the amendment. Is there objection?

Mr. MANN. I do not wish to object, but I take it the gentleman is not very courteous to the rest of the House in undertaking to shut off everybody else except himself. [Laughter.] I hope in the future he will not be so particular.

The CHAIRMAN. The gentleman from Connecticut.

Mr. HENRY of Connecticut. Mr. Chairman, the gentleman from Kansas [Mr. SCOTT], with the gentleman from New York [Mr. WADSWORTH], have all along been able and consistent opponents of this legislation, both in committee and in the House. The gentleman from Kansas now offers an amendment that contains a little that is meritorious, more that is objectionable, and objects to a division. Now I would ask, as a parliamentary inquiry, if the amendment of the gentleman from Kansas [Mr. SCOTT] is divisible?

Mr. SCOTT. I hope the gentleman will not put me in a false position. I repeatedly stated that I would not object to a division, if it was requested as a parliamentary right.

The CHAIRMAN. Has the gentleman from Connecticut [Mr. HENRY] concluded his remarks?

Mr. HENRY of Connecticut. Yes.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas.

Mr. TAWNEY. I ask for a division of the amendment.

The CHAIRMAN. The gentleman from Minnesota asks for a division of the amendment.

Mr. TAWNEY. I ask for a separate vote on that part of the amendment defining a retail dealer in adulterated butter. I think that part of the amendment should be adopted.

The CHAIRMAN. The Chair will state that this, not being a motion to strike out and insert but a motion to amend by adding new matter, it is properly divisible provided it contains more than one substantive proposition. The Chair is of the opinion that it does contain at least two, and therefore sustains the demand of the gentleman from Minnesota, and will put the question upon the first proposition.

Mr. BUTLER of Pennsylvania. Let us have it read.

Mr. TAWNEY. I would like to have that proposition read.

The Clerk read as follows:

Insert in line 3, page 7, after the word "annum," the following: "Every person who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter."

Mr. TAWNEY. That is the proposition for which I ask a separate vote. I think it ought to be adopted.

The CHAIRMAN. The question is on the adoption of that portion of the amendment which the Clerk has just read.

The amendment was agreed to.

The CHAIRMAN. The question now is upon the adoption of the remainder of the amendment offered by the gentleman from Kansas [Mr. SCOTT], which the Clerk will report.

Mr. HENRY of Connecticut. I trust that will be voted down.

The Clerk read as follows:

Wholesale dealers in process or renovated butter shall pay a tax of \$50 per annum, and retail dealers in process or renovated butter shall pay a tax of \$6 per annum. Every person who sells or offers for sale renovated or process butter in the original manufacturer's package shall be deemed a wholesale dealer in process or renovated butter; but any manufacturer of renovated or process butter who has given the required bond and paid the required tax, and who sells only renovated or process butter of his own production at his place of manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of the wholesale dealer in renovated or process butter on account of such sale. Every person who sells renovated or process butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in process or renovated butter.

The CHAIRMAN. The question is upon the adoption of this amendment.

The question being taken, on a division (demanded by Mr. WACHTER and others) there were—ayes 37, noes 70.

Accordingly the amendment was rejected.

The Clerk read as follows:

Dealers in adulterated butter shall pay \$48 per year. Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

The following committee amendment was read:

In lines 4 and 5 strike out the words "dealers in adulterated butter shall pay \$48 per year."

The amendment was agreed to.

The Clerk read as follows:

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Mr. BURLESON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 18, page 8, after the word "butter," insert "and process or renovated butter."

Mr. BURLESON. Mr. Chairman and gentlemen of the committee, the purpose of this amendment is to make the provisions of this particular paragraph applicable to process or renovated butter. It does not increase the tax upon process or renovated butter. It does not increase the license fee for the sale of process or renovated butter. The sole purpose of the amendment is to protect the honest retail dealer and the consumer from being imposed upon by having renovated or process butter sold to him as high-grade creamery butter. Now, I will not say that the gentlemen who voted for substantially this amendment when this bill was pending in the House before will stultify themselves if they vote against it now, but I will state that if they vote against this amendment they are thoroughly inconsistent.

The gentleman from New York [Mr. WADSWORTH] on yesterday read what the dairy commissioner of Pennsylvania said about renovated butter.

Mr. TAWNEY. One moment, before the gentleman leaves that will he permit me to interrupt him?

Mr. BURLESON. Yes, certainly.

Mr. TAWNEY. Do you not think that section 5 of the Senate amendment covers fully the purpose you have in view by the amendment you offer?

Mr. BURLESON. On the contrary, I know that it does not, as amended by the House Committee on Agriculture.

Mr. TAWNEY. That is where you and I differ.

Mr. BURLESON. The gentleman from New York read you on yesterday what the dairy commissioner of Pennsylvania, Mr. Wells, had to say about renovated butter. It seems that Mr. Wells has been discredited. It has been said that he has been sent to the penitentiary. In fact, my quondam Democratic colleague [Mr. SIBLEY] said that the people of Pennsylvania—the indignant people of Pennsylvania—have driven him from office. But that does not answer the question as to what the dairy commissioner of Pennsylvania stated as a matter of fact about renovated butter. Time and again the North American, the best-conducted and most ably edited newspaper published in Pennsylvania, has charged that other State officers of that great State ought to be driven from office.

In fact, it has repeatedly stated that some Federal officers, some of them in the legislative department of our Government, notably at the other end, ought never to have been elected to office, and further, that they ought to now be driven from office. But that has no particular bearing. I will not take issue with Brother Wanamaker on this point. What did Mr. Wells, their dairy commissioner, selected by the Republican party for this important position, describe renovated butter to be? Every man here knows what renovated butter is. When this bill was pending in the House before, by two-thirds majority of the members voting, this House voted that renovated butter should only be sold as renovated butter—that is, when marked renovated butter. Now, gentlemen, I submit it to you, you who voted for the Allen amendment when this bill was pending in the House before, how can you consistently vote against this amendment now offered by me?

I earnestly submit to the proponents of this measure, How can you consistently vote against it? I assert that no substantial reason can be given why this amendment should not be adopted. It simply puts renovated or process butter on the same plane as oleomargarine, and requires it to be sold for what it is—renovated butter. I defy my ingenious and oleaginous friend from Minnesota, who in the recent past so ably pleaded for the beet-sugar industry, begging that it be not destroyed, but who is willing now to destroy one industry, to club it to death, and thereby line the pockets of the owners of creameries in his section of the country, to state one good reason why this amendment should not be adopted. Now, gentlemen, what does the amendment propose to do?

My friend from Illinois, the distinguished chairman of the Committee on Appropriations, the other day said when this bill was thoroughly understood by the people—by the farmers in whose interest it is being claimed it is being enacted—that somebody was going to be trampled on. I say to the members who voted for the Allen amendment when this bill was before the House, you will trample upon yourselves if you now vote against the amendment I offer. What does it propose to do? It proposes that renovated butter shall be marked as renovated butter, and

when sold shall be sold for what it is. That is all it does. What is renovated butter?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Connecticut. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from Connecticut asks that the time of the gentleman from Texas may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. I thank the gentleman from Connecticut. Now, what is renovated butter? How is it made? The gentleman from Illinois [Mr. CANNON] seemed to labor under the impression that all butter which was subsequently made renovated butter was butter sold by the farmer to the country storekeeper; but I tell you that a great deal of the butter that finally reaches the manufacturer of renovated butter is made in creameries; not the first-class creameries, but in such creameries as the one I now describe.

Mr. BUTLER of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. BURLESON. With great pleasure.

Mr. BUTLER of Pennsylvania. Will the gentleman please name some of the creameries in which this renovated butter is made?

Mr. BURLESON. I will read now to the gentleman from a reported interview with the assistant State food commissioner of Illinois, describing certain creameries where low-grade creamery butter is made, and this low-grade butter in a very short time becomes rancid, and then must be renovated; must go to the factory of the manufacturer of renovated or process butter. High-grade creameries do not make such butter. Now, let me read:

"Filthy and absolutely unfit for the purposes used and a menace to the public health," is the indictment returned by Assistant State Food Commissioner R. M. Patterson against many dairies and creameries supplying Chicago with milk and butter.

"A majority of them are in bad sanitary condition and without proper drainage facilities," continued Mr. Patterson. "They should either be rebuilt and thoroughly cleaned, or closed to prevent a further spread of disease."

Commissioner Patterson made these startling statements yesterday on his return from a three days' inspection tour among the creameries and dairies near Galena, Freeport, and Rockford.

"I inspected fourteen dairies and creameries, and of this number I found but one which came anywhere near the standard provided by law," continued the commissioner. "I was utterly amazed at the conditions found. The owners pleaded ignorance of the law, and said the conditions were no worse than they have been for years. I did not want to be too hard, so I warned them to rebuild their plants immediately and keep their premises scrupulously clean in the future. If they fail to obey this warning we will prosecute them to the full extent of the law."

I stand here to tell you that the butter manufactured in creameries of this kind is certain to go to the factory engaged in manufacturing renovated or process butter within a very short time.

SAMPLE OF A REPORT.

Here is a sample of the conditions met with on our tour of inspection. It is a report on a large creamery near Freeport, and reads as follows:

"Output of plant last year, 74,880 pounds of butter, all of which was shipped to Chicago. The creamery handled 1,872,000 pounds of milk. It is located in a two-story frame structure, on the first floor, and the owner and his family live upstairs. The interior is walled and ceiled with common matched flooring, which is soaked with grease and is in a state of decay. It was white-washed many years ago, but has not been cleaned since. The boards in the floor are loose, and dirty water spurts between the cracks every time a person walks across the room.

"Escaping steam fills the room, and this, together with the smell of stale milk, makes the atmosphere almost unbearable. The weigh-can cover was covered with a black grease, due to the accumulation of months. Directly over the receiving vat was a window covered with dust and soot and cobwebs. We found the outside of the separator covered with a black grease, half an inch thick.

"The woodwork of the cream vat was moldy and foul smelling. The churn was filthy and the valve through which the cream flowed was partially clogged with a black grease. The escaping steam in the place kept the ceiling wet all the time and dirty water dripped into the vats. The skimmed milk and buttermilk tanks are located directly over a coal pile, and every time fuel is removed the dust rises and settles in the tanks. In an adjoining room we saw them working and packing butter amid filthy surroundings."

"This is a fair sample of the average creameries we inspected. These are the places where a large part of the butter used in Chicago is made. The State food commission will devote its attention to these places immediately, and either improve the sanitary conditions or close the establishments."

HEALTH OFFICER SURPRISED.

Secretary Pritchard, of the health department, when informed of the statements made by Commissioner Patterson, said:

"If the conditions are as bad as reported, there is need of vigorous action without delay. In the past these people have practically been running without supervision from either the local or State authorities. We have no control of them. We knew they were not kept as clean as they should be, but had no idea that the conditions were anything like those pictured by the State food commission."

Yet the gentleman from Pennsylvania and the gentleman from Minnesota want this butter, which will soon be sent to the factory of the renovator, after same has been renovated, to be sold as pure creamery butter. That could be done under the terms of this bill as reported by the House Committee on Agriculture, because they strike out the Senate amendment requiring process butter or renovated butter to be marked "Process butter."

How is renovated butter made? I read from the annual report of the Department of Agriculture a description of the method. Its publication in this report is a guaranty of its accuracy.

It is first dumped into large tanks surrounded with jackets containing hot water, and melted at a temperature ranging from 100° to 110° F. After being thoroughly melted, the heavier solids sink to the bottom and the lighter particles rise to the top, which, when skimmed off, leaves the clear butter fat with the heavier sediment at the bottom.

This butter fat is then removed to other tanks, jacketed and surrounded with hot water like the first. The odor of the fat at this stage is anything but agreeable, and the main object of the next manipulation is to remove this stench from it. This is supposed to be accomplished by aeration, the fat passing out of a pipe at the bottom of the tank and with a rotary pump again elevated in a pipe over the top of the tank and discharged through a strainer into the same, thus to remove the disagreeable odors, keeping up a continuous circuit and agitation of this liquid butter fat.

It is claimed by some that chemicals are also used for this purpose, but assurance has been given by those engaged in the business that this is not true. When the fat is sufficiently aerated the machinery is changed by removing the funnel-shaped strainer, and large quantities of skim milk are added; in just what proportion is not known, but can approximately be stated. An analysis of the finished product showed only 75 per cent of butter fat, and as it contained nothing but the fat and milk and a small amount of salt, there must have been about 25 per cent of milk added. A perfect emulsion of the milk and butter fat is obtained by the same machinery that did the aerating excepting the strainer, and it is accomplished in a very short time. When the milk has all disappeared the melted mass looks much as it did before the milk was added.

It is next run off in pipes to a vat of ice and water, where it is quickly chilled, taking the granular form and looking like ordinary butter when in the granular form before being worked. It is then worked, salted if necessary, and printed or packed in tubs for shipment, often as fresh creamery butter.

How can the proponents of this measure contend in one breath that oleomargarine should be branded and marked so that the purchaser may be not deceived and then be consistent and contend that renovated or process butter be not marked and branded? If you are right in your first contention, then by the irrefutable force of logic you are wrong in your second position.

Now, gentlemen, why not adopt this amendment? It is not a case of the Greeks bearing gifts now, because a majority of the members of this House voting voted for this amendment during the consideration of this bill before it was sent to the Senate. I appeal to gentlemen who voted for this amendment before, be just to yourselves, be honest intellectually with yourselves, be consistent and vote yea—especially to the proponents of this measure do I appeal—vote now to protect the retail merchant, protect the consumer, by preventing this horrible stuff that is termed "renovated butter" from being sold as pure creamery butter. [Applause.]

Mr. TAWNEY. Mr. Chairman, the gentleman from Texas [Mr. BURLESON] has represented to the committee that this amendment is one that two-thirds of the members voting voted for when the bill was under consideration originally in this House.

Mr. BURLESON. Two-thirds of those present and voting.

Mr. TAWNEY. Two-thirds of those voting is the exact language. I have reread the amendment offered by the gentleman from Kentucky [Mr. ALLEN] and I will defy the gentleman from Texas to show me a word in the amendment to which he has referred that relates at all to the proposition which he now presents to this committee. He has talked and other gentlemen have talked about renovated butter—

Mr. BURLESON. Let me answer the gentleman's assertion.

Mr. TAWNEY. I will read the amendment.

Mr. BURLESON. I will read it.

Mr. TAWNEY. The gentleman must read it in his own time; he can not read it in mine. They have referred frequently to the renovated-butter amendment which was put in by the House, which the gentleman must now know, if he did not know it before, would have been an absolute nullity had it ever become a law. The gentleman knows, as well as other men in this House, that the Federal Government has no power to go into a State and supervise or inspect the manufacture of an article intended for sale within that State. But that is what you proposed in your renovated-butter amendment. It would, therefore, have been absolutely worthless. It would have absolutely failed in the accomplishment of the purpose for which you said it was intended.

Now, you are applauding yourselves because you have voted for something that would not accomplish what you intended to, and are criticising us because we have gone on and perfected the proposed plan of regulating the manufacture and sale not only of renovated butter, but of adulterated butter. Mr. Chairman, before I speak to the amendment I want to read the renovated-butter amendment which the gentleman from Texas [Mr. BURLESON] has commended so highly. It is as follows:

That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "Renovated Butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any

person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$500, and imprisoned not less than one month nor more than six months.

Now, the gentleman's amendment does not relate at all to the marking or branding of the butter, but it relates to the packing. There is nothing in the renovated amendment adopted by this House that requires the manufacturer of renovated butter to pack that butter—

Mr. ALLEN of Kentucky. The gentleman does not mean that. Mr. TAWNEY (continuing). The proposed amendment is that process or renovated butter shall be packed by the manufacturer thereof in firkins or tubs or other wooden packages not before used for that purpose.

Mr. BURLESON. Go on, go on.

Mr. TAWNEY. If the gentleman will keep quiet I will go on, but I will go on in my own way. Or other wooden packages not before used for that purpose. I say there is nothing in the renovated-butter amendment proposed by the gentleman from Kentucky and adopted by the House in regard to the character of the packages in which the renovated butter was to be packed. "Each containing not less than 10 pounds." There was nothing of that kind in the renovated-butter amendment which the gentleman from Kentucky [Mr. ALLEN] offered when this bill was originally before this House. "And marked and stamped and branded as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury shall prescribe, and all sales made by the manufacturers of adulterated butter shall be in original stamped packages." In the Senate amendment to this bill I find this provision on page 12:

All process or renovated butter and packages containing the same shall be marked with the words "Process butter," by mark, label, or brand, in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia or to any foreign country until it has been marked as provided in this section.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. I would like five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COWHERD. Will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. COWHERD. Is it not a fact, however, that the committee has recommended the striking out of the words "process butter"?

Mr. TAWNEY. The Committee on Agriculture does propose an amendment striking out the words "process butter," but I do not agree with the committee, and I shall propose a substitute for that amendment, and will do it with the consent of the gentleman in charge of the bill, and restore the words "process butter" and otherwise amend it so that the provision as it will read, if the amendment is adopted, will be as follows:

And all process or renovated butter and the packages containing the same shall be marked with the words "process butter" and by such other marks, labels, or brands as may be prescribed by the Secretary of Agriculture.

That would be the proposition as it would read if the amendment which I shall propose is adopted. With that amendment adopted, with the language in the bill as it is now, it is infinitely better than it would be with the much-exalted process-butter amendment which originated in the camp of the enemies of this bill.

Mr. BURLESON. If the gentleman will secure the assent of the Chairman of this committee or the gentleman having this bill in charge to the amendment he proposes, I will withdraw mine.

Mr. TAWNEY. I have that consent.

Mr. BURLESON. Then I withdraw my amendment.

The CHAIRMAN. If there is no objection, the amendment of the gentleman from Texas will be considered as withdrawn.

There was no objection.

Mr. FOSTER of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of lines 18 to 25, inclusive, on page 8, and all of lines 1 to 15, inclusive, on page 9, and insert in lieu thereof the following:

"That all adulterated butter, process butter, or renovated butter shall be put up by the manufacturer for sale in packages of one and two pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of adulterated butter, process butter, or renovated butter, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the words 'adulterated butter,' 'process butter,' or 'renovated butter' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of adulterated butter, process butter, or renovated butter shall first be wrapped with paper wrapper with the words 'adulterated butter,' 'process butter,' or 'renovated butter' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers, and marked, stamped, and branded with the words 'adulterated butter,' 'process butter,' or 'reno-

vated butter' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each one and two pound package: Provided, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the words 'adulterated butter,' 'process butter,' or 'renovated butter,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in adulterated butter, process butter, or renovated butter shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or two pound prints, bricks, rolls, or lumps; which said crates or boxes shall be, at all times, so placed as to expose to the customer the mark or brand affixed thereon by the requirements of this act.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter, process butter, or renovated butter otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any adulterated butter, process butter, or renovated butter in any manner contrary to law, or who shall sell or offer for sale, as creamery butter, any adulterated butter, process butter, or renovated butter, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than \$100 nor more than \$500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than sixty days nor more than two years."

Mr. FOSTER of Illinois. Mr. Chairman—

The CHAIRMAN. One moment.

Mr. FOSTER of Illinois. I anticipate, I think, the point which the Chair is going to make. I understand that, strictly speaking, this amendment is out of order until the first fifteen lines of the next page have been read.

The CHAIRMAN. The Chair will state that that portion of the gentleman's amendment which proposes to strike out a part of page 9 is not yet in order, but the gentleman may consider his amendment as so modified that it shall merely strike out a part of page 8, inserting in lieu thereof the matter which has been read; and the gentleman will be considered as giving notice that when page 9 has been read he will move to strike out the first fifteen lines.

Mr. FOSTER of Illinois. Mr. Chairman, the purpose of this proposed legislation, as we have been asked to understand it, is to prevent the perpetration of a fraud upon the public. The Senate amendment, as it appears in this bill, is copied almost verbatim from the present oleomargarine law which was passed in 1886.

When we considered this bill in the House before it went to the Senate, it was contended by the friends of the bill that the provisions of the present law did not sufficiently protect the public against fraud in the sale of oleomargarine. Complaint was made that the people were being constantly defrauded by dishonest retail dealers who fraudulently sold oleomargarine under the guise of butter, and that more drastic legislation was needed in order to stop the evil.

Now, if the provision of the present law does not protect the public against the fraudulent sale of oleomargarine under the guise of butter, let me ask the gentlemen who favor this bill, and who exhibit such intense concern for the public, and such feverish desire that the people be protected against fraud, how that same provision, which has been incorporated in this bill as a Senate amendment, is going to protect the public against the fraudulent and dishonest sale of adulterated butter, process butter, or renovated butter, under the guise of pure creamery butter? At least, try to be consistent when legislating to protect the public against fraud in the matter of adulterated, process, or renovated butter; do not foist upon them for their protection the same provision which you yourselves have rejected as insufficient to protect them in the matter of oleomargarine. The same condition obtains. The same question is involved.

The amendment which I offer will accomplish the desired end of preventing fraud in the sale of adulterated, process, or renovated butter, and in offering it I am entirely consistent, because it is practically section 6 of the substitute bill, offered by the minority of the Committee on Agriculture before this bill went to the Senate, and which had for its object the preventing of fraud in the manufacture and sale of oleomargarine, the only difference being that the words "adulterated butter," "process butter," or "renovated butter" are substituted for the word "oleomargarine."

You will notice the amendment that I have offered provides that all adulterated butter, process butter, or renovated butter shall be put up in packages not larger than 1 and 2 pounds, respectively, and to each package shall be affixed the tax-paid revenue stamp, and the wrapper shall have printed thereon the words "adulterated butter," "process butter," or "renovated butter," as the case may be, and that those words shall be impressed in sunken letters on each and every print, roll, or brick of adulterated butter, process butter, or renovated butter.

As I have said, Mr. Chairman, the object is to prevent the commission of fraud, and my amendment will absolutely prevent

its commission. We are told that under the present law, under present conditions, when a consumer presents himself and asks for 1 pound or 2 pounds of creamery butter, it is very easy for a dishonest dealer to put up 1 pound or 2 pounds of oleomargarine and hand it out to the customer as creamery butter. The same conditions will obtain in relation to adulterated, process, or renovated butter, if the Senate amendment is adopted. The dishonest dealer can still give out renovated butter, adulterated butter, or process butter in the guise of pure creamery butter. On the other hand, this will be impossible if my amendment is adopted, because under it a retail dealer can sell only in original packages.

Now, if gentlemen in this House who claim that their object is to prevent fraud are sincere in their contention, they can have no serious objection to the amendment which I have offered. I sincerely hope that all gentlemen will vote for this amendment, and I especially commend it to the consideration of the gentleman from Pennsylvania [Mr. BUTLER], who has expressed such an intense desire to prevent fraud.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I desire to prevent fraud, but, at the same time, to prevent fraud in a way that I may understand how the prevention is to be brought about. The gentleman from Illinois [Mr. FOSTER], who offers this amendment, brings it in at the eleventh hour, when it is too long to remember and almost too long to read. I do not propose that either he or the gentleman from Texas [Mr. BURLESON] shall single out the gentleman from Minnesota [Mr. TAWNEY] and myself as the two original sinful men of this House.

Mr. WADSWORTH. Well, you are under suspicion. [Laughter.]

Mr. MANN. You might easily lead the procession.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I can not stop to blow feathers with these gentlemen. We can not play all the time; we will play after a while.

I do not propose that we shall be understood here as standing in the way of legislation which has for its object the prevention of fraud. I want you to understand, now, that as soon as you come here with a proposition that will prevent in itself the adulteration, the renovation, the making over of butter that is to be sold upon the market as original butter (that is the term I use), I will cheerfully vote for your proposition. Bring it in, as this bill has been brought in here to prevent the sale of oleomargarine, as butter, making your proposition a single one. It is true, as the gentleman from Missouri [Mr. COWHERD] says, that this may be the way to legislate, but it is not the way to legislate understandingly. If you desire to accomplish the object that you evidently assume to seek, give us a bill and we will all vote for it, I have no doubt.

Mr. UNDERWOOD. Will the gentleman permit a question?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. UNDERWOOD. Did not the Agricultural Committee bring in this proposition of the Senate amendment to regulate process and renovated butter?

Mr. BUTLER of Pennsylvania. Yes.

Mr. UNDERWOOD. Has not that committee brought it before the House in the regular way?

Mr. BUTLER of Pennsylvania. Yes; but the gentleman from Missouri [Mr. COWHERD] says he hopes to defeat the bill by the use of the amendment.

Mr. WADSWORTH. The majority brought it in.

Mr. BUTLER of Pennsylvania. That is all right. I will take his word, because, as I said this morning, he is known on this side of the House for his perfect candor. It is not a scheme on the part of the dairymen alone, those who put their products through what is known as creameries, to pass this bill. I do not know what may be the character of the business of the people living in the district represented by the gentleman from Texas [Mr. BURLESON], but I am proud to remind him that I live in a county which stands third in the United States for agricultural and dairy products, according to the statistics in the Agricultural Department. There the farmers own their own creameries, and they demand the passage of this bill.

Let me remind those who argue the fact that because butter has gone up in price and milk has not, and therefore there is a conspiracy against the farmer by the creamery men, that in Pennsylvania, where creameries abound and where nearly every farmer has a direct interest in the creamery, at the end of each month there is made out an account of the sales of butter, and the moneys are divided accordingly among the farmers who produce and send the milk to the creameries. At most creameries the price of milk depends upon that of butter. Therefore, you can not properly state, or perhaps I ought to say you can not accurately state at this time, that because butter has gone up in price and milk has not advanced that there is a conspiracy against the producer of milk. At the end of the month he will discover whether or not he gets his profit. Let us wait for the fact.

Mr. HENRY of Connecticut. Mr. Chairman, I make the point of order that debate is exhausted.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word of the amendment, if that is in order.

The CHAIRMAN. The gentleman from Illinois.

Mr. HENRY of Connecticut. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, it is an old saying, I believe, that it depends upon whose ox is gored, but that saying is now reversed; it depends upon whose cow is gored.

Mr. BUTLER of Pennsylvania. That is right.

Mr. MANN. The gentleman from Pennsylvania, my esteemed friend who represents a district filled with creameries—so full of creameries that on the byways it is almost impossible to lay out new roads or obtain pasture for the cattle—wishes to take care of the creameries; but the gentleman from Illinois, my distinguished colleague [Mr. GRAFF], who represents a district where farmers live who make their own butter and produce it, wants to take care of the renovated and process butter. He is willing to stifle the industry of oleomargarine, but he is not willing to apply the same test to renovated or process butter.

Mr. GRAFF. Will the gentleman permit a question at this time?

Mr. MANN. I am always delighted to hear the voice of my friend.

Mr. GRAFF. Who is it that the gentleman from Illinois wishes to take care of—the manufacturers of oleomargarine?

Mr. MANN. If the gentleman, my distinguished colleague, refers to me, I will state that I wish to take care of the people who eat butter and who eat oleomargarine. [Applause.] And to see that whoever they are, they have the same right of eating one that they have of the other. The gentleman, my colleague, wishes to see to it that the man can not buy oleomargarine unless he pays a tax of 10 cents a pound, but he can buy process or renovated butter, which is not nearly so good, without paying any tax at all. If the gentleman, as he claims, is interested only in preventing fraud, then prevent fraud on all sides and do not merely prevent fraud committed by one party. He is willing to prevent fraud committed by the right hand and to sustain fraud committed by the left hand.

Mr. BUTLER of Pennsylvania. Mr. Chairman, will my friend answer a question?

Mr. MANN. Why, if I am able to.

Mr. BUTLER of Pennsylvania. If this amendment should go into the bill, will you vote for it?

Mr. MANN. Mr. Chairman, I shall not vote for any of the amendments to tax renovated or process butter. I shall not vote for the bill to tax oleomargarine. My record is clear. You want to vote for an amendment to tax oleomargarine, and you are afraid to vote for an amendment to tax the renovated or process butter. You can not accuse me of inconsistency, nor can you claim consistency on your own part.

Mr. WADSWORTH. Now, how does the gentleman from Pennsylvania feel?

Mr. BUTLER of Pennsylvania. Oh, I feel terribly bad. [Laughter.]

Mr. MANN. Mr. Chairman, I have no word to say against the people who make renovated or process butter or the people who eat renovated or process butter. It is made by a system which, it is said, absolutely leaves no taste, flavor, or odor of butter in it within a week from the time it is manufactured. When process butter is made all of the butyric acid and the butyric ether which give to butter the flavor and the odor are taken from it, and the only way they are put back is by rechurning the melted butter in milk, which puts in a small quantity of butyric ether and butyric acid, which leave the butter within a week's time, as testified by the experts; so that when the renovated or process butter is submitted to the consumer of butter it is submitted and sold only on its color. It is colored grease, pure and simple; nothing more.

Mr. WADSWORTH. And artificially colored.

Mr. MANN. And artificially colored, as my friend from New York suggests. So far as I am concerned, I am willing to take my chances. If I can not tell, when I buy process or renovated butter and put it upon the bread before me, whether I like it or not, I think it makes but little difference. I am willing to take my chances on knowing, when I eat a product of that kind, whether it tastes good or not. But I say that the gentleman who wishes to strike down one industry because it does not live in his district, and who wishes to sustain another industry which lives in somebody else's district, violates every principle of respectable or representative government. [Applause.]

[Here the hammer fell.]

Mr. HENRY of Connecticut. I ask for a vote on this amendment.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Illinois will be considered as withdrawn. The question is on the adoption of the amendment offered by his colleague, the gentleman from Illinois.

The amendment was rejected.

The Clerk read as follows:

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section.

Mr. COWHERD. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert in line 16, page 10, after the words "tax of," the following: "10 cents per pound to be paid by the manufacturers thereof; Provided, That when process or renovated butter is free from artificial coloration said tax shall be."

Mr. COWHERD. Mr. Chairman, I suppose it is utterly useless to offer any kind of an amendment to this bill; and, after the remarks of the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. GRAFF], that this bill should be allowed to be amended only by its friends—and I may say that expression sounds strangely familiar—I suppose it is exceptionally useless for any amendment to be offered by one who has at any time opposed the bill. But it seems to me that the good judgment of this House should control, and not simply the question as to whether an amendment is offered by any particular person. If I can offer to the House any good reason for supporting the amendment I propose, I submit to the gentlemen on the floor that that reason should not be set aside because of the source from which it comes.

Mr. MANN. May I ask the gentleman a question? Does the gentleman think he can appeal to the reason, or any reason, on the part of gentlemen who have been supporting this bill?

Mr. COWHERD. Well, I am very much afraid—

Mr. TAWNEY. If the gentleman will permit me—

Mr. COWHERD. Just let me answer that question first. I am very much afraid I can not. I have noticed during the discussion of this bill that the gentleman from Connecticut [Mr. HENRY], who is the Roderick Dhu of this occasion, arises at the end of each discussion and sounds a blast upon his bugle horn and the note is promptly reiterated by the chorus sitting at his right; and though the blast may not be "worth a thousand men," it is good for a majority of the Chamber, so I have but little hope of the passage of this amendment.

We have seen the same purpose manifested before, but never, I think, was it so frankly admitted as by the gentleman from Pennsylvania [Mr. BUTLER], my genial friend who spoke a few moments ago, who said that he "did not know what was in the bill and he did not care what was in the bill," but promptly announced that he was going to support it anyhow and was opposed to any amendment. Of course, if that is the temper of the House, if that is the disposition and the intention, to rush and ride this legislation through regardless of what may be in the bill, and to oppose all amendments, of course it is utterly unnecessary and wholly useless to appeal to the reason of the House.

Now let me state what my amendment is. I propose to put identically the words of the bill as applied to oleomargarine in the bill as applied to process or renovated butter—nothing more and nothing less. That this process or renovated butter shall come to the market in such a condition that the people may know what it is, that it shall be only taxed one-fourth of 1 cent a pound, just as oleomargarine is, and then, when it comes in imitation of pure farmers' butter or creamery butter, that it shall pay a tax of 10 cents a pound, just as colored oleomargarine does.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Certainly.

Mr. TAWNEY. How would you administer a law of that kind? Could you ascertain whether coloring matter had been injected into the butter for the purpose of giving it an even more yellow color than it had?

Mr. COWHERD. There will be no trouble about that, Mr. Chairman. Every man knows that for practically ten months of the year coloring matter has to be put into pure butter. Every gentleman knows that.

Mr. MANN. And all of this has to be made under Federal supervision.

Mr. COWHERD. All of this has to be made under Federal supervision, and not only that, but this renovated butter is washed, and all the color has been taken out.

Mr. TAWNEY. Can you take color from butter by washing it?

Mr. COWHERD. You can wash out the artificial color in butter. The gentleman knows that the butter that goes into the market is artificially colored. Now, the gentleman says he thinks it can not be enforced. If it can not be enforced, then it will not hurt anybody. If it can be enforced, then the gentleman has aided us to stop another fraud. This entire bill attempts to draw a distinction between adulterated and renovated butter, and the idea that I gathered from the gentleman from Illinois [Mr. CANNON] as to the renovated butter is that it is the butter of the farmer. I deny it. I distinctly state that this renovated butter is gathered up from the scrap heaps of the country store and is not as it came from the farmers' kitchen. I understand that it is gathered also from the wholesale dealer, and from the retail dealer, and from the hotels and restaurants where it has grown rancid.

One of the objections that is made against oleomargarine is that when it is colored and sold that you can make a great profit out of it. What does the farmer get for his butter that has got old or rancid, so that it can not be sold until renovated? It sells at from 4 to 5, 6, and 7 cents a pound, and never practically more than 10 cents; and then when the renovator gets it it is marked and branded as pure creamery butter, and it goes into the market in competition with good butter from the farmer's kitchen and from the creamery at 30 and 35 cents a pound. If you are in favor of stopping frauds, if you are earnest in your arguments, join me in this proposed tax on renovated butter when artificially colored.

Mr. HENRY of Connecticut. Mr. Chairman, we all of us have unpleasant duties to perform, and it is exceedingly unpleasant, after listening to the eloquent remarks of the gentleman from Missouri to ask that his amendment be rejected. I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. COWHERD. I would like to have a division, Mr. Chairman.

The committee divided; and there were—ayes 61, yeas 63.

Mr. COWHERD. I ask for tellers, it is so close.

Tellers were ordered.

The CHAIRMAN. The gentleman from Missouri and the gentleman from Connecticut will kindly take their places as tellers.

The committee again divided; and the tellers reported—ayes 80, yeas 101.

So the amendment was rejected.

The Clerk read as follows:

That the provisions of sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter.

Mr. TAWNEY. Mr. Chairman, I think that in section 4 the amendment that has been adopted to the section ought to be concurred in before we proceed to section 5.

Mr. HENRY of Connecticut. They are both one amendment.

Mr. TAWNEY. The amendments to section 4 by the committee, I think, ought to be concurred in, and I make that motion.

The CHAIRMAN. The Chair will suggest that this is all one Senate amendment, numbered 9, and that the vote upon the entire amendment will be in order when the amendment is read.

The Clerk proceeded with the reading of the amendment, as follows:

All parts of an act providing for an inspection of meat for exportation, approved August 30, 1890, and of an act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March 3, 1891, and of amendment thereto approved March 2, 1895, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same for exportation or transmission from one State to another.

All process butter and the packages containing the same shall be marked with the words "Process butter" by marks, label, or brands, in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health and

unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

The committee amendments to the Senate amendment were read, as follows:

On page 11, line 5, insert at the beginning of the line: "Sec. 5."
Same page, line 10, strike out the word "meat" and insert the word "meats."

Same page, line 24, after the word "same," strike out "for exportation or transmission from one State to another."

On page 12, line 1, after the word "process," insert the words "or renovated."

Same page, line 3, strike out the words "the words 'Process butter' by" and insert the word "such."

Same page and in the same line, after the word "marks," strike out the word "label" and insert the word "labels."

Same page, in lines 20 and 21, insert after the word "States," the words "or in course of exportation or shipment."

Mr. TAWNEY. Mr. Chairman, I have an amendment I wish to offer.

The CHAIRMAN. The Chair would suggest that the question is on the amendments offered by the Committee on Agriculture.

Mr. TAWNEY. I want to offer a substitute for one of the amendments to restore in line 3, page 12, the words, "Process butter," and I want to offer it in this way, so that it will read at the beginning of line 3:

Renovated and process butter, and by such other marks, labels, and brands and in such manner as may be prescribed by the Secretary of Agriculture.

It substitutes after the words "process butter" the words "renovated or," and after the word butter the word "and," and after the word "such" the word "other," and after the word "brands," in line 4, the word "and."

The CHAIRMAN. The Clerk will report the first amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

In line 3, after the word "words," insert the words "renovated or." After the word "butter" insert the word "and."

The CHAIRMAN. The Chair would suggest that it would be more in order to first vote down the committee amendment and then vote upon the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. I offer this as a substitute for the committee amendment.

The CHAIRMAN. The gentleman's amendment is hardly in parliamentary condition, for he first moves to strike out and then insert.

Mr. TAWNEY. Well, I will ask the gentleman from Connecticut to withdraw the committee amendment.

The CHAIRMAN. The Chair will put the question first on the adoption of the committee amendment to strike out "the words process butter by."

Mr. COWHERD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COWHERD. Do I understand the Chair is going to put first the motion to strike out "the words process butter by?"

The CHAIRMAN. The question is on striking out "the words process butter by." That is the amendment recommended by the Committee on Agriculture.

Mr. COWHERD. Will the amendment offered by the gentleman from Minnesota then be in order?

The CHAIRMAN. Certainly. The question is on the adoption of the amendment offered by the Committee on Agriculture.

The question was taken, and the committee amendment was rejected.

The CHAIRMAN. Now, the gentleman from Minnesota moves to insert, after "the words," in line 3, the words "renovated or," and after the word "butter" the word "and."

Mr. WANGER. Mr. Chairman, I would like to ask the gentleman from Minnesota if he does not think a better amendment would be to put in the words renovated butter or process butter. I do not think he wants the words renovated or process butter on each particular package, he wants one or the other.

Mr. TAWNEY. I agree with the gentleman, although I did not think it would be so construed.

The CHAIRMAN. Does the gentleman from Minnesota modify his amendment?

Mr. TAWNEY. So as to insert "renovated butter or," so it will read "renovated butter or process butter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert before the word "process," in line 3, the words "renovated butter or," and after the word "butter" the word "and."

The CHAIRMAN. If there is no objection the two amendments will be considered together.

Mr. WADSWORTH. Mr. Chairman, I would like to have the amendment read from the desk.

The CHAIRMAN. Without objection the Clerk will report the amendment.

The Clerk read as follows:

In line 3, before the word "process," insert the words "renovated butter or," and insert after the word "butter" the word "and," so it will read "renovated butter or process butter and by."

Mr. TAWNEY. I also wish to add the word "other" after the word "such."

The CHAIRMAN. That would be an amendment to a committee amendment which has not been voted upon. The first question is on the first amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Now, the question is on the committee amendment to insert the word "such" in line 3, and the gentleman from Minnesota offers an amendment to that amendment to insert the word "other" after the word "such." The question is on the adoption of the amendment to the amendment.

The question was considered, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the adoption of the committee amendment as amended.

The question was considered and the amendment as amended was agreed to.

Mr. TAWNEY. Now, Mr. Chairman, I offer a further amendment, to insert after the word "brands," in line 4, the word "and."

The CHAIRMAN. The first question is on the committee amendment to strike out the word "label" and insert "labels."

The question was considered, and the amendment was agreed to.

Mr. TAWNEY. I now offer the amendment to the Senate amendment by inserting the word "and" after the word "brands," in line 4.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. HENRY of Connecticut. Now, Mr. Chairman, I move that the committee recommend concurrence of the House to the amendments in this section.

Mr. CLARK. Mr. Chairman, I want to ask these gentlemen a question or two that goes to the very heart of the bill.

The CHAIRMAN. The Chair will state that there is nothing before the committee.

Mr. CLARK. I move to strike out the last two words. Is there anything in this process-butter legislation that you are getting up here that permits farmers to renovate or recast or rework over their own butter?

Mr. TAWNEY. There is nothing to prevent them from doing it.

Mr. CLARK. Is there anything to permit them?

Mr. TAWNEY. There is nothing to prevent. Of course they are permitted to do it.

Mr. CLARK. Where is the part of the bill that permits them to do it?

Mr. TAWNEY. There is no provision of the bill whatever in regard to that point, so far as the farmer is concerned.

Mr. CLARK. Is there any provision in this bill which confines to wholesale dealers or manufacturers these prohibitive clauses or sections, or does the bill take all creation into its sweep?

Mr. TAWNEY. The bill relates exclusively to retailers, wholesalers, and manufacturers.

Mr. WADSWORTH. Does not the tax of a quarter of a cent a pound apply to the farmer who makes this product in his own cellar?

Mr. TAWNEY. No; it does not.

Mr. WADSWORTH. I thought it did. I thought it applied to all process butter.

Mr. TAWNEY. Oh, no. There is no provision that can be construed as imposing a tax upon butter that has been worked over by the farmer on his own premises.

Mr. WADSWORTH. Then, within the meaning of the bill, the farmer who works the butter over in his own cellar is not a manufacturer of process butter?

Mr. TAWNEY. In answer to the gentleman I will read the language of the bill:

Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Mr. WADSWORTH. Would not the man be doing it "as a business" if he worked the butter over in his own cellar?

Mr. TAWNEY. No; certainly not.

Mr. WADSWORTH. Suppose he buys butter from his neighbors and works it over?

Mr. TAWNEY. If he goes out among his neighbor farmers

and buys up their rancid butter and works it over and sells it he is making a business of it, and is a manufacturer.

Mr. WADSWORTH. Have you provided in this bill any precautions against that thing being done?

Mr. TAWNEY. The provisions of the bill in regard to manufacturers would apply to such a man.

Mr. WADSWORTH. Who is to look after him under the provisions of this bill?

Mr. TAWNEY. The Agricultural Department.

Mr. WADSWORTH. He does not pay any license fee, does he?

Mr. TAWNEY. Certainly he does.

Mr. CLARK. Does this tax of one-fourth of a cent a pound apply to the farmer?

Mr. TAWNEY. It does not.

Mr. CLARK. But the very minute he commences selling this stuff he becomes a retailer, does he not?

Mr. TAWNEY. The farmers are not making renovated butter.

Mr. CLARK. Suppose the farmer does do this?

Mr. TAWNEY. As a business?

Mr. CLARK. It may be part of his business to take the butter he has on hand and put it through some kind of a process—to renovate it or refresh it—I do not care a straw what you call it. Now, the very minute he undertakes to sell a pound of that butter, does he not become a retail dealer under the language of this bill?

Mr. TAWNEY. I do not think he does. The farmer, when he has manufactured his butter, generally wants to get it to market as soon as possible. He does not want to hold it.

Mr. CLARK. I understand that perfectly well; but if this bill interferes with the farmer working over his own butter and selling it, the man who votes for it will never get back to this House.

Mr. TAWNEY. Well, we are just as anxious about that as the gentleman from Missouri. [Laughter.]

Mr. MANN. That is what they are bringing in this bill for; that is the only object.

Mr. CLARK. If they put in anything of that kind, they are missing their cue.

Mr. BURLESON. I have an amendment which should have been offered on page 7, and which perhaps I may not be permitted to offer after the next section has been read. Therefore I will offer it now:

Insert after "court," line 4, page 13, the following: "Every person who sells or offers for sale adulterated butter in the original manufacturer's packages shall be deemed a wholesale dealer in adulterated butter. But any manufacturer of adulterated butter who has given the required bond and paid the required special tax and who sells only adulterated butter of his own production at the place of manufacture in the original packages to which the tax-paid stamps are affixed shall not be required to pay the special tax of a wholesale dealer in adulterated butter on account of such sales."

The CHAIRMAN. The gentleman will suspend for a moment. The Chair will state that the consideration of that amendment will be in order immediately after the consideration of the remaining committee amendments which have not yet been passed upon. If there be no objection, the remaining committee amendments will be considered together.

Mr. MANN. As to this section, or all through?

The CHAIRMAN. As to the paragraph which has just been read, section 5. The Chair hearing no objection, will put the question on all the remaining amendments as to the paragraph last read.

The question was taken, and the amendments were agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] offers the following amendment, which the Clerk will report.

The Clerk again read the amendment.

Mr. BURLESON. Mr. Chairman, I would like to state to the gentleman that the only purpose of this amendment is to deal justly and fairly with the manufacturer of adulterated butter. There is not a manufacturer of adulterated butter in my district, or in the State of Texas, for that matter, but under the provisions of this bill—and it will not be denied—the manufacturer of adulterated butter who manufactures for the purpose of exportation will be required to pay a \$600 tax as a manufacturer, and after he has complied with the requirements of this law by executing a bond and the additional requirements he will then be called upon to pay an additional tax of \$480 as a wholesale dealer for disposing of his own product.

The sole purpose of this amendment is to provide that when the manufacturer of adulterated butter has complied with the requirements of this law, by executing a bond, etc., and disposes alone of the product of his own factory, he shall not be required to pay the tax of a wholesale dealer. That is the purpose of the amendment.

Mr. WANGER. How is the manufacturer of oleomargarine treated in that respect?

Mr. BURLESON. Just exactly as I propose to treat the manufacturer of adulterated butter by the terms of this amendment. It puts him upon all fours with the manufacturer of oleomargarine.

Mr. TAWNEY. I will ask, Mr. Chairman, that the amendment be reported again.

The CHAIRMAN. Without objection the amendment will be again read.

The Clerk again read the amendment.

Mr. TAWNEY. Mr. Chairman, that is simply an additional definition of a wholesale dealer in adulterated butter, and provides that the manufacturer of adulterated butter, whose product is sold on his own premises, or at his own place of manufacture, on which the special-stamp taxes have been paid, shall be exempt from the payment of the license taxes. To my mind that amendment would very likely lead to fraud in the manufacture and sale of adulterated butter.

Mr. BURLESON. Why, it is impossible.

Mr. TAWNEY. There would be no license. He would take out no license. The Government would have no record at all of the location of his place of business. The Government would not know whether or not he was paying the tax upon his product, because it would have no notice, and the only way the Government officials could ascertain would be by ferreting out or constantly looking out for men engaged in the manufacture of process butter without having first paid the license tax.

Now, in the application of that to oleomargarine, it is entirely different. The manufacturer of oleomargarine does not manufacture for sale in his immediate community. He manufactures for sale elsewhere. Hence he is obliged to take out the special license tax whether he wants to or not. But this would enable any number of men to engage in the business of manufacturing adulterated butter for sale ostensibly right at their own place of manufacture and pay, if they wanted to, the taxes or stamp tax. But how would the Government know, how would the internal-revenue officials be able to protect the Government against fraud in the event that they manufactured adulterated butter and did not pay the tax, except that they might accidentally run across the fact that they were manufacturing adulterated butter in violation of law. I do not think, Mr. Chairman, that the amendment ought to be adopted, and so far as it defines retail or wholesale dealers it is unnecessary, as that is sufficiently covered now in the Senate amendment.

Mr. BURLESON. Mr. Chairman, the gentleman from Minnesota is wholly mistaken. This amendment of mine does not attempt to define a wholesale dealer in adulterated butter. It does not attempt to define a retail dealer. It does not destroy a single provision or stipulation in this measure regulating the manufacture or sale of adulterated butter. The sole purpose of the amendment is to relieve the manufacturer of adulterated butter from paying the \$480 tax as a wholesale dealer where he disposes of the product of his own factory and none other. It does not affect a single stipulation or provision or safeguard in this bill that is thrown around the manufacture or sale of adulterated butter.

As a matter of fact—and we all know it—after the passage of this bill every adulterated-butter factory, every factory engaged in the manufacture of adulterated butter, will immediately become a factory for the manufacture of process or renovated butter, and we will have no adulterated-butter factory in this country; but we should throw this protection around the manufacturer of adulterated butter if one should continue in the business. It is just; it is fair. It simply places him upon all fours with others similarly engaged, and I challenge a denial of the proposition. It simply places him upon all fours with the manufacturer of oleomargarine.

Talk about no governmental supervision! Why, every package that he manufactures is required to be put up in a certain character of box, tub, or bucket and stamped before it can be removed from his factory. The only effect of this amendment is to save him from paying double taxes; that is, taxes as a manufacturer and taxes as a wholesale dealer. This amendment is a fair one—it is founded upon justice and fairness; but of course it will be rejected unless the gentleman from Minnesota, who seems to have taken charge of this bill, can be made to understand it and agree to accept it. The word has gone forth—no amendments unless they come from friends of the measure.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Texas.

The question being taken, on a division (demanded by Mr. BURLESON) there were—ayes 40, noes 54.

Accordingly the amendment was rejected.

Mr. HENRY of Connecticut. Mr. Chairman, I move that the committee recommend concurrence in the Senate amendment as amended.

The CHAIRMAN. The gentleman from Connecticut now moves that the committee recommend concurrence in Senate amendment No. 9, with the amendments which have been made thereto.

The motion was agreed to.

The Clerk read as follows:

In line 5, after the word "oleomargarine," insert "process, renovated, or adulterated butter."

Mr. HENRY of Connecticut. I move concurrence.

The CHAIRMAN. The gentleman from Connecticut moves to concur in Senate amendment No. 10.

Mr. MANN. Mr. Chairman, I just want to submit one observation to the committee in the final moments of the passage of this bill, so far as this House is concerned, and that is that the gentlemen who have prepared this bill have overreached themselves. I do not think I would say this if I thought they would pay any attention whatever to any suggestion made by one outside of their own coterie and acting under the orders of their own captain. This bill is unconstitutional so far as it applies to oleomargarine. I am rather inclined to think it will be held constitutional in so far as it applies to process or renovated butter, but it will be held by the court that it is beyond the province of Congress to say that in the use of the taxing power we can tax oleomargarine which contains beef fat at a higher rate than we tax oleomargarine which contains cotton-seed oil or hog fat.

They will say that it is beyond the power of Congress to levy a higher tax upon oleomargarine that is green than oleomargarine which is yellow, and that it is beyond the province of Congress to levy a higher tax upon oleomargarine which contains an additional harmless element, giving it color. It is within the constitutional power of Congress to levy a tax of one-half cent or 10 cents or 50 cents per pound on oleomargarine. I do not question that the Supreme Court will hold that it is within the province of Congress to apply the taxing power upon any of the products of manufacture; but I say that the Supreme Court will hold that Congress can not make a distinction between two products identically the same, because one contains an additional coloring ingredient, harmless, so far as health is concerned; and the gentlemen who are priding themselves upon the passage of this bill will find in the end that it will be a slap at the men who make butter at the farmside and in the creamery, and who afterwards want it churned into renovated or process butter, but that it will not injuriously affect the manufacture of oleomargarine.

Mr. RAY of New York. Mr. Chairman, I desire to say a word in regard to this bill in the closing hours of the debate. The gentleman from Illinois [Mr. MANN] representing the hog, and representing the beef interests—

Mr. MANN. Mr. Chairman, I do not know what the gentleman represents, but there are no hogs in my district, not even two-legged ones.

Mr. RAY of New York. Well, then, I am mistaken as to the residence of a great many. [Laughter.]

Mr. MANN. The wonder is not that the gentleman is mistaken. That is no wonder.

Mr. RAY of New York. Well, the gentleman's interruption and the speech that he made before I took the floor are in perfect accord with the opposition that he has made to the enactment of this bill. He predicts, and even asserts, that if it becomes a law it will be pronounced unconstitutional by the Supreme Court of the United States. He speaks for the court, and we would naturally think that there was combined in him all knowledge as to the law.

Now, I venture a prediction, and that is that when this law is put upon the statute book that it will be, if contested in the courts, pronounced constitutional in every respect. It would have stood the test better had it not been interfered with and mangled in some of its good features by those who pretend to be favorable to the farmer, to be representing him and his interests. While claiming to be in the interest of the farmer, they have really been attempting to make this bill unpopular, to create feeling against it to inject unconstitutional provisions into it.

Now, I come, Mr. Chairman, from a dairy district. I represent thousands of farmers. The farmers and business men of the State of New York are interested in and favor this bill. I live also near the borders of the great State of Pennsylvania, which is interested in and favors this bill. The farmers in those dairy States and in all the dairy States of this great nation understand this legislation. They understand what is and what is not in their interest. They know what they want and almost to a man the farmers of this great country interested in honest dealing have been clamoring for the enactment of this bill through the months and even the years. They are not fearful of its operations; they will reap the just rewards of their labor when in operation.

This has been a fight between the dairymen of the United States—the friends of the cow, if you desire to so put it—and those who want to force upon those laboring men and poor people who do not know the difference between good butter and poor butter a compound composed of refuse lard or hog fat, refuse beef fat, and cotton-seed oil mixed with a little cream and butter, thus forming an offensive substance really, an indigestible substance really, something that is not fit for food, something that

not one man on the other side of the House or on this side of the House, who has been standing as the representative of oleomargarine, would eat if he had it placed before him, and knew it.

Mr. BURLESON. Do you say the laboring man does not know the difference between bad and good butter?

Mr. RAY of New York. Mr. Chairman, the laboring man by looking at it does not know it; chemists in some cases by looking at it are mistaken in identifying it. But when they take it into their stomachs, when they undertake to use it as food, then they do know it. This bill is to protect the people, the farmers, and the consumers of these two articles of food, and it will prove a boon and a blessing to the farmer; it will prove a boon and a blessing to the laboring man, to all poor people, for it will prevent their being imposed upon, and throughout the length and breadth of this land the farmers will rejoice when this bill becomes a law. [Applause.]

Mr. MANN. Mr. Chairman—

Mr. TAWNEY. I make the point of order that debate upon this amendment is exhausted.

Mr. MANN. I move to strike out the last word of the amendment. That is a point of order that was unnecessary for the gentleman to make.

The distinguished gentleman from New York [Mr. RAY] took occasion in his remarks to make a fling at me for the suggestion which I made in reference to the law, that it might be unconstitutional. Of course if I had had the distinguished gentleman's opinion upon the constitutionality of this law before I spoke I would have remained silent; because everybody in the country—aye, in the world—knows that when the distinguished chairman of the Committee on the Judiciary of the House passes his opinion upon a question of law or the Constitution, the courts stand aside and wait in awe. [Laughter and applause.]

Mr. RAY of New York. Mr. Chairman, just a moment. I want to say this. The courts do not stand aside in awe, but view what I assert with respect. I have never yet expressed an opinion on the constitutionality of a question, in a brief or otherwise, and had it overruled by any court.

Mr. WILLIAMS of Mississippi. That is what the gentleman said.

Mr. MANN. That confirms my statement.

Mr. HENRY of Connecticut. I renew my motion.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Illinois will be considered as withdrawn. The question is on the motion of the gentleman from Connecticut, that the committee do recommend concurrence in the tenth Senate amendment.

Mr. McRAE. Mr. Chairman—

The question was taken.

The CHAIRMAN. The ayes appear to have it; the ayes have it, and it is concurred in.

Mr. McRAE. I desire to offer an amendment.

The CHAIRMAN. The Chair will state that the committee has agreed to a motion to concur.

Mr. McRAE. But I was on my feet and was trying to get the attention of the Chair.

The CHAIRMAN. The Chair did not hear the gentleman, and the Chair had at least put one side of the question.

Mr. McRAE. That is not my fault.

The CHAIRMAN. It will require unanimous consent. But the Chair will be very glad to submit that to the committee.

A MEMBER. I object.

Mr. McRAE. I suggest that it is not a matter that requires unanimous consent.

The CHAIRMAN. The question having been put, and concurrence having been agreed to, unanimous consent is required to vacate the vote by which the committee concurred.

Mr. McRAE. But I submit that the Chair can not afford to say that, being on my feet and doing all that I could to attract the attention of the Chair, that he can not entertain my motion.

The CHAIRMAN. The Chair did not know that the gentleman proposed to make a motion, and did not see him on his feet until after the question had been put—at least one side of it.

Mr. WANGER. I ask unanimous consent that the vote be vacated, in order that the gentleman may make his motion.

The CHAIRMAN. Unanimous consent is asked that the committee vacate the action of concurrence.

Mr. SHATTUC. I object.

The CHAIRMAN. Objection is heard.

Mr. WILLIAMS of Illinois. I suggest, Mr. Chairman, that no one has addressed the Chair.

The CHAIRMAN. The point of order is sustained. No gentleman rose and objected, and no objection being heard, the gentleman from Arkansas will be recognized.

Mr. McRAE. I offer this, Mr. Chairman, as an independent section at the end of the Senate amendments to the bill.

Mr. TAWNEY. If it is not offered as an amendment to the

Senate amendment, I make the point of order that it is not in order.

Mr. McRAE. It is a proposition to lay a tax of 10 per cent upon any persons or corporations who make a butter trust.

The CHAIRMAN. The Chair would like to inquire where it is proposed to insert this amendment.

Mr. McRAE. At the end of the bill as an independent section.

Mr. TAWNEY. I insist on my point of order, Mr. Chairman.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. McRAE. I would like to have the amendment read.

Mr. WADSWORTH. Let us have the amendment read, Mr. Chairman.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

That every agreement, contract, or combination between persons or corporations which has for its object and purpose, in whole or in part, the creation of a monopoly in butter or which tends to create a monopoly by preventing full and free competition in the importation, manufacture, or transportation of butter, or which shall have for its object and purpose the advancing of the cost of butter to the consumers, is hereby declared to be a trust; and there shall be levied and collected annually, upon the capital and assets and also upon the products of every such butter trust as defined by this section, a tax of 10 per cent, and no drawback for such taxes when they have been paid shall be allowed for exports. All the provisions of law in reference to internal-revenue taxes, so far as the same are applicable, shall apply to this tax and to the persons, partnerships, corporations, trusts, and combinations upon which it is imposed.

The CHAIRMAN. The gentleman from Minnesota will state his point of order.

Mr. TAWNEY. The point of order is that it is not an amendment to any Senate amendment. The preceding section has been concurred in. And I make the further point of order that it is not germane to the bill.

The CHAIRMAN. Does the gentleman from Arkansas desire to be heard?

Mr. McRAE. Mr. Chairman, I propose this as a new section, to be added to and to follow after what is amended as section 7. Originally it was section 5, but the Senate has proposed to change the numbers so as to make it 7.

Now, Mr. Chairman, this bill has once been decided to be a revenue bill. It does lay a tax upon certain persons who are engaged in the business of selling imitation butter. Now, in order to protect the people of this country against a monopoly in this food product that is sought to be aided by the passage of this bill, I propose, by this amendment, to tax the products of all concerns that engage in a combination for the purpose of enhancing the price or monopolizing the market of butter the same per cent that is laid on oleomargarine and colored butter. It seems to me that if the bill itself is a revenue bill and its provisions are to be enforced by the Internal Revenue Commissioner, then it is in order to lay a tax on a trust if the article protected by this bill becomes the subject of that trust. It is germane, and that is the only question, I think.

The CHAIRMAN. Upon a motion made yesterday to amend a portion of the text of the bill, the Chair ruled, following a decision made by Speaker Carlisle, that it was not within the power of the House, and consequently not within its power while in Committee of the Whole House, to amend any portion of the bill which had been agreed upon by both the House and Senate. This amendment proposes to amend the text of the bill which has so been agreed upon by both Houses by adding entirely new matter thereto. The Chair sustains the point of order.

Mr. McRAE. I would like to make a statement in that connection. It is this: That there is not a single section of this bill which has been agreed to by both Houses; the whole thing is carried into conference.

The CHAIRMAN. The Chair will state that in addition to the decision of Speaker Carlisle the attention of the Chair has been called to a ruling by Speaker Randall on June 9, 1880, to the same effect, that no new matter can be put into the text of the bill which has been agreed upon by both Houses. All that is before the House is the consideration of the Senate amendments, and the Chair sustains the point of order.

Mr. MANN. A parliamentary inquiry, Mr. Chairman. Has the Chair's attention been called to the ruling by the gentleman from Minnesota that the House can put anything in the bill it pleased without regard to the germaneness of it? [Laughter.]

Mr. TAWNEY. It is not a question of germaneness.

The CHAIRMAN. The Chair has not had its attention called by the gentleman from Minnesota to any such ruling. The Clerk will read the next amendment.

The Clerk read as follows:

Amend the title so as to read: "An act to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886."

Mr. HENRY of Connecticut. Now, Mr. Chairman, I move that the committee recommend concurrence in this amendment.

The motion was agreed to.

Mr. HENRY of Connecticut. I believe, Mr. Chairman, that completes the consideration of the Senate amendments, and I now move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate amendments to House bill 9206, and had instructed him to report that the committee recommends concurrence with Senate amendments 1 to 8, inclusive, and that it recommends concurrence with Senate amendment 9 with an amendment, and that it recommends concurrence in Senate amendments 10 and 11.

The SPEAKER. The gentleman from Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration Senate amendments to House bill 9206, and instructs him to report the same back to the House recommending concurrence in all amendments from 1 to 8, inclusive, and concurrence in amendment No. 9 with an amendment, and concurrence in amendments 10 and 11. Is a separate vote demanded upon any one?

Mr. HENRY of Connecticut. Mr. Speaker, I move that the House concur with the recommendation of the committee, and upon that I demand the previous question.

The SPEAKER. The gentleman from Connecticut moves that the House agree with the recommendation of the Committee of the Whole House and demands the previous question.

The previous question was ordered.

The SPEAKER. The first question will be on concurring in amendments 1 to 8, inclusive, and amendments 10 and 11.

The question was taken, and the amendments were concurred in.

The SPEAKER. The question now is on concurring in Senate amendment No. 9, with the sundry amendments recommended by the committee.

The question was taken, and the recommendation was agreed to.

On motion of Mr. HENRY of Connecticut, a motion to reconsider the several votes was laid on the table.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 10847. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

LEAVE TO PRINT.

Mr. UNDERWOOD. I ask unanimous consent to extend in the RECORD my remarks made the other day on the "omnibus bill" by inserting some extracts from the CONGRESSIONAL RECORD.

There being no objection, leave was granted.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903. Pending this motion, I would like to arrive at an agreement in regard to time to be occupied in general debate.

Mr. WILLIAMS of Mississippi. I suggest three hours on a side.

Mr. WADSWORTH. I trust we shall not require that much time. I ask unanimous consent that general debate be limited to four hours—two hours on each side.

Mr. WILLIAMS of Mississippi. I shall be compelled to object to that proposition. I have consulted as well as I could members on this side of the House, including my colleagues on the committee, and I am satisfied that three hours will be required on this side. If we fix six hours as the aggregate time, we shall have till five o'clock to-day, and can probably finish to-morrow the general debate and dispose of the bill before the House adjourns.

Mr. WADSWORTH. I do not wish to curtail unnecessarily the general debate, but I do not think that six hours will be consumed.

Mr. WILLIAMS of Mississippi. If the gentleman thinks that three hours will not be required on his side, then I suggest that we proceed without any agreement. If, after this side has occupied three hours, an equal amount of time is not desired on the other side, of course it need not be used.

Mr. WADSWORTH. Very well; I will accept the gentleman's proposition, with the understanding that, if six hours' debate should not be required, we can, whenever the general debate appears to be exhausted, go on with the debate under the five-minute rule.

Mr. WILLIAMS of Mississippi. Then, as I understand, the request is that six hours of general debate be permitted, three hours on each side, the time on one side to be controlled by the gentleman from New York [Mr. WADSWORTH] and on the other side by myself, and that if so much time should not be required for the general debate, we may proceed at once to the consideration of the bill under the five-minute rule.

The SPEAKER. The Chair will restate the request. It is that general debate be limited to six hours—three hours on a side; the time on one side to be controlled by the gentleman from New York, the chairman of the Committee on Agriculture, and on the other side by the gentleman from Mississippi [Mr. WILLIAMS]; and if it be found that six hours are not required, the remainder of the time be occupied under the five-minute rule. Is there objection to this request? The Chair hears none, and it is so ordered.

The motion of Mr. WADSWORTH, that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the Agricultural appropriation bill, was then agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. POWERS of Maine in the chair) and proceeded to the consideration of the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

Mr. WADSWORTH. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection; and it was ordered accordingly.

Mr. WADSWORTH. Mr. Chairman, I will detain the House for only a few minutes in stating the main appropriations carried by this bill. The total amount appropriated by the bill for the Department of Agriculture is \$5,115,570. The amount carried by the bill for the fiscal year 1901-2 was \$4,577,420, there thus being a net increase of \$576,150 for the coming fiscal year. This is a very liberal increase, particularly when considered in connection with the increases allowed in recent years, according to the following statement:

For 1897-98 the appropriation was \$3,182,902.
 For 1898-99 it was \$3,500,202, an increase of \$326,300.
 For 1899-1900 it was \$3,726,022, an increase of \$215,820.
 For 1900-1901 it was \$4,023,500, an increase of \$297,478.
 For 1901-2 it was \$4,532,420, an increase of \$558,920.

It will thus be seen that the increase for the last fiscal year, together with that proposed by the bill for the ensuing fiscal year, is, in round numbers, \$1,135,000.

The following is a comparative exhibit of the appropriations for the different bureaus and divisions of the Agricultural Department for the current fiscal year and for the coming fiscal year:

	Current fiscal year.	1902-3.	Increase.
Office of Secretary.....	\$71,670	\$73,690	\$2,020
Weather Bureau.....	1,148,320	1,251,760	103,440
Animal Industry.....	1,154,030	1,247,180	93,150
Plant Industry.....	496,680	601,780	105,100
Forestry.....	185,440	282,360	97,428
Chemistry.....	35,800	73,200	37,400
Soils.....	109,140	168,980	59,820
Entomology.....	96,200	57,200	21,000
Biology.....	32,800	45,600	12,800
Accounts.....	18,900	24,100	5,200
Publications.....	198,020	228,820	30,800
Experiment stations.....	789,000	792,000	3,000
Silk investigations.....	Nothing.	10,000	10,000
Total increase.....			581,150
But deducting \$5,000 carried in last year's bill for preparing plans of new building for Department of Agriculture.....			5,000
Leaves a total net increase for administration purposes of.....			576,150

It will be observed that there is in the present bill a new item of appropriation—\$10,000 for silk investigation.

We have also recommended, Mr. Chairman, an increase in the salaries of certain scientists at the head of certain bureaus in the Department, as follows: Chiefs of the Bureaus of Animal Industry, Plant Industry, Forestry, Chemistry, and Soils, \$500; \$250 to the zoologist of the Bureau of Animal Industry, and \$200 to one engineer of the Weather Bureau, who has charge of the engine room and also the electrical plant; a total actual increase in salaries of \$2,950.

The apparent increase in the salary rolls, Mr. Chairman, of the several bureaus and divisions is not an actual increase either of salary or clerical force, but is accounted for by the transfer to the statutory rolls of clerks who have heretofore been paid from the lump-sum rolls and who were then, as now, part of the permanent force of the Department. These transfers were made on the recommendations of the Agricultural Committees of both the Senate and the House. The increase in the salaries recommended of the scientists at the head of the several bureaus has been granted,

because the committee is convinced that the salaries now paid to them are much below those paid by the higher class educational institutions of this and foreign countries for the same class of service.

After a careful consideration and numerous extended hearings and investigations, the judgment of the committee is that the amount recommended by the committee will be ample to keep all branches of the Department of Agriculture well in advance of the needs of the country for the coming fiscal year, where it is the wish and intention of the committee to keep it. Now, with that brief statement and outline of the bill, I will say no more at present, but will be glad, under the five-minute rule, when we take up the bill by paragraphs, to answer all questions.

Mr. MANN. I would like to ask a question in reference to this increased appropriation. Last year or this current fiscal year, as the gentleman will remember, there was quite a shortage in the appropriation for the Bureau of Animal Industry.

Mr. WADSWORTH. There was a shortage of \$40,000, which was made good in the urgent deficiency bill. That was caused by the increased export demand for beef and pork and therefore the increased demand for the inspection of those articles by the department. This year we have allowed an increase of \$93,000, which I believe, in the face of the increased price of beef and pork, will be ample, because with the increased price of beef and pork the exports must fall off. I will say to the gentleman that should this amount not be sufficient we will make it good in the urgent deficiency bill at the beginning of the next session.

Mr. MANN. If the gentleman will permit me, he can not make it good in the deficiency bill. This year the Department of Agriculture notified the packers that the appropriation would be exhausted and that inspection would cease, and it caused a considerable flurry in the trade, which the gentleman will agree ought not to occur if it could be prevented.

Mr. WADSWORTH. I think the Department made a mistake in giving that notice to exporters before consulting with Congress, because Congress has never denied to that Bureau ample appropriations. It is one of the most important in the Department. It deals with one of the most important branches of our export trade.

Mr. ROBINSON of Indiana. Will the gentleman permit a question?

Mr. WADSWORTH. Yes.

Mr. ROBINSON of Indiana. In the dim past somewhere the agricultural bill of this kind presented by the gentleman had some provision with reference to object-lesson roads, with large expenditures. Is there anything like that in this bill?

Mr. WADSWORTH. The same appropriation carried last year will be carried this year. The gentleman will find it on page 47 of the bill. I will read it:

Public road inquiries: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; to enable the Secretary of Agriculture to investigate the chemical and physical character of road materials, for the pay of experts, chemists, and laborers, for necessary apparatus and materials; traveling, and other necessary expenses, and for preparing and publishing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, \$20,000.

Mr. ROBINSON of Indiana. What is the amount of the appropriation?

Mr. WADSWORTH. Twenty thousand dollars; the same as last year.

Mr. ROBINSON of Indiana. That does not embrace this large expenditure of a year or two ago on the subject of object-lesson roads?

Mr. WADSWORTH. The Bureau has never carried a larger appropriation than that.

Mr. ROBINSON of Indiana. I understood the appropriation bill one or two years ago provided something like \$50,000 for the purpose of constructing roads of a mile in length in different States. There is nothing of that kind in the bill, I understand the gentleman.

Mr. WADSWORTH. I think there was an effort on the floor to amend it in that particular, but the amendment did not carry.

Mr. ROBINSON of Indiana. Is there anything in this bill with reference to a retirement fund or pension list?

Mr. WADSWORTH. Nothing at all.

Mr. WM. ALDEN SMITH. I would like to ask with reference to the scientific work provided for in this bill, in the Department of Agriculture, has it been increased or diminished?

Mr. WADSWORTH. It has been very largely increased, as the gentleman will see by the report I have just read.

Mr. WM. ALDEN SMITH. I desire to ask especially with reference to the Division of Pomology and Plant Industry.

Mr. WADSWORTH. That comes under the Bureau of Plant Industry. That appropriation has been increased \$105,000. The Plant Industry consists of five or six scientific divisions—the Division of Botany, the Division of Pomology, the Division of Vegetable Physiology and Pathology, and the Division of Agrostology and Experimental Gardens and Grounds, tea culture investigation, purchase and distribution of valuable seeds, etc.—and the appropriations for these several divisions have been made interchangeably.

Mr. WM. ALDEN SMITH. How do the appropriations in this bill correspond with the recommendations of the Secretary of Agriculture?

Mr. WADSWORTH. They are not equal to the recommendations of the Secretary of Agriculture, and yet all along the line we have made very liberal increases over last year, the increase in some cases amounting to from 10 to 50 per cent.

Mr. WM. ALDEN SMITH. I understand that in perfecting this bill you have in the main disregarded the recommendations of the Secretary of Agriculture as to the amounts needed for experimental work.

Mr. WADSWORTH. No; I will not admit that. We have not followed his estimates in all cases, but we have increased liberally the amounts over those appropriated for the current year.

Mr. WM. ALDEN SMITH. As I understand, you have taken the estimates of the Secretary of Agriculture as to the pomological and scientific investigations.

Mr. WADSWORTH. Yes.

Mr. WM. ALDEN SMITH. How about the horticultural work?

Mr. WADSWORTH. Do you mean the pathological work?

Mr. WM. ALDEN SMITH. Yes.

Mr. WADSWORTH. In the pathological work he asked for \$118,000 and we granted him \$100,000, an increase over last year of \$40,000.

Mr. WM. ALDEN SMITH. Is it the opinion of the gentleman from New York in charge of this bill that the scientific work being pursued by the Secretary of Agriculture is of value to the country?

Mr. WADSWORTH. It is of immense value.

Mr. WM. ALDEN SMITH. And that it ought to be kept up?

Mr. WADSWORTH. Yes.

Mr. WM. ALDEN SMITH. To the maximum demand for it?

Mr. WADSWORTH. No; not to the maximum demand, but to meet the honest needs of the country.

Mr. WM. ALDEN SMITH. Now, I understand that in the State of Michigan alone the investigations of what is known as the disease of "little peach" has saved the farmers of Michigan more than \$250,000 in one year.

Mr. WADSWORTH. That subject, I will say to the gentleman, has been investigated for several years.

Mr. WM. ALDEN SMITH. The saving is very great—

Mr. WADSWORTH. No doubt about it.

Mr. WM. ALDEN SMITH. According to the estimate of one of the leading authorities in our State.

Mr. WADSWORTH. I want to say to the gentleman from Michigan that the work of the Agricultural Department has been magnificent. I use the word advisedly.

Mr. WM. ALDEN SMITH. In the provision for sugar-beet culture I understand that the estimate of \$5,000 has been allowed.

Mr. WADSWORTH. Just what was recommended.

Mr. WM. ALDEN SMITH. And the prevention of fruit-tree diseases—

Mr. WADSWORTH. That comes under the head of pathology. I want to say to the gentleman that he must remember that these scientific investigations have been going on for years.

Mr. SCOTT. And they are going to continue.

Mr. WADSWORTH. They are not going to stop with this year. The committee have simply used their judgment as to the amounts which can be judiciously expended in the coming fiscal year. We do not stop the work with the exhaustion of the present appropriation.

Mr. WM. ALDEN SMITH. Then it is a mere question of the judgment of the committee as to the amount of work that can be done.

Mr. WADSWORTH. As to the amount of money that can be judiciously expended during the coming fiscal year.

Mr. MOODY of Massachusetts. That is the fact with reference to every appropriation bill from every committee.

Mr. WADSWORTH. The increase in this small bill during the last fiscal year and the present year will amount to \$1,300,000. The bill has grown since 1897, when it was \$3,183,000, to \$5,158,570, an increase of \$2,000,000 in four or five years.

Mr. WM. ALDEN SMITH. The gentleman from Massachusetts suggests that that is the usual custom in perfecting appropriation bills.

Mr. MOODY of Massachusetts. No; not the increase. I mean that the cutting down of the estimates is almost invariably fol-

lowed by every member of the Committee on Appropriations. The result is that the estimates are always made a little larger than they expect to get.

Mr. WM. ALDEN SMITH. If that has grown to be the custom, I think it rather a bad custom.

Mr. MOODY of Massachusetts. So do I.

Mr. WM. ALDEN SMITH. In other words, the Secretary of Agriculture is supposed to be specially posted on that subject, and the Secretary of the Navy has given his branch of the Government special care and investigation, and we ought to take them at their word; and I am not in favor of crippling this branch of the Agricultural Department in the great work which it is doing.

Mr. WADSWORTH. Neither am I, and neither are the committee.

Mr. WM. ALDEN SMITH. Our constituents would feel that we were recreant to our trust if we did not pursue these investigations as rapidly and as far as the Secretary of Agriculture thinks it prudent and necessary to go.

Mr. WADSWORTH. It is simply a question as to how much can be profitably done during the coming fiscal year. You can only do about so much scientific work in a year and do it properly. A great many of these investigations are in the nature of gropings in the dark. You start in one direction and you find you have come to nothing, and you have got to come back and begin again. You have used up without profit a certain amount of money. You can not use it judiciously beyond a certain limit. The committee have always borne that in mind and have always been liberal in their appropriations.

Mr. GAINES of Tennessee. I would like to ask the gentleman if he is through with his colloquy on the other side of the House?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee for a question?

Mr. WADSWORTH. Certainly.

Mr. GAINES of Tennessee. I would like to ask what this bill carries for what is known as the "Bureau of Soils," and also what are the results of the labors of that Bureau?

Mr. WADSWORTH. The bill carries for the Bureau of Soils \$168,960. Last year it carried \$109,140, being an increase of \$59,820.

Mr. GAINES of Tennessee. Will the gentleman be so kind as to tell the committee what this Bureau has done?

Mr. WADSWORTH. If the gentleman will turn to page 50 of the report of the Secretary of Agriculture he will see very briefly stated the result of the work of that Bureau.

Mr. GAINES of Tennessee. Will the gentleman state in substance what that report says in reference to that subject?

Mr. WADSWORTH. It will take me a long time to do so, and I am sure I could not explain it in a shorter way than it has been put in print by the Secretary of Agriculture.

Mr. GAINES of Tennessee. Will the gentleman tell us where this Bureau has had its officers at work—in what part of the country?

Mr. WADSWORTH. It has had its force in different parts of the country—Connecticut, Pennsylvania, and other States of the Union.

Mr. GAINES of Tennessee. Does the report state where they have been operating?

Mr. WADSWORTH. Yes.

Mr. GAINES of Tennessee. Will the gentleman be so kind as to state—

Mr. WADSWORTH. Virginia, North Carolina, Tennessee, Kentucky, Pennsylvania, Connecticut; and they have applications for New York, Ohio, Wisconsin, Texas, and Florida.

Mr. GAINES of Tennessee. Does the report state in what portion of Tennessee they operated?

Mr. WADSWORTH. No; it does not.

Mr. GAINES of Tennessee. Does it state at what work they were engaged in Tennessee?

Mr. WADSWORTH. Soil analysis and tobacco investigation.

Mr. GAINES of Tennessee. Well, that is what I was trying to ascertain. I very cordially supported the measure when it was pending here for the purpose of investigating the tobacco soil of the State of Tennessee and the other tobacco States. Tennessee furnishes so large an amount of tobacco for home consumption as well as foreign trade, and the tobacco people were very anxious to have the Bureau take charge and analyze their soil.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEFIELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12468. An act granting an increase of pension to Phineas Curran;

H. R. 12370. An act granting a pension to Ida M. Briggs;

H. R. 11895. An act granting a pension to Thomas Holloway;
 H. R. 11545. An act granting an increase of pension to Caroline R. Boyd;
 H. R. 10795. An act granting an increase of pension to William A. Campbell;
 H. R. 10449. An act granting an increase of pension to Sarah H. Lake;
 H. R. 10179. An act granting an increase of pension to Theron R. Mack;
 H. R. 10173. An act granting an increase of pension to Richard Trist;
 H. R. 8349. An act granting a pension to John Watts;
 H. R. 7678. An act granting a pension to Mary Holmes;
 H. R. 7149. An act granting an increase of pension to Ephraim D. Dorman;
 H. R. 5170. An act granting an increase of pension to Frederick Wright;
 H. R. 5150. An act granting a pension to Mary C. Trask;
 H. R. 4994. An act granting a pension to Lydia Carr;
 H. R. 4945. An act granting a pension to Shadrack I. Corbett;
 H. R. 4129. An act granting an increase of pension to Lonson R. Burr;
 H. R. 4008. An act granting a pension Christopher Columbus Sheets;
 H. R. 1742. An act granting an increase of pension to Alonzo Lewis;
 H. R. 1086. An act granting an increase of pension Francis W. Pool;
 H. R. 1012. An act granting an increase of pension to Patrick Moran;
 H. R. 13575. An act to grant a right of way to the Warrior Southern Railway Company through the tract of land in the State of Alabama reserved for the use of the United States in connection with the improvement of the Black Warrior River and known as Lock 4;
 H. R. 13025. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the State of Utah;
 H. R. 12938. An act to authorize the New Orleans and Mississippi Midland Railroad Company of Mississippi to build and maintain a railway bridge across Pearl River;
 H. R. 12867. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River in the State of Louisiana, at or near Shreveport; and
 H. R. 13819. An act for the relief of certain indigent Choctaw and Chickasaw Indians in the Indian Territory, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 30.

Resolved by the House of Representatives (the Senate concurring). That the Public Printer be, and he is hereby, authorized and directed to print 5,000 additional copies of the report of the governor of Oklahoma for 1901, and to deliver the same to the Department of the Interior.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 6,000 copies of Senate Report No. 126, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring). That there be printed 6,000 copies of the Senate Report No. 829, Fifty-first Congress, first session, with testimony, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WADSWORTH. Now, Mr. Chairman, I propose to yield to the gentleman from Oregon [Mr. TONGUE].

Mr. MOODY of Massachusetts. Before you do that, I do not see the provision for seeds.

Mr. WADSWORTH. The provision for seeds is there.

Mr. MOODY of Massachusetts. No provision for the distribution of shovels.

Mr. WADSWORTH. No; nor pickaxes. [Laughter.]

Mr. MOODY of Massachusetts. Only the free distribution of seeds.

Mr. WADSWORTH. Provision is made for the free distribution of seeds. Now I yield fifteen minutes to the gentleman from Oregon [Mr. TONGUE].

Mr. CANDLER. Will the gentleman from New York permit me just a question before he does that?

Mr. WADSWORTH. Certainly.

Mr. CANDLER. I see the appropriation for seed distribution is \$180,000. I want to ask the gentleman if that is the same as last year?

Mr. WADSWORTH. Exactly the same as last year.

Mr. CANDLER. And \$107,000 for farmers' bulletins. Is that the same as last year?

Mr. WADSWORTH. There is an increase of \$30,000 for the Bureau of Publication. Last year there was a deficiency of \$14,000. That was caused by ourselves, in ordering a lot of labor, and we did not make provision to pay for it; so we provided \$14,000 on the urgent deficiency bill, and we have that \$14,000 and \$16,000, which makes an increase of \$30,000.

Mr. CANDLER. And it is the same for seeds?

Mr. WADSWORTH. It is the same for seeds.

Mr. BARNEY. Will the gentleman allow me to ask him a question?

Mr. WADSWORTH. Certainly.

Mr. BARNEY. Does this bill carry any appropriation for the publication of the horse book?

Mr. WADSWORTH. That comes under the Committee on Printing.

Mr. BARNEY. Has not this bill sometimes carried an appropriation of that kind?

Mr. WADSWORTH. It carried it some six or seven years ago, and it was very questionable whether it ought to be on this bill.

Mr. BARNEY. The gentleman knows that there is a greater demand for that book than for any other.

Mr. WADSWORTH. Let me say to the gentleman that Dr. Salmon, the head of the Bureau, advises that that book be reedited before another issue be printed, because there are many new things that they want embodied in it.

Mr. GAINES of Tennessee. What has been done as to "road building?" That is something very material for the improvement of the farmers of the country generally. What has been done in the Bureau? "Road building."

Mr. WADSWORTH. It is set out very clearly in the report, and the gentleman can read it for himself.

Now, Mr. Chairman, I yield to the gentleman from Oregon fifteen minutes.

Mr. TONGUE. Mr. Chairman, I ask the indulgence of the committee for the purpose of giving notice that at the proper time I shall endeavor to secure the adoption of the amendment which I send to the Clerk's desk and ask to be read.

The Clerk read as follows:

Strike out "twenty" in line 11, page 48, after the word "subject," and insert the word "forty" in lieu thereof.

The amendment, if adopted, will increase the appropriation for "public road inquiries" from twenty to forty thousand dollars, the amount recommended and requested by the Secretary of Agriculture.

Mr. Chairman, the present bill contains many items where the appropriation exceeds the amount carried in any previous bill. The total of these several increases aggregate \$576,150.

The following table shows the appropriations made for the current fiscal year, and also those made by this bill for the coming fiscal year, for the different bureaus, divisions, and sections of the Department of Agriculture, and indicates specifically the increases contemplated by this bill:

	Current fiscal year.	1902-3.	Increase.
Office of Secretary.....	\$71,670	\$73,690	\$2,020
Weather Bureau.....	1,148,320	1,251,760	103,440
Animal Industry.....	1,154,090	1,247,180	93,150
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Forestry.....	185,440	282,860	97,428
Chemistry.....	35,800	73,200	37,400
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Entomology.....	36,200	57,200	21,000
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Publications.....	198,020	228,820	30,800
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Silk investigations.....	Nothing.	10,000	10,000
Total increase.....			581,150
But deducting \$5,000 carried in last year's bill for preparing plans of new building for Department of Agriculture.....			5,000
Leaves a total net increase for administration purposes of.....			576,150

I have no intention of criticising a single increase. So far as a brief examination discloses, they are all worthy of careful and favorable consideration. There are no expenditures being made by the General Government from which the benefits are so valuable or universal as those made under the direction of the Secretary of Agriculture. Certainly none are made where there is

a more conscientious effort to secure the greatest amount of public good, and the public good alone, for every dollar of expenditure. But, Mr. Chairman, there is no object which this bill attempts to secure which is more important, or from which the benefits would be so great or so universal or would reach so many people—and people so much needing them—as the improvement of our common roads, the common property of all the people.

There is no greater subject with which we are called upon to deal than improving the means, extending the facilities, and reducing the cost of transportation. There is no branch of transportation where improvement has been so retarded, or is so imperatively needed, and is yet so universally neglected as transportation on our common roads. In the agricultural appropriation bill passed last year, and carrying \$4,577,420, no appropriation proportionally to this amount produced so much good as the \$20,000 for "public-road inquiries."

The movement for good roads is important in many ways. It concerns not only the pockets, but the health, the tastes, and even the morals of the people. Problems of transportation have always been, are now, and will continue to be of pressing and exceptional importance. They have engaged the attention of governments, ancient and modern—European, Asiatic, African, and American. They are attracting the attention of private enterprises, and the greatest combinations of capital in the world are endeavoring to control and monopolize the avenues and means of transportation.

Our own Government, in its efforts to furnish increased facilities for water transportation, has expended for the improvement of its rivers and harbors alone the sum of \$396,600,720.50, and yet it has only fairly begun this important work. In 1862 the total cash appropriated for the improvement of rivers and harbors was \$20,000. In 1899 this had increased to the sum of \$40,307,779.48. The House of Representatives a short time ago passed a bill which in the cash appropriated and the amount which the Secretary of War is authorized to expend under contracts exceeds \$60,000,000. As attesting the interest of the nation in the class of transportation that this expenditure is intended to improve is the fact that the bill passed the House with scarcely a dissenting vote. Last week the Senate added to this \$10,000,000, and then in two hours passed it without a single dissenting vote. In aid of railroad transportation and to assist in the building of Pacific railroads the Federal Government has paid, principal and interest, upon guaranteed debts, \$188,102,919.88.

In addition to this, it has granted, as an inducement for the construction of these railroads, an enormous amount of land, aggregating 196,589,372 acres. It is true the money advanced has been largely repaid, but the lands granted as a gift to induce railroad construction equals a vast empire. It equals in area all of the States of New England, New Jersey, New York, Pennsylvania, both of the Virginias, and the State of Ohio. While the Government has dealt so liberally, expending hundreds of millions of dollars, and granting a wealth of land beyond computation for the improvement of water and railroad transportation, it has been painfully parsimonious in its appropriation for the improvement of common highways. Over these highways a large proportion of this vast commerce that goes to form the great railroad and steamboat tonnage must first pass.

In addition to this, millions upon millions of tons of local traffic constantly pass over these roads, and to which no other transportation is available. It is believed that the tonnage of freight and the number of persons carried over common highways equals, if it does not exceed, the tonnage and passengers carried by every railroad train and steamboat in the land. Yet during the last forty years the Federal Government has expended for the improvement of these roads the small sum of \$100,000. What has been the result? Just such as might have been expected.

Encouraged by the liberal aid extended by the Federal Government private corporations have expended for the construction, the improvement, and equipment of American railroads the sum of \$11,491,054,960. They have constructed, equipped, and are operating within the United States 192,940.67 miles of railroad, or enough to encircle the earth eight times at the equator. Millions of money have been expended in building and equipping the finest vessels in the world, engaged in the lake, river, and coastwise transportation, and which in quality, speed, and beauty are unsurpassed by those of any other nation. In railroad and water transportation we have bounded forward with a speed and rapidity beyond the wildest hopes, while in wagon transportation we have remained stationary or are moving backward. In railroad and water transportation we excel all competitors. In the condition of our common roads we are behind the least civilized nations of the Old World.

In 1870 it cost to ship wheat from Chicago to New York by an all-rail route 33.3 cents per bushel. Now, over the same route, it costs 9.96 cents per bushel, less than one-third of what it cost then. In 1870 it cost to ship a bushel of wheat between the same

points on the lake and canal route 17.11 cents. For the same freight over the same route now it costs 4.42 cents, practically one-fourth of the former cost. A short time ago the secretary of the Boston Chamber of Commerce wrote me that fifteen or twenty years ago it cost to ship a ton of provisions from Boston to Liverpool \$10. It costs now \$1.75; to ship a ton of flour then \$7.50, now \$1.25. To ship a bushel of grain then 16 cents, against 2 cents now. To ship a bale of cotton then 2½ cents per pound; it costs 50 cents per bale now; \$30 per head for cattle then, \$6.25 now.

Thirty years ago it cost the Western farmer to ship a bushel of wheat from Chicago to Liverpool by an all-water route 33.11 cents. It costs to ship a bushel of wheat over the same route now 6.42 cents. The struggle with foreign competitors, in order to preserve our markets, maintain our trade and commerce, has forced us to rapid and unusual improvements in this class of transportation. During the same period there has been no improvement or reduction of cost, but rather, with increase of wages, an increased cost in wagon transportation. It costs the Western farmer as much to transport a ton of wheat from his granary to the railroad station or steamboat, 5 miles distant, as it does to ship the same freight from Boston, New York, or any great Atlantic port to the city of Liverpool. It costs the farmer along the line of the Northern Pacific or Great Northern Railroad, in the Northwest States and Territories, as much to transport the wheat from his farm to the railroad station, 20 or 25 miles distant, as it does to ship it from Duluth to Queenstown.

Rates of transportation concern every human being in the land. If a purchaser, they affect the value of his product; if a consumer, the price of his purchase. They determine the rise or fall, the prosperity or decay, the wealth or poverty of communities, great centers of trade and commerce, and even of nations themselves. Magnificent cities spring up in a night, the growth of long years sinks to speedy decay, with a change in the lines and rates of transportation. The conquest of markets, foreign and domestic, the balances of trade, frequently depend upon rates of transportation.

The most important problems that now concern the great West from which I come, and which produces in such abundance the healthful, nourishing, and luscious foods needed to feed the workmen in your factories and the crowded inhabitants of your cities, are problems of transportation. This explains why fruits of unsurpassed flavor and healthfulness, so needed in the East, rot under the trees of Western orchards. It explains why timber of unexcelled quality, which could be made into homes for the homeless in the East, on the Pacific coast is cut down and destroyed as something that encumbers the ground.

A few years ago our fields and farms and orchards and flocks were neglected, while in the East men, women, and children cried for bread upon which they were unable to pay the transportation charges. You are now paying 30 cents per pound for beef bought from the Western farmer for 6 to 7 cents per pound. It is because of these things that so many of us are praying with all the fervor of our souls that the Senate of the United States will deliberate less and act more and will cease talking long enough to do business and pass the bill for the construction of an isthmian canal. During the fiscal year ending June 30, 1900, the American people paid for railroad transportation \$1,579,570,830. We are said to pay to foreign ships alone for carrying our commerce to and from the United States \$200,000,000 annually. The amount paid for ocean transportation upon American vessels, for water transportation upon the rivers, lakes, and in the coastwise trade is beyond computation.

It is safe to say that every dollar of money in the United States—gold and silver and paper, large denominations and subsidiary—is paid out every year of our existence for railroad and water transportation alone, and yet by far the greater part of the runs and rivulets that feed and swell these great streams of commerce run along our public roads, the common highways and common property of all the people. This probably is true, in a smaller degree, regarding the products of mines, but it is almost wholly true as regards the products of agriculture. In order to realize the full benefits of the sums we have expended and the improvements we have achieved by rail and steamboat, there should be a corresponding improvement in our common roads.

The common road leads to the railroad station and to the wharf upon the bank of lake or river. The stream can not rise higher than the fountain. Without the common highway and the farm wagon iron rails would rust upon the track and steamboats rot at the wharf. While great combinations of capital are seeking to monopolize and control the water and railroad routes, for the improvement of which the Government has expended so much, the common highways belong to all of the people of the United States. No combination of capital can monopolize or control them. Their benefits, like the dew of heaven, descend alike upon the just and the unjust, the millionaire and the pauper, the child of the poor as well as the child of the rich.

The people's money expended for their improvement will bless all the people. There will be no percentage deducted to increase the full coffers of those already rich. The cost of transportation constitutes the largest item of the expenditures of the American people. An annual saving of 5 per cent of this would represent an amount exceeding the output of every gold mine in the land. A saving for transportation of persons and property over the common roads would be more widely diffused, would inure to the benefit of more people, and to more people who need it, than a decrease on any other expenditure.

I need not dwell upon the importance of good roads as they affect the transportation of persons. They give us increased time and increase of pleasure. We accomplish more, see more of life, live more and longer in one year than our ancestors in ten. Time is becoming of supreme importance. Quickness of change from place to place, speed with which the powers of man can be transferred from one point to another, was never so much desired as now. Speed in transportation is economy of time, and the adage that "time is money" was never truer than now. But I shall not stop to dwell upon this phase of the subject.

Good roads do not only concern our pockets. They may become the instrumentalities for improved health, increased happiness, and pleasure, for refining tastes, strengthening, broadening, and elevating the character. The toiler in the great city must have rest and recreation. Old and young, and especially the young, with character unformed, must and will sweeten the daily labor with some pleasure. It is not the hours of industry, but the hours devoted to pleasure that furnish the devil his opportunity. It is not while we are at work, but while we are at play, that temptations steal over the senses, put conscience to sleep, despoil manhood, and destroy character.

Healthful and innocent recreations and pleasures are national needs and national blessings. They are among the most important instrumentalities of moral reform. They are as essential to purity of mind and soul as to healthfulness of body. Out beyond the confines of the city, with its dust and dirt and filth, morally and physically, these are to be found, and good roads help to find them. What peace and inspiration with flowers and music, brooks and waterfalls! How the mountains, pointing heavenward, yesterday battling with storms, to-day bathed with sunshine, bid you to stand firm, walk erect, look upward, cherish hope, and for light and guidance to call upon the Creator of all light and of all wisdom.

How such scenes as those kindle the imagination of the poet, quicken and enlarge the conception of the artist, fire the soul of the orator, purify and elevate us all. But if love of action rather than contemplation and reflection tempts you, how the blood thrills and the spirits rise as one springs lightly into the saddle, caresses the slender neck of an equine beauty, grasps firmly the reins, bids farewell to the impurities of the city, and dashes into the hills and the valleys and the mountains to commune with nature and nature's God.

Or what joy more exquisite than when with pleasant companionship you dash along the smooth highway, while that king of the animal creation, next to woman, man's most cherished friend, an American trotter, with swelling muscles, arched neck, flashing eye, and nostrils aflame, answers every touch of the line, every tone of the voice, with a fresh burst of speed, carrying you along green fields, by murmuring brooks, blushing flowers, while the winds whisper through the leaves and the birds cheer you with their song. Beauty, fragrance, and music all around you; the blue dome of heaven above you, and the mountains the witnesses of your ecstatic pleasure. What poor city scene can so inspire poetic feeling, can so increase the love of the beautiful, can so elevate and broaden and strengthen the character, and so inspire us with reverence for the great Father of us all? But for the full enjoyment of such pleasures good roads are indispensable.

Another blessing to come with good roads will be the stimulus and encouragements to rural life, country life, if you will, farm life. The present tendency of population to rush into the great cities makes neither for the health, the character, the intelligence, nor the morals of the nation. It has been said that no living man can trace his ancestry on both sides to four generations of city residents. The brain and the brawn and the morals of the city are constantly replenished from the farm homes. The best home life is upon the farm, and the most sacred thing in America is the American home.

It lies at the foundation of our institutions, of our health, of our character, of our prosperity, of our happiness, here and hereafter. The snares and pitfalls set for our feet are not near the home. The pathways upon which stones are hardest and thorns sharpest are not those that lead to the sacred spot hallowed by a father's love and a mother's prayer. The bravest and best men, the purest and holiest women are those who best love, cherish, and protect the home. God guard well the American home, and this done, come all the powers of darkness and they shall not prevail against us.

Fatherhood and motherhood are nowhere more sacred, more holy, or better beloved than upon the farm. The ties of brotherhood and sisterhood are nowhere more sweet or tender. The fair flower of patriotism there reaches its greatest perfection. Every battlefield that marks the world's progress, or the victory of liberty over tyranny, right over wrong, has been deluged with the blood of farmers. In the hour of its greatest needs our country never called for help upon its stalwart yeomen when the cry was unheeded. The American farmer hides neither from the recruiting officer nor the taxgatherer.

The sons and daughters of American farmers are filling the seminaries and colleges and universities of the land. From the American home have gone in the past, as they are going now, leaders in literature, the arts and sciences, presidents of great universities, the heads of great industrial enterprises, governors of States, members of Congress in House and Senate. They have filled the benches of the Supreme Court, the chairs of the Cabinet, and the greatest executive office in the civilized world. Our greatest jurist was a Virginia farmer; our greatest soldier, our greatest orators, the godlike Webster and the "Mill Boy of the Slashes," our three greatest Presidents—Washington, Lincoln, and McKinley, whose fame is immortal—drew life and inspiration from rural homes.

The typical American to-day is the American farmer. The city life, with its bustle and stir, its hurry and rush, its feverish anxiety for wealth, position, and rank in society, its fretting over ceremonies and precedents, is breaking down the health and intellect and the morals of its inhabitants. These must be replenished from the rural home. Whatever shall tend to create a love for country life, to decrease the rush for the city, instill a desire to dwell in the society of nature, will make for the health, the happiness, the refinement, the moral and intellectual improvement of the people. Nothing will contribute more to this than the improvement of our common roads to facilitate the means of communication between one section of the country and the other, and between all and the city.

I commend the work now being carried on by the Department of Agriculture under the superintendency and control and management of Director Dodge. In proportion to the expenditure of public money no work is now being carried on by the General Government that will bring so much good to so many people, and particularly to so many of those whom we call the common people, and whom Lincoln said God must love because he created so many of them. This work merits the most considerate and liberal treatment from American statesmen. The work should be carried on in every State of the Union. I would like to have the appropriation large enough to enable Director Dodge and his able assistants to come and bring their machinery to the great West.

It has been our good fortune to receive a visit from his great chieftain, who inherits the patriotism of a Wallace, the courage of a Bruce, and the chivalry of a Douglas—that member of the Cabinet who, more than all others, has the warmest place in the hearts of the Western farmer. We will give them a genuine Western welcome, than which none is more sincere or comes more direct from the heart. We promise them such a country and such scenery as their eyes have never beheld, a climate of unsurpassed healthfulness, a land more beautiful than the garden of Eden, richer than the valleys of the Nile, and grander than the Alps of Switzerland.

At noonday they can recline beneath the shades of forest giants, towering 260 feet above them, through whose branches sigh the spirit of ages, and upon which linger longest the last rays of the setting sun, as it leaves the Western continent on its journey around the world. They can refresh themselves with fruits fit for the gods, and gladden their eyes with flowers that never fade. They may look out upon rich prairies bearing upon their bosoms magnificent crops, orchards burdened with fruits rich with imprisoned sunshine, and pastures upon which graze the choicest of flocks and herds.

Under the July sun they may gaze upon the whitened summits of our snow-capped mountains, the majestic Hood, the beautiful St. Helens, Mount Adams, the Three Sisters, Mount Rainier, Mount Shasta, and Mount Jefferson. They can witness a combination of beauty and grandeur not equaled in any other land, and when their day's work is done they may sink to rest to the murmur of the ocean, the music of the waterfall, and the sound of the many waters, no longer lost "in the continuous woods where rolls the Oregon," but surrounded by a happy and prosperous people, while the mountains, like armed sentinels, keep watch and guard over their peaceful slumbers.

Mr. FOX. Mr. Chairman, I want to avail myself of the time accorded me to discuss the question of suffrage and the right of Congressional representation in the State of Mississippi. Mr. Chairman, this discussion is not of my seeking, and I regret for some reasons that it has been precipitated in this House, but there is on this question so much of ignorance, so much of prejudice,

and, I am sorry to say, in some quarters so much of bitterness, that I hope a calm and dispassionate consideration of the question may contribute somewhat to a better understanding of the situation in Mississippi.

Mr. Chairman, let me say at the outset that the Mississippi constitution is the product of great lawyers and of a wise, sincere Christian statesmanship, and that, as a Mississippian, I am not here to apologize for it. I am not here to appeal to the generosity of this Congress. I am here to say that if the status quo to-day in Mississippi is right, if it is constitutional, if it is just, if it contributes to the promotion of the civilization of our people, then it ought to have the approbation and not the condemnation of all good citizens. If that constitution has incurred in any way the displeasure of the petty, two-by-four, politicians, it ought to have the support of every patriotic citizen in this country who wants to promote a Christian civilization.

Mr. Chairman, as I have said, we do not ask you to be generous; we only ask you to be just, and if, in order to protect our civilization, in order to secure the rule of virtue, of intelligence, we have justly incurred the penalty of the reduction of our representation in Congress, then we will take our medicine rather than surrender our civilization.

I contend, Mr. Chairman, that there is no feature of the suffrage provision of the constitution of Mississippi that denies to any citizen the right to vote or abridges that right, within the meaning of the fourteenth amendment, in such a way as to incur the penalty of a reduction of our representation in Congress, which is based upon the entire population of the States, without regard to illiteracy, pauperism, nationality, or citizenship.

In order that we may fully understand this question and determine whether or not Mississippi has denied the right to vote to any of its citizens so as to incur the penalty of a reduction of representation, it is proper to determine in the first place who has the right to vote in Mississippi or in any other State.

Whence does the right to vote arise? What is the right to vote which you can not deny to a citizen without incurring this penalty? There are two opinions about the right of suffrage, Mr. Chairman. One is the opinion expressed by the politician, and the other is the opinion maintained by the courts of the country and the great lawyers of the country. The last State platform of the Republican party in the State of Ohio declares that "the right of franchise is vouchsafed to every American citizen under the Federal Constitution." Mr. Chairman, if that is true, then there is not a State in this Union that is entitled to the representation in Congress that it now has.

In this country every woman is a citizen of the United States; every child born of American citizens is a citizen of the United States. There was a time when some lawyers had the same opinion which the gentleman who drew this platform entertained with respect to woman suffrage. They believed that the right to vote was an attribute of citizenship and was guaranteed to every citizen of the United States by the Federal Constitution. Believing this they began a proceeding in the courts of the State of Kentucky on behalf of Mrs. Virginia Minor to establish the right to vote. In that proceeding they made the same contention that was declared by the Republican party in the State of Ohio. They contended that because Mrs. Minor was an American citizen, and because the right of suffrage was an attribute of citizenship and guaranteed to every citizen by the Federal Constitution, therefore she had the right to vote.

That case went to the Supreme Court of the United States, and the opinion of that court is to be found in 21 Wallace, page 162. After an exhaustive review of the whole question the court concluded their opinion by saying that the Constitution of the United States does not confer the right of suffrage upon anyone. So that then the principle was forever established that the right to vote was not a right of citizenship; that no one in these United States—no citizen—receives his right to vote, if he has it, from the Constitution of the United States.

There is no word written in the statutes or in the organic law of these United States that confers the right to vote upon anybody. In the case of the United States against Reese, reported in 102 U. S., page 514, the defendants were indicted for refusing to receive and count the vote of a negro on the theory that as the fourteenth amendment made citizens of negroes, therefore it conferred upon that race the right to vote.

The Supreme Court of the United States in that case said:

Before the adoption of the fifteenth amendment it was as much within the power of the State to exclude citizens of the United States from voting on account of race as it was on account of age, property, or education; that the fifteenth amendment does not confer the right of suffrage upon anyone, but simply prevents discrimination on account of race, color, or previous condition of servitude.

It further declared that if citizens of one race having certain qualifications are permitted to vote, then those of another having the same qualifications must also be permitted to vote. That is the only right conferred by the fifteenth amendment. It is the

right not to be discriminated against on account of race, color, or previous condition.

Mr. Chairman, I call the attention of the House and the country to that statement of the court in this case, which clearly holds that it is at any time now within the power of any State to exclude citizens of the United States from voting on account of age, property, or education. There is nothing now in the organic law, or in any law, that prevents wholesale disfranchisement by any State of its citizens who do not possess the requisite educational qualification or such property qualification as the makers of the law may think they should have. It is now perfectly competent for a legislature to prescribe property and educational qualifications for the voters of the State, unless its own constitution prohibits it; and it is perfectly competent for a State to exclude from the right of voting any number of its citizens, provided that it is not done on account of race, color, or previous condition of servitude.

I say there is no reason for which a State may not disfranchise any citizen of the United States except the one reason—race, color, or previous condition of servitude. You can not disfranchise on that ground, because the fifteenth amendment to the Constitution says that you shall not discriminate in that way. But it does not say that you may not disfranchise any number of both races who belong to the same class—for instance, who are criminals, or who are paupers, or who fail to pay a capitation tax, or who do not possess the required educational qualification.

Mr. HENRY C. SMITH. Will the gentleman permit an interruption?

Mr. FOX. Certainly.

Mr. HENRY C. SMITH. Under what clause of this agricultural bill is the gentleman discussing this proposition of colored suffrage? Perhaps it is under the provision with regard to "raising cane." [Laughter.]

Mr. FOX. We are trying to prevent you from "raising hell" among the agricultural population of Mississippi. [Laughter.] We are doing our best there to promote the industrial development of the State, to promote its moral elevation, and to promote education among its citizens.

Mr. HENRY C. SMITH. Does not the gentleman think that the state or condition which he mentions—that of raising cane or of "raising hell"—is now in existence down in his locality?

Mr. FOX. I did not understand the gentleman.

Mr. HENRY C. SMITH. The gentleman is familiar, I suppose, with the language he used about "raising hell"——

Mr. FOX. What is the question?

Mr. HENRY C. SMITH. I say the condition which the gentleman mentions exists down in his State, does it not?

Mr. FOX. What condition?

Mr. HENRY C. SMITH. The condition the gentleman spoke of—"raising hell."

Mr. FOX. Yes, sir. You created it very many years ago. We are trying to get out of it.

Mr. HENRY C. SMITH. Under the Constitution?

Mr. FOX. Mr. Chairman, I had hoped to appeal to the reason and patriotism of gentlemen like my friend from Michigan. Is it possible that we are not to be heard in making a fair presentation of the legal phases of this great question without its being sneered at by gentlemen who come here as Representatives of great districts of this Union and who ought to be in sympathy with us when we are trying to promote the elevation and the civilization of our people?

And it is purely the legal phase of this question that I am presenting now. I am not asking any favors from the gentleman from Michigan or from anybody else. I appeal to your sense of justice and your sense of right and your feeling of patriotism and your love of Christian civilization. And I would say another thing to the gentleman. I would commend to him the statement of the President of the United States after he had returned the other day from his little trip to Charleston—that before he went down there he was a good American citizen, but that he was a better one after having gone down there and learned something about our people and the situation there. [Applause on the Democratic side.]

Mr. HENRY C. SMITH. Will the gentleman permit another suggestion?

Mr. FOX. Yes; if you are sincere in it.

Mr. HENRY C. SMITH. Certainly; I am always sincere, though perhaps I do not look sincere. [Laughter.]

Mr. FOX. I agree with you in the latter statement.

Mr. HENRY C. SMITH. Well, I am glad we are in harmony on that proposition. But I was going to suggest that you also include in your remarks in regard to the President the estimate that you and other gentlemen have put upon him because he had the courage to invite the whitest black man of this nation, against the protest of the blackest white men of this nation, to eat at his table.

Mr. FOX. Mr. Chairman, I do not think it is fair for the gentleman to divert me from a legal argument and try to induce me to discuss the social phases of this question. I want to say now that I have never had any quarrel with the President or with anybody else who saw proper to invite a black man to his table. Nobody ever heard me say anything about it or make any criticism of it. I say that it is a man's perfect right to fix, so far as he can, his own social status. [Applause on the Democratic side.] It is none of my business what the gentleman from Michigan [Mr. HENRY C. SMITH] may see proper to do as to his table. He can extend the privilege of his home and he can extend the privilege of his family circle to anyone that he pleases to extend them to. It is nothing to me; it is none of my business.

He is the best judge of that, but I have only to say this, Mr. Chairman, that, so far as the colored people in the State of Mississippi are concerned, they are not seeking social equality, and the great leader of that race, to whom the gentleman alludes, is preaching a better doctrine to his race than is the gentleman from Michigan. He is trying to teach the people of his race to have respect enough for their own race and to have respect enough for themselves to be satisfied with the association of their own race and not seek to add to their importance by endeavoring to associate with others, and that doctrine has so thoroughly impregnated the minds of the race in Mississippi that they not only do not seek social equality with the whites but they have little respect for the white man who would put himself on a perfect social equality with them. [Applause on the Democratic side.]

When this question was discussed here in the House the other day I was annoyed that some of our friends on this side from the South expressed so much annoyance that the gentleman from Massachusetts [Mr. GILLETT] would preach the doctrine of social equality between the two races, and I said that there is nothing in that that ought to annoy you or me, that every man has a right to select his associates in society so far as he can, but not to force it on us. You must allow us the same privilege you claim for yourselves. But, Mr. Chairman, I am sorry to have been diverted from a legal argument. I am here to discuss the legal phases of the question of suffrage, and what I do object to most seriously is an endeavor to force Mississippi to submit to a rule that is not equally applicable to Massachusetts and Connecticut and Vermont.

Mr. HENRY C. SMITH. In that connection, Mr. Chairman—

Mr. FOX. Now, if you are going to ask me anything about the legal phase of this question I will yield, but not otherwise.

Mr. HENRY C. SMITH. It is right along your line.

Mr. FOX. Does the gentleman want to ask me a question about the law of this case? If so, I would be glad to enlighten him.

Mr. HENRY C. SMITH. That is my idea of it. Now, there has been a resolution introduced into this Congress by myself, providing that Congress shall fix the qualification of voters who vote for electors and members of Congress, an amendment to the Constitution to that effect, and that that qualification shall be uniform throughout the States of the Union.

Mr. FOX. Very well, we will discuss that question when it comes up, but that is not the question presented now. You admit yourself—

Mr. HENRY C. SMITH. Does not that meet the proposition that you now make?

Mr. FOX. No, sir. You admit yourself the correctness of my proposition by coming here and introducing an amendment to the Constitution authorizing Congress to fix the qualification of voters, which the Constitution does not now authorize and which this Congress does not now have the power to do; so we are agreed about that. It is the thing that I am contending, Mr. Chairman, that the right of suffrage comes not from Congress, comes not from any provision of the Constitution of the United States, but at present must come from the States which alone have the right to fix the qualifications of their voters.

Mr. HENRY C. SMITH. Just another question. Are you not willing that the same qualification to vote shall exist in your State that exists in the other States of the Union?

Mr. FOX. You bet I am, and that is just exactly what we have done. We have fixed the qualifications of voters in Mississippi, following the example of the State of Massachusetts, except that they are not as restricted. I would not be willing to vote for the gentleman's bill, so far as that is concerned, if that is what he means, because I believe in the wisdom of our fathers; I believe that there was nothing wiser that characterized the work of the framers of the Constitution than to leave to the States the power to fix the qualifications of their own voters, because each State knows better the conditions within its borders and knows better what is best to promote civilization in that particular State than any other State or body does. I am not willing to have you fix the qualification of voters in Mississippi.

Mr. HENRY C. SMITH. In other words, by the wisdom of the fathers the gentleman means the wisdom of State rights.

Mr. FOX. Well, yes, if you say they were States-right men who made the Constitution. [Applause on the Democratic side.] And let me say to the gentleman that when that Constitution was framed every one of the 13 colonies except two or three already had State constitutions fixing the qualifications of their own voters, each one to suit itself, and there was no disposition upon the part of the framers of the Constitution to interfere with the status of each State.

Mr. GAINES of Tennessee. Will my friend yield for a question on a proposition of law?

Mr. FOX. Yes.

Mr. GAINES of Tennessee. Just now you stated the proposition very clearly that the right of suffrage comes from the State.

Mr. FOX. I was proceeding with that when I was interrupted by the gentleman from Michigan.

Mr. GAINES of Tennessee. I want to state to the gentleman from Michigan that the Supreme Court of the United States decided that in a case coming from his own State of Michigan, where the question of the electors of that State was raised in the case of *McPherson v. Blacker*.

Mr. FOX. Now, Mr. Chairman, I have said that it was the doctrine of the Republicans of Ohio—or whether so or not, it is declared in their last State platform—that the right of franchise is vouchsafed to every American citizen by the Federal Constitution. As against that the Supreme Court of the United States, in the case of *The United States v. Cruikshanks* (92 U. S., 542), declared that the United States have no voters of their own in the States; that the right of suffrage is not an attribute of national citizenship; that the right to vote comes from the States.

Now, those are the two leading cases in the Supreme Court of the United States, and they have been followed up to this date by a number of decisions. Included among them is the case referred to by the gentleman from Tennessee [Mr. GAINES] that came up from the State of Michigan the case of *McPherson v. Blacker* (reported in 146 U. S. Reports, p. 1). They declare in that case that the right to vote comes from the State, but that the right of exemption from the prohibitive discrimination comes from the United States. That is the right that is protected by the fifteenth amendment.

Now, Mr. Chairman, in the Michigan case the Supreme Court asked the question that I have asked, "What is the right to vote which the fourteenth amendment to the Constitution says you can not deny to any citizen without incurring the penalty of a reduction in representation in Congress?" And they answer that question and say that "the right to vote intended to be protected by the fourteenth amendment refers to the right to vote as established by the laws and constitutions of the States."

Now, Mr. Chairman, that is the thing to fix clearly in our minds at the very threshold of this discussion. What is the right to vote, and whence does it arise? The right to vote is not a natural right, as said by Mr. Cooley and other writers on constitutional law. It is not a right of citizenship, as said by the Supreme Court of the United States, and every lawyer and every judge in the United States that has ever delivered an opinion on the question that was not a purely political opinion. It is not a natural right. We are not born with it. We do not get it by reason of our citizenship. It does not come to us by reason of any provision in the Constitution of the United States.

It does not come to us by virtue of any statutes of the United States, as the gentleman from Michigan [Mr. HENRY C. SMITH] is forced to acknowledge, by introducing his resolution to amend the Constitution of the United States. It comes from the State that confers it, and from the State alone. No citizen of a State has a right to go to the legislature of the State and say, "I have a right to vote which you can not deny or abridge." The man who can not read has no right to say to the legislature of his State, "I have a right to vote notwithstanding my illiteracy, and you can not disfranchise me."

Mr. CALDERHEAD. Will the gentleman permit a question?

Mr. FOX. Certainly.

Mr. CALDERHEAD. Who conferred the right to vote upon the men who made the original thirteen States?

Mr. FOX. I have answered that question; that before the adoption of the Constitution of the United States each State had its own constitution. If the gentleman will read the history of the formation of the Constitution—

Mr. CALDERHEAD. I have read that.

Mr. FOX. Well, that is a complete answer.

Mr. CALDERHEAD. But the question I asked is, Who conferred the right to vote upon the men who made the State? Who conferred the right to vote upon the men who elected the first legislature? Before the States were made, who conferred the right upon anybody to vote?

Mr. FOX. I do not understand the gentleman's question.

Mr. CALDERHEAD. You say that the right to vote was conferred by the thirteen States—

Mr. FOX. The gentleman must know that in the formation of every State there must be a beginning, if you want to discuss the abstract question, that the citizens of a new State get together and originate a constitution.

Mr. CALDERHEAD. Do not overlook the question.

Mr. FOX. I can not run a kindergarten school here, so far as that is concerned.

Mr. CALDERHEAD. Before the thirteen original States were created, was not that a right of the citizen?

Mr. FOX. The thirteen original States had constitutions before the adoption of the Constitution of the United States. What I am now arguing is that we do not get the right to vote from the Constitution of the United States—that it existed before that time, and the gentleman must know that.

Mr. CALDERHEAD. I am asking you who gave it to them.

Mr. FOX. I have answered you in perfect good faith, and I can not consume all of my time in a discussion of this simple proposition.

Mr. CALDERHEAD. I am seeking in perfect good faith to get you to state who voted when the constitutions were made in the original thirteen States?

Mr. FOX. The people.

Mr. CALDERHEAD. And where did they get the right to vote?

Mr. FOX. They did something then as they do in the House occasionally, by unanimous consent. [Laughter.]

Mr. WILLIAMS of Mississippi. Their rights were conferred by the Crown. Such as they first had in England they first got by the right of the sword itself, the inherent right to govern.

Mr. FOX. The gentleman must know, so far as that is concerned, that certain rights were granted by Magna Charta.

Mr. CALDERHEAD. Then how is the right to vote conferred on you and me?

Mr. FOX. I must be permitted to answer the gentleman myself. I will read for your enlightenment. I am satisfied that you have not studied the legal phases of this question. Read what the great constitutional lawyers like Mr. Cooley and others, who have given a lifetime to the study of all the provisions of the Constitution of the United States, have said. They certainly knew something about it. Listen to what one of these great constitutional lawyers says. I suppose it will be admitted that there is no greater authority on the Constitution than Mr. Cooley, who has written three separate works on the Constitution, and he says that—

Suffrage can not be the right of an individual, and why? For the simple reason that it does not exist for the benefit of the individual but for the benefit of the State itself. Suffrage must go to the individual, not as a right, but as a regulation which the State establishes as a means to perpetuate its own existence and of assuring to the people the blessings it was intended to secure.

So, Mr. Chairman, that is the whole philosophy of the right of suffrage. I must be permitted to give my own views.

Mr. CALDERHEAD. How can you make that consistent with the declaration of the gentleman from Mississippi, that it was won by the sword?

Mr. FOX. I can not enlighten a man like my friend, who will not listen.

Mr. CALDERHEAD. I admit that the gentleman has been making a very fair statement—

Mr. FOX. You interrupt me before I get through with one statement.

Mr. CALDERHEAD. I admit that the gentleman has been making a fair statement of the legal situation of the question and a very able one.

Mr. FOX. I decline to be interrupted further.

Mr. CALDERHEAD. If you really would like to enlighten me, I would like to go back to the original question. Have you any light on that subject?

Mr. FOX. If you will just sit still, I will give it to you. I may not be entirely competent to do so, but I am competent to tell you what the great lawyers of the country have said about it, and that ought to settle the case.

Mr. WM. ALDEN SMITH. From what are you reading?

Mr. FOX. From Cooley. From an article in the Washington Post, in this city. It is a paper that I prepared at the request of the press, and was published several weeks ago in the Washington Post. As a matter of convenience, instead of having the law books piled up around me, I am reading from it.

Mr. WM. ALDEN SMITH. I did not recognize it as an official document.

Mr. FOX. Well, it is official, though it may not have the blue ribbons about it. It is all right.

Now, Mr. Chairman, it is perfectly clear that a State can deny to any citizen the right which it alone confers. There is no doubt

about that, and the only limitation in the world on the right is that fixed by the fifteenth amendment to the Constitution of the United States, which says that you shall not deny the right to vote to any man because he is white, because he is black, or because he is colored.

Mr. WM. ALDEN SMITH. In other words, if it is not planted upon either one of these grounds, the State has the right.

Mr. FOX. I do say that. I do say, further, that if it does deny the right to vote to any of its citizens in the sense contemplated by the fourteenth amendment of the Constitution, and it does abridge that right, then the citizen of the State can not complain, but that we do incur the penalty in the reduction of our representation. Why, there is no quarrel between us. We have got the right in Mississippi to say who of our citizens shall vote and who shall not vote, save only we can not say "you can not vote because you have been a slave, or because you are black, or because you are white."

We have the right to disfranchise any number of our citizens on any ground that the wisdom of the lawmakers think is proper if we are willing to incur the penalty of the reduction of representation in Congress. No lawyers ought to differ about the legal question, and it is purely a legal question. There is no use for any resolutions of investigation of the conditions to ascertain what the truth is as to any particular State. It is a legal question that any lawyer can determine for himself if he is willing to do it.

Mr. SMITH of Iowa. Will the gentleman allow me to ask this question?

Mr. FOX. Yes.

Mr. SMITH of Iowa. What objection is there to a committee compiling the statutes and regulations with reference to the voters of the various States of the Union, including Massachusetts and Mississippi, and furnishing them in accessible form to this House, to the end that members of this House may pass upon the legal questions which the gentleman refers to?

Mr. FOX. I have made no objection to that.

Mr. SMITH of Iowa. But the gentleman said there was no necessity for any investigation, and the Crumpacker resolution simply provides for an investigation for the presentation of the various statutes of the States, the various laws of the States, and the various regulations of the States, with information of a like character which will enable the membership of this House to determine whether or not any State has forfeited its right to any part of its representation under the fourteenth amendment.

Mr. FOX. I am not discussing the Crumpacker resolution.

Mr. SMITH of Iowa. But I want to say, if the gentleman will permit—

Mr. FOX. I do not want the Crumpacker resolution injected into this speech, for I am making a legal argument. But if the gentleman from Iowa insists upon it, I want to say that the Crumpacker resolution does propose to investigate not only the law of the case, but the methods of the election in Mississippi.

Mr. SMITH of Iowa. The legal methods?

Mr. FOX. No, not the legal methods alone, but all the methods. I want to say—

Mr. WILLIAMS of Mississippi. If it was to investigate only the law, we could investigate that right here, because we have the law books here.

Mr. FOX. I want to say to my friend from Iowa—and he is my friend—that the reason we object to the investigation of the methods—the reason we do not assent to that—is that it is an imputation on our State as to our methods of conducting the elections in Mississippi, an imputation that it is not honest, and the Crumpacker resolution was gotten up purely and solely for political purposes, and the gentleman knows it.

Mr. SMITH of Iowa. I do not know that.

Mr. FOX. It has been charged in the press, in a great paper in Philadelphia conducted by a gentleman who has been a member of the Cabinet under this and a former Administration, that there have been tens of thousands of fraudulent votes cast in the city of Philadelphia, and there has been no movement on the part of this House to investigate that.

Mr. SMITH of Iowa. Does not the Crumpacker resolution provide for investigating Pennsylvania and Massachusetts as much as any other State?

Mr. RICHARDSON of Alabama. But the gentleman must admit that the purpose, spirit, and intention of the resolution is to look into three or four of the Southern States.

Mr. SMITH of Iowa. I do not think that is true. It is to investigate these other States as much as it is to investigate Mississippi.

Mr. FOX. Now, Mr. Chairman, I want to say that the constitution of Mississippi was framed by great lawyers and by wise and patriotic statesmen, who were anxious to relieve the State of the horrible state of affairs existing during the period of reconstruction, and which it is not necessary for me here to recite. They

are matters of history. The gentleman knows that, and it became necessary in order to save her civilization to disfranchise ignorance and crime and vice, and to secure the rule of virtue and intelligence. In undertaking to do that we looked to a part of the country that I am willing to say here has, perhaps in many respects the highest and best, civilization of any section in the United States; we went to New England, which is older in its history and has had the benefit of more experience than other sections of the country.

In Massachusetts they were confronted with the same condition of things when they framed their constitution. They were flooded with a great influx of ignorant foreigners, and they knew that they could not turn over the government to them, and so they disfranchised all illiterate voters. They have a grandfather clause in their constitution, as you will see, if you gentlemen will read it. They excepted from that provision everybody 60 years of age, and if a man is 60 years of age and isn't a grandfather, he ought to be. [Laughter.]

Mr. SMITH of Iowa. We all agree to that.

Mr. FOX. They went further than we did. They disfranchised all paupers, and we have no pauper qualification. We followed the illustrious example of Massachusetts, and the politicians in Congress have never complained of the State of Massachusetts, or of Connecticut, or of Vermont, in which State I had the delightful pleasure of spending three months last summer, and I want to say here that the wisdom of the constitution of that State is illustrated by the high character and reverence for law and order that exists among the people of Vermont. They provided in their constitution that a man must be of good behavior and of good moral character.

I insert here the franchise clauses of the constitutions of several States, including those of Mississippi:

MISSISSIPPI.

SEC. 240. All elections by the people shall be by ballot.

SEC. 241. Every male inhabitant of this State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, 21 years old and upward, who has resided in this State two years and one year in the election district, or in the incorporated city or town in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, and who has paid, on or before the 1st of February of the year in which he shall offer to vote, all taxes which may have been legally required of him, and which he has had an opportunity of paying according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector; but any minister of the gospel in charge of an organized church shall be entitled to vote after six months' residence in the election district, if otherwise qualified.

SEC. 244. On and after the 1st day of January, A. D. 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the 1st, A. D. 1892.

MASSACHUSETTS.

ART. III. Every male citizen of 21 years of age and upwards (except paupers and persons under guardianship), who shall have resided within the Commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, Senators or Representatives, and who shall have paid by himself or his parent, master, or guardian, any State or county tax which shall, within two years next preceding such election, have been assessed upon him in any town or district of this Commonwealth, and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have the right to vote in such election of governor, lieutenant-governor, Senators, and Representatives, and no other person shall be entitled to vote in such elections. Ratified by the people April 9, 1822, and still in force.

In 1857 the following amendment was added to the above provision of the constitution of Massachusetts:

"ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *Provided, however,* That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upward at the time this amendment shall take effect."

In 1881 another amendment was added:

"ART. XXVIII. No person having served in the Army or Navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or if a pauper, because of the nonpayment of a poll tax."

VERMONT.

"ART. 8. That all elections ought to be free and without corruption, and that all freemen having a sufficient, evident, common interest with and attachment to the community have a right to elect officers and to be elected into office, agreeably to the regulations made in this constitution."

By the plan or frame of government contained in the second chapter it is ordained that—

"SEC. 21. Every man of the full age of 21 years, having resided in this State for the space of one whole year next before the election of Representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State."

CONNECTICUT.

In Connecticut the constitution of 1818, as amended in 1845 and 1876, fixed the qualifications of electors thus:

"SEC. 2. Every (white) male citizen of the United States who shall have attained the age of 21 years, who shall have resided in this State for a term of one year next preceding and in the town in which he may offer himself

to be admitted to the privileges of an elector at least six months next preceding the time he may so offer himself, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector."

By the eleventh amendment, adopted in October, 1855:

"Every person shall be able to read any article of the constitution or any section of the statutes of this State before being admitted an elector."

Now, such has been the organic law of these other States for years and years. You never heard any complaint made here in Congress about their action. But as soon as Mississippi sees proper to follow the example of those States in order to protect her civilization you come in here and because it is imagined that the persons disfranchised will vote the Republican ticket you undertake to raise a howl about it. [Applause.]

Mr. SMITH of Iowa. I would not support any measure with reference to Mississippi which I would not support with reference to Massachusetts. I want that distinctly understood.

Mr. FOX. I know you would not. When I said "you," I did not mean it personally. If the gentleman thinks I did, I take it back.

Mr. BREAZEALE. I would like to ask the gentleman this question, whether one of the chief objections to the Crumpacker resolution is not predicated upon the fact that the investigation proposed and the testimony to be adduced must necessarily be ex parte and partisan, and therefore unsafe as the basis of any conclusion? Is not that one of the chief objections?

Mr. FOX. Certainly; that is what I have stated. The investigation is for partisan purposes.

I do not wish to discuss that resolution in itself especially, but it will be remembered that when it was introduced here during the last Congress in the form of a bill by the gentleman from Indiana, it was made applicable to only four States which the gentleman named. And everybody knows that the pending resolution was intended to apply to a few Southern States. In fact a distinguished lawyer in that caucus in which the Crumpacker resolution was considered urged that this is not an indestructible Union of indestructible States, but that Mississippi having gone out of the Union and having been readmitted by an act of Congress stipulating that the right of suffrage should not be restricted in that State, therefore Mississippi does not have the same rights that Massachusetts has to fix the qualifications of its own voters.

Mr. WM. ALDEN SMITH. Well, we are not bound by that.

Mr. FOX. I am discussing now the general sentiment about this matter. The unfortunate condition of things is that he is not bound by your proposition either. I wish he were.

In reference to this, Mr. Cooley says:

When a State comes into the Union it is received on an equal footing with the original States and with all their rights and privileges. It must, therefore, have the same power to amend its constitution which is possessed by the other States, and a condition which should undertake to limit its power in this regard must, in a legal sense, be wholly inoperative.

Mr. Cooley cites in support of his position 3 Howard, 212; 10 Howard, 82; 18 Wall., 57; 125 United States, 1. This writer also cites the case of *Williams v. Mississippi* (170 United States, 213), in which the court, ignoring the act of Congress above referred to, holds that there is no provision in the present constitution of Mississippi which is in violation of any Federal law.

We may add that in the case of *Texas v. White*, the United States Supreme Court held that Mississippi and the other reconstructed States were never out of the Union, but that this was an indestructible Union of indestructible States.

Mr. WM. ALDEN SMITH. Any man who would undertake to say that Mississippi is not loyal to the Union would be written down as a jackass, full fledged. [Applause.]

Mr. FOX. I thank the gentleman for that statement. I gladly yield for the applause. [Renewed applause.]

I will say sincerely that my heart goes out to the gentleman for that statement; and I am glad that the time has come when a citizen of the South or a member representing a Southern Congressional district does not have to get up on this floor and assert the loyalty of his people and undertake to prove it.

I have always had too much respect for my people, in view of the proof they have given of their loyalty to the Union, to get up here and assert that they are loyal, and that the war is over. You have never heard me do it. And for that very reason I say that the time has come when a Southern representative in Congress ought to be able to get up here and state his honest views on a question of governmental policy without looking around the corner and without apologizing.

This is purely a legal question that presents itself to us as lawyers; and in addition to that, it is a question that presents itself to us as Christians, if not as statesmen—as citizens anxious to promote the welfare and peace, the law and order, and the increased prosperity of every section of the Union, whether Democratic or Republican in political sentiment. And if, as I assert, there is no race question in Mississippi; if this constitution of Mississippi which we now have is satisfactory to both races; if it has had a tendency to elevate both; if it has had a tendency to

promote law and order in the State and to promote harmony between the two races; to promote, I will say, the mutual love of both races as it exists there now, then nobody except a petty politician who cares nothing for the welfare of this country will seek to destroy the fabric which we have built up.

But I was proceeding to say that there is nothing in the constitution of Mississippi that denies the right to vote to anybody except for crime. Do you say that we have an educational qualification, and this denies the right to vote to anybody? It does not; it can not. Education is a qualification that any man can attain. It is not impossible; it is easy of attainment; and it is for the good of the citizen that he be required to attain it.

It takes no longer for a man to learn to read and write than the term of residence required by the constitution of every State in the Union to make a man a citizen. For instance, the State of Mississippi requires one year's residence before a man can vote. Every State of the Union prescribes some term of residence as a prerequisite for citizenship; and it is no greater hardship to require a man to learn to read before he can be allowed to vote than it is to require him to reside within the State for a certain length of time.

The CHAIRMAN. The time of the gentleman has expired. Mr. HENRY C. SMITH. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended twelve minutes.

Mr. WILLIAMS of Mississippi. One moment. Mr. Chairman, I yield twelve minutes more to the gentleman from Mississippi.

Mr. FOX. That is the view that Mr. Cooley takes of this question. Let me read:

To require the payment of a capitation tax is no denial of suffrage; it is demanding only a performance of a public duty. Nor can it be said that ability to read is any denial of suffrage. To refuse to receive one's vote because of his color or because of natural equality or peculiarities, which it would be impossible for him to overcome, is plainly a denial of suffrage, but ability to read is something within the power of any man. It is not difficult to obtain it, and it is no hardship to require it. On the contrary, the requirement by indirection compels one to appropriate a personal benefit that he might otherwise neglect. It denies to no man the suffrage but the privileges tendered to all, subjected only to a condition that is beneficial in its performance, light in its burdens.

An educational qualification is not a denial, but only a regulation, of the right of suffrage, just as a law prohibiting the carrying of concealed weapons is not a denial of the constitutional right to bear arms, but only a regulation restricting that right to those who carry them unconcealed.

Now, I want to call the attention of the House to another provision in the franchise clause of our constitution, which requires the payment of a capitation tax. The payment of that tax is voluntary in Mississippi, but the payment of the tax for two years preceding the election is a requisite qualification of all voters.

Mr. WILLIAMS of Mississippi. I would suggest to the gentleman that it is the payment of all taxes as well as the poll tax; so that the rich must pay all the taxes.

Mr. FOX. Yes; but I am discussing now the poll tax. It will not be contended that any man who voluntarily disfranchises himself by the nonpayment of a capitation tax is denied the right of suffrage.

Mr. BREAZEALE. Has the right of the poll-tax requirement been recognized by Congress?

Mr. FOX. I would say to my friend that so far as that is concerned the franchise clause of the Mississippi constitution in toto has been recognized by the Supreme Court of the United States and passed upon in the case of the State of Mississippi v. Williams, in which there was no other question raised than the single question as to whether the suffrage clauses of the constitution of Mississippi were in violation of any provision of the Constitution of the United States. There was no other question in the case, and it was decided that there was no citizen of Mississippi disfranchised on account of race or color.

Now then, as to the payment of a poll tax as a qualification. The law of Mississippi requires that all poll-tax delinquents in each county shall be published in some newspaper, and I have here several county papers from Mississippi to which I wish to call attention. There are 3,000 in one county—nearly 3,000; I counted them; and I will submit it to the inspection of any gentleman—who voluntarily disfranchised themselves; that is, those of them who possess the other requisite qualification. Here is another paper.

I will call the attention of my friend from Michigan to the list in this paper, which shows which are colored and which are white who disfranchised themselves voluntarily by the nonpayment of the poll tax, and there are more white men in that list than colored men. There is no race question in it. Those marked with a "C" are colored; those not so marked are white. Some of them do it by carelessness and some of them do it designedly, because they would rather keep the \$2 than to vote.

Now, I want to say to the House that so far as the effect of

this constitution is concerned on the colored race, the wisdom of Mr. Isham T. Montgomery, a leading negro, who was a member of the constitutional convention which framed that constitution, and who voted for the franchise clause, has been fully vindicated. He voted for the franchise clause and argued that it would be for the elevation of his own race.

That man to-day is an appointee of President Roosevelt, holding a prominent Federal office, and living at the capital of Mississippi. He is a man of high character, a former servant of Jefferson Davis, and a stalwart Republican; and if any man in this House will take the pains to consult him he will learn something about the conditions there and learn that the result of the adoption of this constitution is not only satisfactory to the colored people in Mississippi, but it is also highly advantageous to them.

Mr. Chairman, the last census shows that out of about 200,000 negro men in Mississippi of voting age, 97,000 of those can read and write. Think of it—50 per cent of the negroes of the State have qualified themselves to vote, so far as the educational clause of the constitution of Mississippi is concerned, and they have done it by the generosity of their former masters. They pay no taxes.

Even the capitation tax which goes to the support of the school system of the State is voluntary, and I will say—and if I make a mistake about it, I hope some of my colleagues will correct me—that at least 95 per cent of the taxes paid for the support of the public schools, of which the negro race has all the advantages of the white, are paid by the white people of the State. And I want to say another thing, that Mississippi, without exception, pays more per capita to the support of public education, according to her wealth, than any State of the Union, Massachusetts not excepted.

Do not take my word for it. I telegraphed the superintendent of public education in the State of Mississippi the other day to send me the appropriations made for public education in the State of Mississippi, shared alike by white and black, and he sent me these figures:

Summer normals.....	\$10,000.00
Interest on Chickasaw school fund.....	111,146.10
Common schools.....	2,500,000.00
University of Mississippi.....	93,700.00
University of Mississippi, on land fund, 1900 and 1901.....	12,961.35
University of Mississippi, interest on land fund and seminary fund, both 1902 and 1903.....	81,446.19
Agricultural and Mechanical College.....	181,374.82
Agricultural and Mechanical College, interest account.....	37,132.50
Agricultural and Mechanical College, deficit on textile school.....	26,320.14
Alcorn Agricultural and Mechanical College.....	43,250.00
Alcorn Agricultural and Mechanical College, interest account.....	25,184.54
I. I. and C.....	114,020.00
State Normal, Holly Springs.....	4,500.00
Total.....	3,241,065.63

And I will say that many more negro children attend the common schools than white. The census report will show that very many more negro children attend the public schools than white children.

Now, under our system each town of over 1,000 inhabitants has what we call a separate school district, in which we raise our own funds, levy our own taxes, and retain the money for the support of the school in that town. I wired the superintendent for information as to the amount expended in the separate school districts which are not included in this statement here, and he wires me that the total receipts are \$412,449 and the disbursements \$383,000 for last year. So it aggregates nearly \$4,000,000, equally shared by both races.

Another thing. Much has been said about the "understanding clause" of the constitution of Mississippi. I hold here a contribution to the Mississippi Historical Society by a great lawyer who was a member of the convention that framed the constitution, and who voted against what is called the understanding clause; that is, the clause providing that if anyone is not able to read and write, but shows that he understands the constitution of Mississippi, he may register and vote, notwithstanding his illiteracy.

That has been attacked as a subterfuge. Here is a paper which I shall be glad to submit to any gentleman who would like to read it, entitled "Suffrage in Mississippi," in which he says that although he voted against that provision of the constitution, its wisdom has been vindicated by experience, and that there were more negroes in the State of Mississippi who had qualified under the understanding clause and who had registered and were now voting than whites.

I live in a county containing a large majority of negroes. I telegraphed the circuit clerk of that county, who is ex officio the registrar of voters in the county, for information as to how many whites and how many blacks had qualified under the understanding clause, and he wired me that since the adoption of the constitution in 1892, there had been in this county 5 white and 14 colored men registered under the understanding clause.

The CHAIRMAN. The time of the gentleman has expired. Mr. WILLIAMS of Mississippi. I ask unanimous consent that

my colleague may have the privilege of extending in the RECORD and of inserting certain documents and papers.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his colleague may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. I yield five minutes more to my colleague.

Mr. FOX. It should be remembered that under the Constitution representation in Congress is based on the entire population, without regard to age, sex, nativity, color, crime, pauperism, or citizenship. If it is important that those who vote should be entitled to representation in Congress, it is still more important that those who do not vote should have such representation, because in no other way do they have any voice in the Government.

In the State of Massachusetts, according to the last census, there are 843,465 males over 21 years of age. Of these only 367,283 voted in the last Congressional election. There are 347,000 foreign-born males over 21 years of age in that State. Of these only 146,000 are naturalized; so that there are over 200,000 men of voting age in that State who are not citizens and can not vote. Yet they are all included in the estimate of population made in order to determine the number of Representatives to which Massachusetts is entitled.

According to the last census there are 53,000 males over 21 years of age in that State that are illiterate and therefore disfranchised. There is no way of determining the number of paupers or of foreigners who can read and write their own language and can not read and write the English language, and who therefore can not vote under the Massachusetts constitution. From these figures it is evident that Massachusetts would suffer a loss of several Congressmen if her representation should be reduced in proportion to the number of her population who are disfranchised.

The committee have listened very patiently to me, and I do not care to occupy much further time. The other day in this House, after great discussion and deliberation, without a single dissenting vote, in order to protect the civilization of the Pacific slope, we passed a bill excluding from our shores and our ships the Chinese, a people who in many respects possess the highest and the oldest civilization on earth.

The representative of that country at this capital to-day is the peer of the representative of any nation on earth, so far as intelligence and high character are concerned, and he is a prime favorite with everybody in Washington, so far as I know. I do not exaggerate when I say that there are 10,000 Chinese and more who are in every respect the peers of Minister Wu. I voted for that bill because I thought the gentlemen of the Pacific slope understood conditions there better than I, and I was willing that they should solve their own local problems.

Now, what I want to ask in all fairness is, that if it is right to exclude not only from citizenship, but even from temporary residence in this country, these Chinese, in order to protect the civilization of California and Oregon, how much more justifiable is it to exclude from the right to vote, from the mighty and I might almost say the almighty power of the ballot, the governing power, those who have no qualifications for it, the ignorant and the criminal, in order to protect the civilization of Massachusetts and Mississippi? [Applause on the Democratic side.]

On motion of Mr. WADSWORTH, the committee rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. POWERS of Maine, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, and had come to no resolution thereon.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolutions were taken from the Speaker's table and referred to the Committee on Printing:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 6,000 copies of Senate Report No. 166, Fifty-seventh Congress, first session, being the report on the improvement of the park system of the District of Columbia, 2,000 for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Senate concurrent resolution 40.

Resolved by the Senate (the House of Representatives concurring). That there be printed 6,000 copies of Senate Report No. 829, Fifty-first Congress, first session, with testimony, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

REPRINT OF OLEOMARGARINE BILL.

Mr. HENRY of Connecticut. Mr. Speaker, I send to the Clerk's desk a resolution providing for a reprint of the oleomargarine bill as it passed the House to-day—the usual number.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent for a reprint of the oleomargarine bill as passed by the House to-day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 639. An act granting an increase of pension to Justus Canfield;

H. R. 658. An act granting an increase of pension to John H. Jack;

H. R. 1811. An act granting an increase of pension to Thomas Milsted;

H. R. 2128. An act granting an increase of pension to Abram O. Kindy;

H. R. 2207. An act granting an increase of pension to Louis Hahn;

H. R. 2526. An act granting an increase of pension to William J. Simmons;

H. R. 2619. An act granting an increase of pension to William Holgate;

H. R. 3826. An act granting an increase of pension to George W. Dodge;

H. R. 4821. An act granting an increase of pension to Herbert A. Boomhower;

H. R. 6020. An act granting an increase of pension to Russel A. Williams;

H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;

H. R. 7782. An act granting an increase of pension to Thomas P. Smith;

H. R. 7903. An act granting an increase of pension to Ernest Wagner;

H. R. 9140. An act granting an increase of pension to Mary Ann E. Sperry;

H. R. 10532. An act granting an increase of pension to John L. Bowman;

H. R. 10951. An act granting an increase of pension to Pauline M. Roberts;

H. R. 11550. An act granting an increase of pension to William G. Gray;

H. R. 1678. An act granting a pension to Mary E. F. Gilman;

H. R. 2167. An act granting a pension to Mahala Jane Kuhn;

H. R. 6760. An act granting a pension to Susan House;

H. R. 8415. An act granting a pension to Mary L. Dibert;

H. R. 8631. An act granting a pension to Mary E. S. Hays;

H. R. 9413. An act granting a pension to Mary E. Holden;

H. R. 11737. An act granting a pension to Irenia C. Hill;

H. R. 12129. An act granting a pension to Minnie M. Rice;

H. R. 3592. An act for the relief of Henry Lane; and

H. R. 11839. An act authorizing the Secretary of War to loan tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SCOTT obtained leave of absence for four days, on account of important business.

Mr. WADSWORTH. I move that the House do now adjourn. The motion was agreed to.

And accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Doorkeeper of the House of Representatives, transmitting, with a letter from the superintendent of the document room reporting conditions and needs of the same, a report of the superintendent of the Capitol in response to the reference of the Speaker—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for sea wall at Fort Morgan, Ala.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of additional appropriation for buildings at Forts Myer and Ethan Allen—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to

which was referred the bill of the House (H. R. 12648) establishing a regular term of United States district court in Roanoke City, reported the same without amendment, accompanied by a report (No. 1740); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13027) extending the time for making final proof in desert-land entries in Yakima County, State of Washington, reported the same without amendment, accompanied by a report (No. 1741); which said bill and report were referred to the House Calendar.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 12797) to ratify act No. 65 of the twenty-first Arizona legislature, reported the same without amendment, accompanied by a report (No. 1769); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 103) to open for settlement 480,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory, reported the same without amendment, accompanied by a report (No. 1774); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11285) for the relief of William Sheldon, reported the same with amendments, accompanied by a report (No. 1739); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3291) granting an increase of pension to Arthur P. Lovejoy, reported the same without amendment, accompanied by a report (No. 1742); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4619) granting an increase of pension to Clifford Neff Fyffe, reported the same without amendment, accompanied by a report (No. 1743); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2455) granting an increase of pension to Genevieve Almira Sprigg Ludlow, reported the same without amendment, accompanied by a report (No. 1744); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4650) granting an increase of pension to Delania Ferguson, reported the same without amendment, accompanied by a report (No. 1745); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2346) granting a pension to Amanda C. Bayliss, reported the same without amendment, accompanied by a report (No. 1746); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1638) granting a pension to John R. Homer Scott, reported the same without amendment, accompanied by a report (No. 1747); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3991) granting an increase of pension to Waity West, reported the same without amendment, accompanied by a report (No. 1748); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4868) granting an increase of pension to James H. Walker, reported the same with amendment, accompanied by a report (No. 1749); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3321) granting a pension to Patrick J. Murphy, reported the same with amendment, accompanied by a report (No. 1750); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13822) granting a pension to Hannah T. Knowles, reported the same without amendment, accompanied by a report (No. 1751); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13503) granting an increase of pension

to Charles Haltenhof, reported the same with amendment, accompanied by a report (No. 1752); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9226) granting a pension to Elizabeth I. Ogden, reported the same with amendments, accompanied by a report (No. 1753); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11196) granting a pension to Abbie Bourke, reported the same with amendment, accompanied by a report (No. 1754); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13083) granting a pension to Lockie W. Reeves, reported the same with amendment, accompanied by a report (No. 1755); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4204) for the relief of Mrs. Hester A. Furn, reported the same with amendments, accompanied by a report (No. 1756); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6663) granting a pension to John York, reported the same with amendment, accompanied by a report (No. 1757); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3207) granting a pension to Johanna Buse, reported the same with amendment, accompanied by a report (No. 1758); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10767) granting an increase of pension to Louisa N. Grinstead, reported the same with amendments, accompanied by a report (No. 1759); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7918) granting arrears of pension and increase of pension to James C. Pettee, Company A, Twenty-second United States Infantry, reported the same with amendments, accompanied by a report (No. 17601); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9496) for the relief of Forrest E. Andrews, late a private in Company I, Sixth United States Artillery, in the war with Spain, reported the same with amendments, accompanied by a report (No. 1761); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11288) granting an increase of pension to William E. Ball, reported the same with amendment, accompanied by a report (No. 1762); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6330) granting an increase of pension to William D. Tanner, reported the same with amendments, accompanied by a report (No. 1763); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12778) granting an increase of pension to Edward R. Blain, reported the same with amendment, accompanied by a report (No. 1764); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8351) granting a pension to Matthew V. Ellis, reported the same with amendment, accompanied by a report (No. 1765); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13350) granting a pension to Presley P. Medlin, reported the same with amendments, accompanied by a report (No. 1766); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10761) granting a pension to Anne Bronson, reported the same with amendment, accompanied by a report (No. 1767); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13093) granting a pension to Eliza A. Brownlow, reported the same with amendment, accompanied by a report (No. 1768); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1739) to correct the military record of Harrison Wagner, reported the same adversely, accompanied by a report (No. 1770); which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9703) to correct the military record of James Addy, reported the same adversely, accompanied by a report (No. 1771); which said bill and report were laid on the table.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9701) to correct the military record of Samuel Savits, reported the same adversely, accompanied by a report (No. 1772); which said bill and report were laid on the table.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5880) to correct the military record of Henry Stufflebam, reported the same adversely, accompanied by a report (No. 1773); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 7745) for the relief of Lizzie T. Perry, and the same was referred to the Committee on Claims.

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. LITTLEFIELD: A bill (H. R. 13967) to change the terms of the United States circuit courts within the first circuit—to the Committee on the Judiciary.

By Mr. BROWNLOW: A bill (H. R. 13968) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy—to the Committee on Naval Affairs.

By Mr. BALL of Texas: A bill (H. R. 13969) for acquiring a site for a public building at Houston, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 13970) requiring places of business in the District of Columbia to be closed on Sunday—to the Committee on the District of Columbia.

By Mr. JOY: A bill (H. R. 13971) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy—to the Committee on Naval Affairs.

By Mr. LIVINGSTON: A bill (H. R. 13985) to repeal the tariff duties on meat and meat products—to the Committee on Ways and Means.

By Mr. BALL of Delaware: A bill (H. R. 13986) to modify and simplify the pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. MONDELL: A resolution (H. Res. 222) for the consideration of Senate bill 3057, concerning sale and disposal of public lands, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BROWNLOW: A bill (H. R. 13972) granting a pension to Rebecca Prichard—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 13973) for the relief of Thomas M. Steep—to the Committee on Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 13974) granting a pension to Sarah F. Joslyn—to the Committee on Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13975) granting permission to Maj. Rogers Birnie, of the United States Army, to accept a decoration from the President of the French Republic—to the Committee on Foreign Affairs.

By Mr. KEHOE: A bill (H. R. 13976) granting a pension to D. J. Casey—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 13977) granting an increase of pension to John Dewire—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 13978) for the relief of Jesse T. Huffaker—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 13979) granting an increase of pension to Charles A. Ward—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 13980) granting an increase of pension to William S. Hall—to the Committee on Invalid Pensions.

By Mr. SHELDEN: A bill (H. R. 13981) for the relief of Hector Morren—to the Committee on Military Affairs.

By Mr. TOMPKINS of New York: A bill (H. R. 13982) for the relief of David W. Robbins—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 13983) granting an increase of pension to Mary H. Walker, widow of Moses B. Walker—to the Committee on Pensions.

By Mr. WILEY: A bill (H. R. 13984) granting an increase of pension to Henry Terrell, alias Pearce—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 13987) granting a pension Mary J. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13988) granting a pension to Hudson M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13989) granting an increase of pension to Marion H. Motsinger—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 13990) for the relief of the owners of the Norwegian steamship Nicaragua—to the Committee on Claims.

By Mr. MOODY of Oregon: A bill (H. R. 13991) for the relief of Augustus Fellows—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 13992) granting a pension to Anna M. Hawes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. ACHESON: Petition of J. W. Melone, Canonsburg, Pa., favoring the Senate amendments to the oleomargarine bill—to the Committee on Agriculture.

By Mr. BARTLETT: Petition of 2,240 citizens of Macon, Ga., for the erection of a public building in Macon for United States court-house and post-office—to the Committee on Public Buildings and Grounds.

By Mr. BOWERSOCK: Resolution of the California State League of Republican Clubs, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Barbers' Union No. 185, of Kansas City, Kans., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. BURK of Pennsylvania: Resolutions of the Maritime Association of the State of New York relative to the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. BURKETT: Resolutions of Lenington Post, Grand Army of the Republic, of Chadron, Nebr., in relation to the passage of House bill 7475—to the Committee on the Public Lands.

By Mr. BURLEIGH: Resolutions of Merchants' Exchange and Board of Trade, Portland, Me., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Pennsylvania (by request): Resolution of War Veterans' Association of Spring City, Pa., favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

Also (by request), resolution of Carpenters' Union No. 833, of Berwyn, Pa., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DOUGHERTY: Papers to accompany House bill granting a pension to Hudson M. Rice—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Mary J. Allen—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Marion H. Motsinger—to the Committee on Invalid Pensions.

Also, petitions of Mine Workers' Union No. 104, of Camden, Mo., and Locomotive Engineers' Lodge No. 17, of Stanberry, Mo., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FEELY: Petitions of officers of the Commercial Club and business men of Chicago, Ill., praying for the negotiation of a reciprocal trade agreement with the Dominion of Canada—to the Committee on Ways and Means.

Also, petitions of sundry citizens of Chicago, protesting against unnecessary hardship and brutality in the British South African war—to the Committee on Foreign Affairs.

By Mr. GILBERT: Petition of W. H. Traylor and other citizens of Kentucky, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: Petition of Elmer H. Copeland and others of Northampton, Mass., for the protection of game and fish—to the Committee on the Public Lands.

By Mr. GRIFFITH: Resolutions of North Vernon, Ind., Division, No. 9, Order of Railroad Telegraphers, favoring an educational immigration test—to the Committee on Immigration and Naturalization.

By Mr. HANBURY: Resolutions of Republican Union of the Eighteenth assembly district, of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Eureka Lodge, No. 434; Swedish Lodge, No. 323; Columbus Lodge, No. 401, Association of Machinists; Coopers' Union No. 60, Piano and Organ Workers Union No. 27, Upholsterers' Union No. 33, and Watchcase Makers' Union, all of Brooklyn, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. JACKSON of Kansas: Resolutions of Mine Workers' Unions of Frontenac, Fleming, and Pittsburg, Kans.; Lodge No. 231 of Boiler Makers' Union, Federation of Labor; Bricklayers and Masons' Union, of Parsons; Lodge No. 255, Locomotive Firemen, of Arkansas City, Kans., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KERN: Resolution of Commercial Club of Belleville, Ill., for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Henry Fischer and W. H. Meisenbach, of New Hanover; Clover Creamery Company, of New Palestine; Eli Beckley, of Coulterville; A. F. Hays, of Houston; H. Jasper, of Stone Church, and Charles Hacke, of Nashville, Ill., indorsing House bill 9206—to the Committee on Agriculture.

By Mr. KNOX: Resolutions of North Shore Lodge, No. 468, Salem, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LESSLER: Resolutions of Republican County Committee of New York County, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Petitions of sundry farmers and dairymen in the State of Maine, favoring House bill 9206—to the Committee on Agriculture.

Also, petition of the justice and judges of the Federal courts within the first circuit to Congress, for changes of the terms of the circuit courts within that circuit in Maine, New Hampshire, Massachusetts, and Rhode Island—to the Committee on the Judiciary.

By Mr. MOODY of Massachusetts: Petition of J. W. Huntington and others of Amesbury, Mass., favoring the passage of House bills 1135 and 11536, for the protection of game, etc.—to the Committee on the Public Lands.

By Mr. MOODY of Oregon: Resolutions of the Credit Men's Association of Portland, Oreg., indorsing the Ray bankruptcy bill—to the Committee on the Judiciary.

Also, petition of the Commercial Club of Vancouver, Wash., relating to permanent improvement of Vancouver Barracks—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of Portland, Oreg., protesting against leasing public lands to individuals and private corporations—to the Committee on the Public Lands.

By Mr. MOON: Paper to accompany House bill granting a pension to Jesse T. Huffaker—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Petitions of W. Vroman Lodge, No. 88, Locomotive Engineers, and Lodge No. 28, Locomotive Firemen, of North Platte, Nebr., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

Also, papers in support of House bill granting a pension to W. H. Covert—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Resolutions of Harrisburg Lodge, No. 174, Brotherhood of Railroad Firemen, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the same lodge, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Coleman Post, No. 467, of Annville, Department of Pennsylvania, Grand Army of the Republic, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolutions of Glove Workers' Union No. 9632, of Milwaukee, Wis., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Resolutions of Wayne Lodge, No. 291, of Newark, Brotherhood of Railroad Trainmen, and Bakers' Union No. 105, of Geneva, N. Y., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. RUCKER: Resolutions of Milan Lodge, No. 595,

Locomotive Firemen, and citizens of Sullivan County, Mo., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. RUSSELL: Resolutions of Central Labor Union of New London, Conn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. WILSON: Resolutions of Republican Union of the Eighteenth assembly district of Brooklyn, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT: Resolutions of Barbers' Union of Susquehanna, Pa., and Locomotive Engineers of Great Bend, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. YOUNG: Petition of J. E. Rhoads & Sons, Philadelphia, Pa., approving the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petitions of F. C. Rollman & Co., Hance Bros. & White, Shoemaker & Busch, Smith, Kline & French Company, Frank D. La Lanue & Co., Stevenson Brothers, Jones, Sheibley & Hetrich, all of Philadelphia, Pa., in regard to the bankruptcy law—to the Committee on the Judiciary.

SENATE.

FRIDAY, April 25, 1902.

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

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

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

TARIFF ON SUGAR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of a telegram received at the War Department from the president of the Assembly of the Presidentes of Occidental Negros, P. I., asking a reduction of 75 per cent of the duty on sugar; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

AFFAIRS IN PORTO RICO.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from Luis Muñoz Rivera, leader of the Federal party of Porto Rico, transmitting memorials of twenty municipalities of that place, remonstrating against the act of the legislative assembly of Porto Rico, suppressing them, and praying that the act of suppression be annulled. The Chair suggests that the paper in English be printed, and, with the accompanying documents, be referred to the Committee on Pacific Islands and Porto Rico. Without objection, it will be so ordered.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of sundry citizens of New Jersey, praying for the adoption of certain amendments to the internal-revenue laws relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of John Franks Lodge, No. 329, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., praying for the passage of the so-called Foraker-Corliss safety appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of John Franks Lodge, No. 329, Brotherhood of Railway Trainmen, of Phillipsburg, N. J., 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 a substitute therefor; which was ordered to lie on the table.

He also presented petitions of Typographical Union No. 424, of Orange; of Lodge No. 253, Brotherhood of Locomotive Firemen, of Trenton, and of Boiler Makers' Local Union No. 33, of Bayonne, all in the State of New Jersey, 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 memorials of sundry citizens of Bradley Beach, Union, and Weehawken, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of Iron Molders' Local Union No. 91, of Newark; of Bricklayers' Local Union No. 34, of Westfield; of Typographical Union No. 433, of Dover; of Bricklayers' Local Union No. 29, of West Hoboken; of Bricklayers' Local Union